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**TOWN OF SOUTHEAST PLANNING BOARD AGENDA**

**April 9, 2018**

**CIVIC CENTER, 1360 Route 22**

**7:30 p.m.**

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**PUBLIC HEARINGS:**

- 1. LAKEVIEW PLAZA, 1505-1515 Route 22, Tax Map ID 46.-1-1.-1** – Public Hearing to Review an Application for Site Plan Amendment
- 2. LOWER TERRACE REALTY, 250 Route 22, Tax Map ID 78.-1-34** – Public Hearing to Review an Application for Site Plan Amendment & Conditional Use Permit

**REGULAR SESSION:**

- 1. 5 SHADY LANE, TAX MAP ID 47.-3-9** – Consider Request from Building Inspector for a Determination as to whether a Special Permit under Chapter 69 of the Town Code is Required
- 2. 7 SHADY LANE, TAX MAP ID 47.-3-10** – Consider Request from Building Inspector for a Determination as to whether a Special Permit under Chapter 69 of the Town Code is Required
- 3. IN BALANCE CONCEPTS, 2505 Carmel Avenue, Tax Map ID 67.6-1-38** – Review of an Application for Conditional Use Permit
- 4. MONAHON ACCESSORY APARTMENT, 200 Dingle Ridge Road, Tax Map ID 80.5-1-11** – Review of an Application for Conditional Use Permit
- 5. ROTH NURSERY SUBDIVISION, 291 Foggintown Road, Tax Map ID 46.-3-38.1** – Review of an Application for a Subdivision
- 6. STATELINE RETAIL CENTER, US Route 6, Tax Map ID 68.-2-48.2** – Consider Affirming SEQRA Findings Statement and Consider Recommendation to the Town Board for Site Plan, Special Permit and Wetland Permit Approval
- 7. SEIFERT WETLAND PERMIT, 490 Tonetta Lake Road, Tax Map ID 57.5-2-2** – Review of an Application for a Wetland Permit
- 8. FWL GROUP, LLC, 200 & 280 Fields Lane, Tax Map IDs 78.-2-1 & 2** – Continued Review of an Application for a Site Plan, Wetland Permit and Lot Line Adjustment
- 9. FARM TO MARKET ROAD SUBDIVISION, 83 & 85 Farm to Market Road, Tax Map IDs 45.-2-21 & 22** – Review of Request for Extension of Subdivision Approval
- 10. Approve Meeting Minutes from March 26, 2018**

**April 4, 2018**

**VAD**

**Agenda Subject to Change**

**FOR MORE INFORMATION ON MAJOR PROJECTS UNDER PLANNING BOARD REVIEW, CLICK ON THE LINK BELOW:**

<http://www.southeast-ny.gov/322/Major-Planning-Board-Projects#>

**TOWN OF SOUTHEAST, NY  
RESOLUTION  
SITE PLAN APPROVAL**

INTRODUCED BY:

LaPerch

DATE: April 9, 2018

SECONDED BY:

Rush

**WHEREAS, LAKEVIEW SHOPPING PLAZA** as the Applicant/Owner of certain properties located 1505-1515 Route 22 in the SR-22 Zoning District in Town of Southeast and known and designated as Tax Map Number 46.-1-1.-1 has submitted an application for Site Plan approval for a proposal to remove portions of the existing failing retaining wall and to reinforce the remaining portion of the wall with a new retaining wall, fill, and a compacted slope. A new chain-link fence and guiderail is proposed along the top of the slope. The proposed changes would modify the footprint of the existing retaining wall, and would result in the loss of approximately 66 parking spaces. However, the overall number of parking spaces on the project site would still exceed current Town of Southeast Zoning Code requirements; (the “Proposed Project”); and,

**WHEREAS**, the Town of Southeast Planning Board classified this as a Type II Action under the State Environmental Quality Review Act (SEQRA) on or about 3/12/18, indicating that no negative environmental impact would exist and no further environmental review is required;

**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:

<b>Drawing No. &amp; Title; submitted by</b>	<b>Original Date; Last Revised</b>
Memorandum to Secretary Desidero from NYS Department of Environmental Conservation	3/27/18
Memorandum to Chairman LaPerch from NYC Department of Environmental Protection	3/26/18
Memorandum to Tomas Matias of H2M architects + engineers from NYC Department of Environmental Protection	3/27/18
Memorandum to Chairman LaPerch from H2M architects + engineers	2/21/18
Memorandum to H2M architects + engineers from Robert G. Torgersen, LA, CPESC	8/15/17
G0.0, Cover Sheet, prepared by H2M architects + engineers	8/3/17
C1.0, Existing Conditions, prepared by H2M architects + engineers	8/3/17; 2/21/18
C2.0, Removals Plan, prepared by H2M architects + engineers	8/3/17; 2/21/18
C3.0, Site Plan, prepared by H2M architects + engineers	8/3/17; 2/21/18
C4.0, Erosion & Sediment Control Plan, prepared by H2M architects + engineers	8/3/17; 2/21/18
C4.1, Stormwater Pollution Prevention Plan Notes, prepared by H2M architects + engineers	8/3/17; 2/21/18
C5.0, Overall Landscape Planting Plan, prepared by H2M architects + engineers	8/3/17; 4/4/18
C5.1, Parking Median Planting Area Layouts, prepared by H2M architects + engineers	4/4/18
C6.0, Typical Cross Sections, prepared by H2M architects + engineers	8/3/17; 2/21/18
C7.0, Site Details, prepared by H2M architects + engineers	8/3/17; 2/21/18
C7.1, Erosion & Sediment Control and Landscaping Details, prepared by H2M architects + engineers	8/3/17; 2/21/18

Drawing No. & Title; submitted by	Original Date; Last Revised
Memorandum to Chairman LaPerch from NYS Department of Environmental Conservation	9/28/17

; 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 referral dated 4/2/18 from the Architectural Review Board recommending approval of the architecture Proposed Project; and

**NOW THEREFORE BE IT 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 Lakeview Hopping Plaza 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 2018 construction costs. If the construction is not begun during the calendar year 2018, 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. All construction, design, approvals, conditions, restrictions, and requirements of the previously approved site plan, and building permits shall still be applicable except and only to the extent that same are modified herein. The inclusion of certain previously adopted conditions in this resolution shall not be deemed as a waiver of past conditions not recited herein. Specifically, the above referenced landscaping plan (Sheets C5 "Overall Planting Plan" and C5.1 "Parking Median

Planting Area Layout”) are limited to new plantings and do not include an inventory of existing trees and shrubs. Except to the extent that Sheets C5 and C5.1 modify the previously approved landscaping plan, the Applicant is required to maintain all existing trees, shrubs, and perennials in accordance with the Planting Plan, prepared by LADA, PC, and last revised January 7, 2011.

### **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 9/28/17 that the Project Site is located within or near record(s) of bald eagle (*Haliaeetus leucocephalus*), a species listed as threatened in New York State. To avoid impacts to the this species and the requirements of an Article 11, Title 5, Section 535 of the Environmental Conservation Law, Threatened and Endangered Species, an Article 11 "Take" Permit, a time of year (TOY) restriction with all work taking place between October 1 and December 31 must be implemented. If the TOY cannot be followed and any work must take place between January 1 and September 30, the Applicant shall be required to coordinate directly with the NYSDEC to ensure that the bald eagle is not adversely affected. The Applicant shall copy the Town of Southeast Planning Board and Building Inspector on all correspondence with NYSDEC.

#### **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.

**Lighting**

1. Light fixtures shall be retrofit, as able, with time clocks. Only security lighting shall be in place after business hours.

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
P. Wissel, Boardmember	<u>yes</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 5 to 0, with 2 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board */vad*

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

April 10, 2018

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

RE: **LAKEVIEW SHOPPING PLAZA**, 1505-1515 Route 22, TAX MAP ID 46.-1-1.-1

Dear Boardmembers:

At the 4/9/18 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>
LAKEVIEW SHOPPING PLAZA	\$ 70,500.00

The Town Engineer's memo is attached for your consideration and includes the estimate for all site improvements, which totals \$3,960,000.00. Inspection Fees, based on the total cost of site improvements, in the amount of \$158,400.00, 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  
H2M architects + engineers  
Keane & Beane, PC  
Planning Board File



April 9, 2018

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

Re: Lakeview Shopping Plaza  
Retaining Wall Replacement  
1505-1515 Route 22  
Bond Estimate  
NLJ #0001-0471

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 \$3,960,000.

Based on the current "Town of Southeast, Planning Board Fee Schedule" and the above referenced Opinion of Probable Construction Costs, the required inspection fee to be collected for the project is 4% of Site Development Costs or \$158,400.

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 \$70,500.

Should you have any questions, please feel free to contact me.

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, P.C.

A handwritten signature in black ink, appearing to read 'J.M. Dillon'.

Joseph M. Dillon, P.E.

JMD:jmd

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

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

2018 OPINION OF PROBABLE CONSTRUCTION COSTS  
 Performance Bond

Project: Lakeview Shopping Plaza  
 Retaining Wall Replacement  
 1505-1515 Route 22

Done by: JMD  
 Date: 4/9/2018

Project No.: 0001-0471

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	BOTTOM OF WALL EXCAVATION & REMOVAL (Surplus)	\$30.00	C.Y.	15,000	\$450,000.00
2	TOP OF WALL EXCAVATION & REMOVAL (Surplus)	\$37.00	C.Y.	2,000	\$74,000.00
3	FINISH GRADING BETWEEN WALLS	\$4.00	S.Y.	6,200	\$24,800.00
4	REDI-ROCK RETAINING WALL W/ GEOTEXTILE REINF.	\$45.00	S.F.	30,000	\$1,350,000.00
5	RCA FILL	\$23.00	C.Y.	44,000	\$1,012,000.00
6	TYPE 2 FILL	\$28.00	C.Y.	15,000	\$420,000.00
7	SOIL NAILS	\$375,000.00	L.S.	1	\$375,000.00
8	RAISE EXISTING MANHOLE	\$2,500.00	EACH	1	\$2,500.00
9	BITUMINOUS CONCRETE CLASS II	\$98.77	TON	250	\$24,692.50
10	CONCRETE CURB	\$15.00	L.F.	1,200	\$18,000.00
11	SILT FENCE	\$4.13	L.F.	1,500	\$6,195.00
12	DUST CONTROL	\$6,000.00	L.S.	1	\$6,000.00
13	TEMPORARY SEEDING	\$6,000.00	L.S.	1	\$6,000.00
14	TEMPORARY ACCESS ROAD	\$50,000.00	L.S.	1	\$50,000.00
15	SILT SACK ( Catch Basin Insert )	\$153.00	EACH	7	\$1,071.00
16	CONSTRUCTION ENTRANCE	\$1,253.00	EACH	1	\$1,253.00
17	SAW CUT Existing Bit. Pavement	\$1.81	L.F.	275	\$497.75
18	MILLING 1 1/2"	\$1.25	S.Y.	2,700	\$3,375.00
19	LANDSCAPING	\$58,825.00	L.S.	1	\$58,825.00
20	PAVEMENT MARKINGS	\$2.00	L.F.	850	\$1,700.00
21	CHAIN LINK FENCE	\$35.00	L.F.	1,200	\$42,000.00
22	GUIDE RAIL ( METAL BEAM TYPE )	\$25.00	L.F.	1,200	\$30,000.00
					\$3,957,909.25
<b>SAY</b>					<b>\$3,960,000.00</b>

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

2018 OPINION OF PROBABLE CONSTRUCTION COSTS  
Erosion & Sediment Control and Site Restoration Bond

Project: Lakeview Shopping Plaza  
Retaining Wall Replacement  
1505-1515 Route 22

Done by: JMD  
Date: 4/9/2018

Project No.: 0001-0471

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	SILT FENCE	\$4.13	L.F.	1,500	\$6,195.00
2	DUST CONTROL	\$6,000.00	L.S.	1	\$6,000.00
3	TEMPORARY SEEDING	\$6,000.00	L.S.	1	\$6,000.00
4	TEMPORARY ACCESS ROAD	\$50,000.00	L.S.	1	\$50,000.00
5	SILT SACK ( Catch Basin Insert )	\$153.00	EACH	7	\$1,071.00
6	CONSTRUCTION ENTRANCE	\$1,253.00	EACH	1	\$1,253.00
					\$70,519.00

SAY 

\$70,500.00
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State Environmental Quality Review  
**NEGATIVE DECLARATION**  
 Notice of Determination of Non-Significance

Date: April 9, 2018

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:** Lower Terrace Realty

**SEQR Status:** Type 1   
 Unlisted

**Conditioned Negative Declaration:**  Yes  
 No

**Description of Action:**

Applicant proposes to construct a 2-story, 3,120 sq. ft. office/garage building for use by a landscape contractor business (general business use) on a 3-acre site. The property is split zoned, with the first 200 feet fronting on Route 22 in GC and the remainder in R-160. General Business is a Conditional Use Permit Use in the GC Zoning District.

**Location:** 250 Route 22; Tax Map ID 78.-1-34

**Reasons Supporting This Determination:**

The following materials have been reviewed:

- Memorandum to J. Robert Folchetti & Associates from NYS Parks, Recreation and Historic Preservation, dated 4/3/18
- Stormwater Pollution Prevention Plan, prepared by J. Robert Folchetti & Associates, dated February 2018
- A101, A102, A103, Preliminary Floor Plans, prepared by Paul Raymond Walter, Architect, dated 12/4/16; last revised 10/10/17
- A201, Elevations, prepared by Paul Raymond Walter, Architect, dated 12/4/16; last revised 10/10/17
- A301, Cross Sections, prepared by Paul Raymond Walter, Architect, dated 12/4/16; last revised 10/10/17
- A601, Preliminary Floor Plans, prepared by Paul Raymond Walter, Architect, dated 12/4/16; last revised 10/10/17
- Preliminary Plan, Drawing Index, Legend, Symbols & General Notes, prepared by J. Robert Folchetti & Associates, dated February 2018
- Preliminary Plan, Existing Conditions & Secondary Survey, prepared by J. Robert Folchetti & Associates, dated February 2018
- Preliminary Plan, Overall Site Layout, prepared by J. Robert Folchetti & Associates, dated February 2018

- Preliminary Plan, General Site Layout, prepared by J. Robert Folchetti & Associates, dated February 2018
- Preliminary Plan, Site Plan & Grading, prepared by J. Robert Folchetti & Associates, dated February 2018
- Preliminary Plan, Driveway Plan & Profile, prepared by J. Robert Folchetti & Associates, dated February 2018
- Preliminary Plan, Site Drainage Plan, prepared by J. Robert Folchetti & Associates, dated February 2018
- Preliminary Plan, Temporary Erosion & Sediment Control Plan and Details, prepared by J. Robert Folchetti & Associates, dated February 2018
- Preliminary Plan, Site Landscaping Plan-I, prepared by J. Robert Folchetti & Associates, dated February 2018
- Preliminary Plan, Site Landscaping Plan-II, prepared by J. Robert Folchetti & Associates, dated February 2018
- Preliminary Plan, SSTS & Potable Water Supply Well Site Layout, prepared by J. Robert Folchetti & Associates, dated February 2018
- Preliminary Plan, Design Data, Soil Test Results & SSTS Profile prepared by J. Robert Folchetti & Associates, dated February 2018
- Preliminary Plan, SSTS & Well Design Plans, prepared by J. Robert Folchetti & Associates, dated February 2018
- Preliminary Plan, Typical Site Details II, prepared by J. Robert Folchetti & Associates, dated February 2018
- Preliminary Plan, Typical Site Details I, prepared by J. Robert Folchetti & Associates, dated February 2018
- Preliminary Plan, Typical Site Details III, prepared by J. Robert Folchetti & Associates, dated February 2018
- Preliminary Plan, Stormwater Infiltration System Details, prepared by J. Robert Folchetti & Associates, dated February 2018
- Memorandum to Secretary Desidero from NYC Department of Environmental Protection, dated 1/23/18

**WHEREAS**, on 3/12/18, 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 meeting on 4/9/18, 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:**

Putnam County Department of Health 1 Geneva Road Brewster, New York 10509	Town Clerk 1360 Route 22 Brewster, NY 10509
SEQR Unit New York State Department of Transportation Traffic Engineering & Safety Division	E-911 Coordinator / Assessor 1360 Route 22 Brewster, NY 10509

4 Burnett Blvd. Poughkeepsie, NY 12603	
New York State Department of Environmental Conservation 625 Broadway Albany, NY 12233 Commissioner	Zoning Board of Appeals 1 Main Street Brewster, NY 10509 ATTN:
New York State Department of Environmental Conservation Region 3 21 South Putt Corners New Paltz, NY 12561 Director	Architectural Review Board 1 Main Street Brewster, NY 10509 ATTN: Regional
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 Highways & Facilities 842 Fair Street Carmel New York 10512	Putnam County Department of Planning/Development & Public Transportation Putnam County Transit Facility 841 Fair Street Carmel, New York 10512

UPON ROLL CALL VOTE:

- |                        |               |                           |               |
|------------------------|---------------|---------------------------|---------------|
| T. LaPerch, Chairman   | <u>yes</u>    | D. Rush, Vice Chairman    | <u>yes</u>    |
| P. Wissel, Boardmember | <u>yes</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 5 to 0, with 2 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board

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

April 10, 2018

TO: Architectural Review Board

FROM: Thomas LaPerch, Chairman  
Southeast Planning Board

RE: Lower Terrace Realty  
250 Route 22  
Tax Map ID 78.-1-34

At the regular meeting of the Southeast Planning Board on 4/9/18, 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 4/9/18. 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  
JR Folchetti & Associates

**TOWN OF SOUTHEAST, NY  
PLANNING BOARD RESOLUTION  
CLASSIFY AS TYPE II ACTION UNDER SEQRA  
AND TOWN OF SOUTHEAST MINOR PROJECT**

INTRODUCED BY: LaPerch                      DATE: April 9, 2018  
SECONDED BY: Wissel

**WHEREAS**, an application is being made by **IN BALANCE CONCEPTS** for a Conditional Use Permit for a "Recreation" use for a studio to be located in an existing shopping center for Tai Chi, Chi Kung and Guided Meditation on a property located at 2505 Carmel Avenue, in the Town of Southeast, New York; and

**WHEREAS**, the property is identified as Tax Map Number 67.6-1-38, and is located in the GC Zoning District; and

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

1. Short Environmental Assessment Form (EAF) dated 3/16/18
2. Statement of Use, prepared by David Cunniff, Owner, dated 3/16/18
3. Planning Board Application for Conditional Use Permit, prepared by David Cunniff, Owner, dated 3/16/18

**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)(7), finds that the Proposed Action is a Type II Action under SEQRA, and no further environmental review is required.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the Town of Southeast Planning Board, pursuant to the Town Code of the Town of Southeast, finds the Proposed Action to be a Minor Project pursuant to §138-4.

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
P. Wissel, Boardmember	<u>yes</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 5 to 0, with 2 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board



**TOWN OF SOUTHEAST**

Planning Board  
1 Main Street  
Brewster, NY 10509

April 10, 2018

Director  
Putnam County Division of Planning and Development  
2 Route 164  
Patterson, NY 12563

Re: In Balance Concepts  
GML §239-m Referral

Dear Sir/Madame,

The Planning Board of the Town of Southeast is considering an application by In Balance Concepts, for a proposed Conditional Use permit for a "recreation" use in an existing shopping center for a studio for Tai Chi, Chi Kung, and Guided Meditation. The proposed project is located in the GC Zoning District on an approximately ±4.64 acre parcel located at 2505 Carmel Ave., Unit #108, Brewster, Putnam County, New York (Tax Map ID 67.6-1-38).

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*  
Thomas LaPerch, Chairman  
Town of Southeast Planning Board

Attachment

cc: Town Attorney  
Town Clerk  
In Balance Concepts

**TOWN OF SOUTHEAST, NY  
PLANNING BOARD RESOLUTION  
CLASSIFY AS TYPE II ACTION UNDER SEQRA  
AND TOWN OF SOUTHEAST MINOR PROJECT**

INTRODUCED BY:

LaPerch

DATE: April 9, 2018

SECONDED BY:

Wissel

**WHEREAS**, an application is being made by **JANE & ROBERT MONAHON** for a Conditional Use Permit for a one-bedroom accessory apartment in a detached garage on a property located at 200 Dingle Ridge Road, in the Town of Southeast, New York; and

**WHEREAS**, the property is identified as Tax Map Number 80.5-1-11, and is located in the R-60 Zoning District; and

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

1. Short Environmental Assessment Form (EAF), prepared by Jane & Robert Monahon, dated 3/17/18
2. Planning Board Application for Conditional Use Permit, prepared by Jane & Robert Monahon, dated 3/14/18
3. Statement of Use, prepared by Jane & Robert Monahon, dated 3/19/18
4. Views of the Property, prepared by Jane & Robert Monahon, dated March 2018
5. Memorandum to Jane & Robert Monahon from the Putnam County Department of Health, dated 1/11/18
6. Survey of Property prepared for Jane Monahon by Terry Bergendorff Collins, dated 7/17/97
7. Plans & Elevations of Monahon Residence, Brewster, NY, prepared by Tasos Kokoris, AIA, dated 1/26/96; last revised 1/3/97

**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)(7), finds that the Proposed Action is a Type II Action under SEQRA, and no further environmental review is required.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the Town of Southeast Planning Board, pursuant to the Town Code of the Town of Southeast, finds the Proposed Action to be a Minor Project pursuant to §138-4.

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
P. Wissel, Boardmember	<u>yes</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 5 to 0, with 2 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board

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

April 10, 2018

Zoning Board of Appeals  
1 Main Street  
Brewster, NY 10509

RE: MONAHON ACCESSORY APARTMENT, 200 Dingle Ridge Road, TAX ID 80.5-1-11

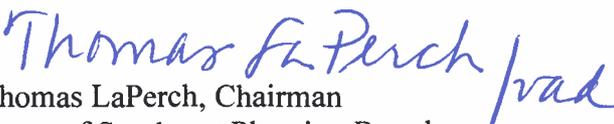
Dear Boardmembers:

At the 4/9/18 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 variance for lot size where 2.25 acres are provided and 5 acres are required a per Town Code §138-56.1B.(1)

A copy of the Town Planner's memorandum is attached for your information.

Sincerely,

  
Thomas LaPerch, Chairman  
Town of Southeast Planning Board

Attachment

cc: Town Attorney  
Town Clerk  
Jane & Robert Monahon  
Planning Board File  
Zoning Board of Appeals File

## Victoria Desidero

---

**From:** Ashley Ley [aley@akrf.com]  
**Sent:** Friday, April 06, 2018 12:59 PM  
**To:** Victoria Desidero  
**Subject:** Re: Monahon

138-56.1B.(1)

*B. No accessory apartment shall be permitted in any accessory structure subsequent to the effective date of this section, except under the following circumstances:*

*(1) The lot containing the principal dwelling and the accessory structure shall consist of at least five acres of residentially zoned land.*

On Fri, Apr 6, 2018 at 12:55 PM, Victoria Desidero <[vdesidero@southeast-ny.gov](mailto:vdesidero@southeast-ny.gov)> wrote:

Ashley,

Which section of Town Code requires the 5 acres (for ZBA referral).

Thx.

Victoria

Victoria Desidero

Assistant to the Planning Board,

Architectural Review Board,

Zoning Board of Appeals and

MS4 Administrator

(845) 279-7736



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**PLANNING BOARD  
TOWN OF SOUTHEAST, NEW YORK  
RESOLUTION – INTENT TO DECLARE LEAD AGENCY**

**INTRODUCED BY:** LaPerch **DATE:** April 9, 2018  
**SECONDED BY:** Armstrong

**WHEREAS,** the Planning Board of the Town of Southeast is in receipt of an application for a Subdivision, and other supporting documents for a project entitled **ROTH NURSERY SUBDIVISION**; and

**WHEREAS,** the proposed project is located at 291 Foggintown Road in the R-160 Zoning District in the Town of Southeast and identified as Tax Map ID 46.-3-38.1; and

**WHEREAS,** the applicant proposes a 5-lot subdivision on a 37.8 acre parcel of land where access is proposed from a new cul-de-sac off Acorn Road; and

**WHEREAS,** pursuant to §617.6(b)(3) of the State Environmental Quality Review Act (SEQRA), the aforementioned information must be mailed to all involved agencies notifying them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date that the aforementioned information is mailed to involved agencies, and

**NOW, THEREFORE BE IT RESOLVED,** that the Planning Board of the Town of Southeast hereby authorizes the mailing to all Involved Agencies of the aforementioned information, together with Notice that the Planning Board of the Town of Southeast intends to declare itself Lead Agency for purposes of SEQRA for this Unlisted and Coordinated Action, unless objection to such designation is received within thirty (30) days.

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
P. Wissel, Boardmember	<u>yes</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 5 to 0, with 2 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board

**TOWN OF SOUTHEAST, NY  
PLANNING BOARD RESOLUTION  
AFFIRMATION OF FINDINGS STATEMENT**

INTRODUCED BY:

LaPerch

DATE: April 9, 2018

SECONDED BY:

Armstrong

**WHEREAS**, the Planning Board of the Town of Southeast is in receipt of an application for Site Plan approval, Special Permit and Wetland Permit, and other supporting documents, for a project entitled **STATELINE RETAIL CENTER**; and

**WHEREAS**, the Applicant, PLI, LLC, proposes the construction of an approximately 184,800 square foot retail center and a 14,800 square foot, 2-story office building on two undeveloped parcels of land totaling approximately 44 acres and land located on US Route 6/202 to the east of Old Nichols Road, to the west of Dingle Ridge Road and immediately north of Interstate 84, in the Town of Southeast, Putnam County, New York, and identified as tax map numbers 68.-2-48.1 ("Lot 1") and 68.-2-48.2 ("Lot 2"), and zoned Special Route 6 (SR-6); and

**WHEREAS**, the Planning Board, as Lead Agency, previously conducted a Coordinated Review for a project identical to this current Proposed Project, which is a Type I Action, and issued a Statement of Findings on or about September 28, 2009; and

**WHEREAS**, the Planning Board issued Site Plan Approval for the proposed project on or about April 26, 2010; and

**WHEREAS**, the Applicant exhausted all extensions and was granted a new Site Plan Approval for the Stateline Retail Center on Lot 2 on or about June 9, 2014; and

**WHEREAS**, the third and final one-year extension of such approval was granted on or about May 8, 2017; and

**WHEREAS**, pursuant to §617.6 of the State Environmental Quality Review Act (SEQRA), the Planning Board affirmed its continued Lead Agency status on or about March 26, 2018; and

**WHEREAS**, no changes to the original project approvals are proposed; and

**WHEREAS**, the Planning Board has considered whether changes in background conditions, including: land use, zoning, public policy, and community character; community services; economic conditions; cultural resources; natural resources; geology; water resources and wetlands; stormwater management; traffic and transportation; air quality; noise; construction; infrastructure and energy; growth inducement and cumulative impacts; and energy consumption and conservation would alter the conclusions presented in the Findings Statement; and

**WHEREAS**, the applicant has submitted documentation supporting the position that changes in background conditions would not materially affect the conclusions of the Findings Statement, and in many cases the potential impacts would be less than previously considered; and

**WHEREAS**, in 2013 the Town of Southeast amended its sign ordinance to permit larger signs, which lessened the extent of the variances previously granted; and

**WHEREAS**, in 2015 the Town of Southeast amended its Zoning Map and the project site was rezoned from GC-2 to SR-6, however the Proposed Project complies with the new zoning designation and no new variances are required; and

**WHEREAS**, in 2016 the Town of Southeast amended its Zoning Ordinance to transfer the discretionary approval authority of all “large retail establishments” to the Town Board per § 138-41.1; and

**WHEREAS**, the applicant has submitted recent traffic data which confirms that current traffic levels on Route 6 are less than or equal to traffic levels previously analyzed; and

**WHEREAS**, the applicant’s wetland consultant and the Town Wetland Inspector inspected the wetland conditions on the property in 2014 and found that the wetlands are substantially unchanged; and

**WHEREAS**, the wetlands will be re-inspected by the Town Wetland Inspector prior to final site plan approval; and

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

1. Letter from Jeff Contelmo, Insite Engineering, to Chairman LaPerch and Members of the Board dated April 2, 2018
2. Evaluation of Potential Impacts, Final Site Plan Re-Approval Application, prepared by Insite Engineering, dated March 28, 2014 and last revised March 5, 2018
3. Memorandum Re: Stateline Wetlands, prepared by Steve Marino, PWS, Tim Miller Associates, dated March 28, 2014
4. Memorandum Re: Threatened and Endangered Species, prepared by Steve Marino, PWS, Tim Miller Associates, dated March 28, 2014
5. Letter Re: Stateline Traffic Count Update, prepared by Tim Miller, AICP, Tim Miller Associates, dated April 3, 2014
6. Letter Re: Updated Route 6 Traffic Counts, Stateline Project, Town of Southeast, prepared by Tim Miller, AICP, Tim Miller Associates, dated April 21, 2014
7. Memorandum Re: Stateline Retail Center – Wetlands Review, prepared by Stephen W Coleman, dated April 3, 2014
8. The following drawings, prepared by Insite Engineering, Surveying, & Landscape Architecture, PC, related to the site plan application:

<b>Drawing No. &amp; Title</b>	<b>Last Revised</b>
SP-1 Overall Site Plan	3/5/2018
SP-2.1 Layout and Landscape Plan	3/5/2018
SP-2.2 Layout and Landscape Plan	3/5/2018
SP-3.1 Grading and Utilities Plan	3/5/2018
SP-3.2 Grading and Utilities Plan	3/5/2018
SP-4.1 Overall Phasing Plan	3/5/2018
SP-4.2 Sediment and Erosion Control Plan	3/5/2018
SP-4.3 Sediment and Erosion Control Plan	3/5/2018
PR-1 Profiles and Cross Sections	3/5/2018
LP-1 Lighting Plan	3/5/2018
D-1 Site Details	3/5/2018
D-2 Site Details	3/5/2018
D-3 Site Details	3/5/2018
D-4 Site Details	3/5/2018

Drawing No. & Title	Last Revised
D-5 Site Details	3/5/2018
D-6 Site Details	3/5/2018
Stormwater Pollution Prevention Plan	3/5/2018

9. The following drawings, prepared by DCAK-MSA Architecture, related to the site plan application:

Drawing No. & Title	Last Revised
SA-1 Proposed Sign Area Buildings A,B & C	3-09-10
SA-2 Proposed Sign Area Buildings A,B & C	3-09-10
SA-3 Proposed Sign Area Buildings A,B & C	3-09-10
SA-4 Proposed Sign Area Buildings A,B & C	3-09-10
SA-5 Proposed Sign Area Building D	3-09-10
MS-1 Proposed Freestanding Signs	4-22-10
MS-2 Proposed Freestanding Signs	4-22-10
MS-3 Proposed Freestanding Signs	4-22-10
SW-1.0 Proposed Plaza Sidewalk Plan	11-18-09
SW-2.0 Proposed Elevations for Buildings A,B & C	11-18-09
SW-2.1 Proposed Elevations for Buildings A,B & C	11-18-09
SW-2.2 Proposed Elevations for Buildings A,B & C	12-02-09
SW-2.3 Proposed Elevations for Buildings A,B & C	11-18-09
SW-3.0 Proposed Elevations for Building D	12-02-09

; and,

**WHEREAS**, the Planning Board has evaluated the Proposed Project and found that it does not have the potential to generate any new significant adverse impacts not previously identified;

**NOW, THEREFORE BE IT RESOLVED**, that the Town of Southeast Planning Board, pursuant to the State Environmental Quality Review Act (SEQRA), and having reviewed the Proposed Project and changes in background conditions finds that the Findings Statement issued on or about September 28, 2009, subject to all conditions therein, is hereby affirmed, and a Supplemental Environmental Impact Statement pursuant to §617.9(a)(7) is not required.

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
P. Wissel, Boardmember	<u>yes</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 5 to 0, with 2 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board

**TOWN OF SOUTHEAST PLANNING BOARD  
RESOLUTION TO POSITIVELY RECOMMEND THE APPROVAL OF A  
SPECIAL PERMIT FOR A LARGE RETAIL CENTER, SITE PLAN, AND WETLAND PERMIT  
FOR THE PROPOSED STATELINE RETAIL CENTER**

**INTRODUCED BY:** LaPerch      **DATE:** April 9, 2018  
**SECONDED BY:** Wissel

**WHEREAS**, the Applicant, PLI, LLC, proposes the construction of an approximately 184,800 square foot retail center and a 14,800 square foot, 2-story office building on two undeveloped parcels of land totaling approximately 44 acres and land located on US Route 6/202 to the east of Old Nichols Road, to the west of Dingle Ridge Road and immediately north of Interstate 84, in the Town of Southeast, Putnam County, New York, and identified as tax map numbers 68.-2-48.1 (“Lot 1”) and 68.-2-48.2 (“Lot 2”), and zoned Special Route 6 (SR-6); and

**WHEREAS**, the Planning Board, as Lead Agency under the State Environmental Quality Review Act (SEQRA) conducted a thorough review of the proposed project and potential environmental impacts and adopted a SEQR Findings Statement for the proposed project on September 28, 2009; and

**WHEREAS**, the proposed project requires a Special Permit from the Town Board; and

**WHEREAS**, recognizing that the authority to issue the Special Permit rests with the Town Board, the Planning Board has reviewed the proposed project’s conformance with the Special Permit criteria in order to assist the Town Board in its review and to provide the Planning Board’s input; and

**WHEREAS**, the Town Board approved said Special Permit on or about December 10, 2009; and

**WHEREAS**, the Planning Board issued Site Plan Approval for Lot 2 of the Proposed Project on or about April 26, 2010; and

**WHEREAS**, the Applicant exhausted all extensions and was granted a new Site Plan Approval for the Stateline Retail Center on Lot 2 on or about June 9, 2014; and

**WHEREAS**, the third and final one-year extension of such approval was granted on or about May 8, 2017; and

**WHEREAS**, the applicant now seeks re-approval of the site plan, wetland permit, and special permit; and

**WHEREAS**, the Planning Board, having considered whether changes in background conditions, including: land use, zoning, public policy, and community character; community services; economic conditions; cultural resources; natural resources; geology; water resources and wetlands; stormwater management; traffic and transportation; air quality; noise; construction; infrastructure and energy; growth inducement and cumulative impacts; and energy consumption and conservation would alter the conclusions presented in the SEQRA Findings Statement, affirmed its prior SEQRA Findings Statement on April 9, 2018; and

**WHEREAS**, in 2016 the Town of Southeast amended its Zoning Ordinance to transfer the discretionary approval authority of all “large retail establishments” to the Town Board per § 138-41.1; and

WHEREAS, the table below summarizes the Planning Board’s review of the Special Permit criteria; and

<b>Stateline Retail Center – Special Use Permit Criteria</b>	
<b>§138-63.4:</b>	<b>CONFORMS (Yes/No):</b>
A. Any parcel shall consist of not less than 35 acres and have access via a state or county road; and	Yes.
B. Any retail use in connection with any zoning lot shall be limited to a floor area ratio (FAR) not to exceed 0.15. All other dimensional standards for any parcel shall be the same as those contained in the Commercial Zoning Schedule for the HC-1 and GC-2 zones except as they are superseded by the Town of Southeast Design Guidelines for Large Retail Establishments; and	Yes.
C. Design guidelines. All Large Retail Establishments shall comply with the following Town of Southeast Design Guidelines for Large Retail Establishments. The Planning Board, when considering the site plan, and the Town Board, when considering the Special Permit, shall consider the application’s conformance to these Design Guidelines in considering approval or denial of the application. Drawing L-1 shows a schematic layout for a Large Retail Establishment showing, in general, a number of the design elements contained in these Design Guidelines. Users of the Design Guidelines shall refer to this drawing and other drawings for clarification of the guidelines but not as a prescriptive site or building design. Table 1 provides a listing of preferred native plant species.	<i>See below for conformance with each provision of the Design Guidelines.</i>
<b>(1) SITE DESIGN</b>	
<b>[a] Buffers</b>	
[1] All Large Retail Establishments shall include a 75-foot minimum Environmental Conservation Buffer vegetated buffer along the entire frontage with the exception of areas necessary for ingress or egress from the site. Stormwater management features may be included in the Environmental Conservation Buffer as long as the margins of any such feature are planted with vegetation that will reach an appropriate height for screening proposed uses within ten (10) years.	Yes.
[2] An Environmental Conservation Buffer of at least 50 feet in width shall be provided along side and rear property lines. Where a Large Retail Establishment abuts a Residential Zoning District, a minimum 100-foot Environmental Conservation Buffer shall be provided along the boundary line, unless the Town Board determines that a larger buffer is required. No building containing a Large Retail Establishment shall be closer than 250 feet from any residential use.	Yes.

[3] Existing mature vegetation shall be retained where feasible within the Environmental Conservation Buffers and within the interior of the site.	Yes.
[4] New vegetation shall be planted to create a mix of species. Native species or species known to be tolerant to urban stressors (see Table 1) are preferred to non-native species; although non-native ornamental species may be used as accents.	Yes.
[5] If any significant habitat is found on-site, no disturbance shall occur within that area or within 100 feet of the area.	<i>No significant habitat was identified. Some disturbance would occur within the wetland buffer area, however the mitigation measures set forth in the Environmental Impact Statement (EIS) will adequately mitigate any adverse impacts to onsite and offsite wetlands and associated wetland control areas.</i>
[6] A vegetated berm not less than 3 feet in height and 6 feet in width at its top may be used where existing mature vegetation would not provide adequate screening.	NA
[7] All landscaping as shown on the approved site plan shall be maintained in a healthy growing condition throughout the duration of the use or uses being served. Any plants not so maintained shall be replaced by the property owner with healthy, new plants of comparable size, type and quality at the beginning of the next immediately following growing season.	<i>This provision would be included as a condition of approval and would be handled as an enforcement action should the need arise.</i>
<b>[b] Building Location</b>	
[1] Buildings shall be oriented on-site to avoid disturbance to sensitive natural and topographic features to the maximum extent practicable while presenting a "public face" to major roads.	Yes.
[2] Multiple buildings on a single site shall be oriented to achieve a unified character for the site. Individual buildings shall not be isolated by large expanses of parking lots in order to encourage safe pedestrian movement within the site.	Yes.
<b>[c] Site Access</b>	
[1] Driveway entrances and exits onto any street shall be provided in such a manner that no undue traffic hazards or traffic congestion will be created. A minimum of two (2) driveways shall be provided. Driveway entrances shall be spaced a minimum of 300 feet apart. Driveways shall not exceed 30 feet in width at the street line unless a greater width is required by the County of Putnam or State of New York.	Yes.
<b>[d] Parking Lots</b>	

<p>[1] Large Retail Establishments that have more than 10 percent Gross Leasable Area in dining or entertainment uses shall use the Urban Land Institute Shared Parking methodology to calculate appropriate parking requirements in place of the required 4.0 spaces per 1,000 square feet of Gross Floor Area.</p>	<p><i>NA. Tenants have not been specified.</i></p>
<p>[2] Any parking spaces provided above the required number shall be in a separate parking area utilizing a pervious paving technique (see Drawing L-1). Alternatively, additional parking areas may be "land-banked" for future development depending on use.</p>	<p><i>NA. No extra spaces have been proposed.</i></p>
<p>[3] All required parking shall be provided in parking areas that are designed and laid out to avoid uninterrupted stretches of paved surfaces. Parking areas may be separated from each other by drive aisles, pedestrian walkways, stormwater management facilities, or landscaped areas (see Drawing L-1). Parking areas to the rear or side of buildings are preferred to parking areas in front of (between the major street and any side of) a building. Rear entrances to tenant spaces shall be considered in the overall site design process. Underground or structured parking may be considered and shall not be included in Gross Floor Area.</p>	<p><i>Parking has primarily been proposed for the front of the building, however, due to the topography and proposed landscaping it will be minimally visible from Route 6. Small parking areas are located off to the sides of the building.</i>  <i>Landscaped islands between parking areas are proposed. No rear entrances or underground parking is proposed, however, given the topographical constraints of the site, surface parking is appropriate.</i></p>
<p>[4] Individual parking stalls shall be nine (9) feet by eighteen (18) feet except as required to meet Americans with Disabilities Act (ADA) requirements. Parking stalls in employee parking areas may be eight (8) feet by eighteen (18) feet.</p>	<p><i>Yes.</i></p>
<p>[5] Parking areas shall have a minimum 10-foot wide, curbed planting island around the perimeter with appropriate gaps for vehicular access. Such raised planting islands and the landscaping within them shall be designed and arranged in such a way as to provide vertical definition to major traffic circulation aisles, entrances and exits, to channel internal traffic flow and prevent indiscriminate diagonal movement of vehicles and to provide relief from the visual monotony and shadeless expanse of a large parking area. Planted bio-swales may be substituted for raised parking islands (see Drawings LD-4, LD-5, and LD-6).</p>	<p><i>Yes.</i></p>
<p>[6] Large parking areas of 50 spaces or more shall have additional planting islands a minimum of eight (8) feet in width within the parking area between every second parking module (defined as a 60-foot-wide area containing two rows of parking separated by a drive aisle).</p>	<p><i>There is one island that includes a pedestrian walkway in lieu of a planting island, which is an appropriate substitution.</i></p>
<p>[7] There shall be a provision for separate pedestrian flow to</p>	<p><i>Yes.</i></p>

building entrance(s) outside of drive aisles for each parking area.	
[8] Twenty-five (25) percent of calculated required parking shall be provided in a designated employee-only parking area that utilizes a pervious paving technique. Where possible, this parking area shall be located to the rear of any building(s).	<i>Yes. Pervious parking provided along the perimeters of the parking area.</i>
[9] Twenty-five (25) percent of calculated required parking shall be provided in an overflow area that shall be physically separated from other parking areas by lawn or other vegetated area.	<i>Yes, including the 97 northernmost spaces.</i>
[10] At least one tree, not less than three (3) inches in caliper measured three (3) feet above ground level at time of planting, shall be provided within a planting island for each ten (10) parking spaces in the parking area (see Drawing LD-3).	<i>Yes.</i>
[11] Bicycle parking racks shall be provided in a location no further than 200 feet from a building entrance and not to the rear of any building.	<i>Yes.</i>
<b>[e] Circulation to Adjoining Parcels</b>	
[1] Where a Large Retail Establishment adjoins another parcel with existing commercial development every opportunity for connecting parking areas and/or driveways shall be explored to avoid separate curb-cuts onto major roads.	<i>Yes. A pedestrian path between proposed office building and retail center is proposed.</i>
[2] Where a Large Retail Establishment adjoins a vacant commercially-zoned parcel a stub driveway shall be established in a location conducive to creating a future internal connection point.	<i>No. However, compliance would require significant wetland disturbance and is not appropriate at this time.</i>
<b>[f] Pedestrian Environment</b>	
[1] Pedestrian-scale public spaces (pedestrian walkway, square, or plaza) shall be integrated into the overall site plan to provide meaningful circulation and seating areas.	<i>Yes.</i>
[2] Pedestrian amenities such as seating or dining areas, fountains, gazebos, kiosks, or other such features shall be provided in any square or plaza. Amenities associated with public transit or bicycle use (bus waiting shelter, information kiosk with bus schedule, bicycle racks, or taxi waiting area) shall be incorporated into public spaces on the site.	<i>Yes.</i>
[3] A pedestrian walkway shall be a minimum of ten (10) feet in width and shall have street trees planted forty (40) feet on center at a minimum (not less than three (3) inches in caliper measured three (3) feet above ground level at time of planting) (see Drawing LD-3). Pedestrian walkways offering access between buildings and/or providing access to rear parking areas are not required to have planting areas or street trees.	<i>A 10 foot wide pedestrian walkway, as well as street trees, has been provided. However, in some locations the spacing between trees is in excess of 40 ft. In most cases, this is due to the location of the store entrance or to enhance an architectural feature, and is therefore appropriate.</i>

<p>[4] A square or plaza shall be a minimum of thirty (30) feet in any dimension and shall include a vegetated area covering a minimum of fifty (50) percent of the total area when any one linear dimension of the square or plaza equals or exceeds fifty (50) feet (see Drawings L-2, L-3, and LD-1). (Pedestrian walkways shall not be required to meet this standard).</p>	<p>Yes.</p>
<p>[5] Building(s) shall be designed to have a front façade that has at least one (1) principal functional entry from a pedestrian walkway, square, or plaza.</p>	<p>Yes.</p>
<p>[6] No ground-level façade shall have blank (without doors or windows) walls longer than 50 feet along any pedestrian walkway, square, or plaza. Public art installations such as murals are exempt from this requirement.</p>	<p>Yes.</p>
<p>[7] Pedestrian walkways, squares, or plazas shall provide continuous pedestrian flow throughout the site and shall provide protected access through a designated crosswalk or walkway between building entrances and all parking areas.</p>	<p>Yes.</p>
<p>[8] Pedestrian walkways, squares, and plazas shall be integrated into the overall landscaping and lighting plans for the site.</p>	<p>Yes.</p>
<p>[9] Pedestrian walkways and other surface areas of paving material shall offer a variety of pigments and textures that are in harmony with nearby buildings and other paved surfaces and are safe for pedestrian traffic, including the handicapped. Pervious surfaces shall be used wherever practicable to minimize the need for stormwater infrastructure.</p>	<p>Yes.</p>
<p><b>[g] Loading &amp; Refuse Collection Areas</b></p>	
<p>[1] All loading and refuse collection areas shall be screened from public views from primary driveways and pedestrian walkways, squares, or plazas and shall not be located along the front façade of any building or within any parking area. Loading and refuse collection areas shall be internal to a structure to the extent possible.</p>	<p>Yes.</p>
<p><b>[h] Signage</b></p>	
<p>[1] All signs shall be carefully integrated with other site design elements. Signs shall be designed so that they are visible and informative at the pedestrian scale. Signs shall not be mounted above the eave line of any structure or be placed in or attached to any window. Signs must comply with the provisions in Article XII of the Zoning Code.</p>	<p><i>The applicant has submitted a schematic sign program that generally complies with this provision. However, variances would be required for the number of signs and the size of certain signs.</i></p>
<p><b>[i] Lighting</b></p>	
<p>[1] A site lighting plan shall be provided in conformance with Article XIII of the Zoning Code. Pedestrian-scale lighting fixtures shall be provided in parking areas and along pedestrian walkways and in squares or plazas.</p>	<p>Yes.</p>
<p><b>[j] Storage of Merchandise</b></p>	
<p>[1] Any areas intended for storage or display of merchandise</p>	<p>Yes.</p>

shall be identified on the site plan and shall be approved by the Town Board as part of the Special Permit process.	
[2] Vending machines, ice machines, newspaper boxes, or similar equipment may not be located outside of any building.	<i>Yes.</i>
<b>(2) BUILDING DESIGN</b>	
<b>[a] Building Size</b>	
[1] Large single-use buildings are to be avoided. Where a large tenant is considered, the same building shall include several smaller tenants with separate exterior access to balance the scale of the larger tenant and to facilitate improved building design. In all cases, all buildings shall comply with the design parameters set forth herein.	<i>Yes. Large anchor tenant proposed with several smaller retail spaces.</i>
<b>[b] Building Height</b>	
[1] Buildings may be one (1) or two (2) stories to a maximum height of 35 feet. Vertical elements such as clocktowers, cupolas, or other architectural embellishments may extend the total height of the building but shall be no greater than 50 feet in height (see Drawing LD-2).	<i>Yes. The building is less than 35 feet; and all towers have been reduced to 50 ft.</i>
<b>[c] Building Style</b>	
[1] Buildings shall be designed to be compatible with buildings in the surrounding area, but in all cases shall be of high-quality design and materials. Colonial or Classic design style is considered appropriate for any location within the Town of Southeast. Examples of the types of architecture compatible with the Town's vision are shown in the Typology of Architecture pages included at the end of this Chapter. These images are not prescriptive but do show what is preferred.	<i>Yes.</i>
<b>[d] Building Facades &amp; Materials</b>	
[1] Building facades shall present a varied appearance at street level and be designed to give individual identity to each building and/or use as well as to help achieve the planned pedestrian scale using features such as: <ul style="list-style-type: none"> <li>• The height of cornices, lintels and sill levels, articulated floor levels and other horizontal building features.</li> <li>• The spacing and proportion of columns, piers and other elements of the basic structural grid.</li> <li>• The spacing and proportion of window and door openings, bays or other aspects of building fenestration.</li> <li>• Colors, textures and the general nature of exterior materials and treatment, including building ornament and trim.</li> </ul>	<i>Yes.</i>
[2] Blank wall exposures shall be limited. No ground-level façade shall have blank (without doors or windows) walls longer than 50 feet along any pedestrian walkway, square, or plaza. Public art installations such as murals are exempt from this requirement.	<i>Yes.</i>

<p>[3] The design of building facades shall reflect the scale of existing or planned building development through modulation of vertical and horizontal elements by features such as:</p> <ul style="list-style-type: none"> <li>• Variation in roof heights.</li> <li>• Changes in the predominant wall plane and/or in facade elements such as window openings and balconies.</li> <li>• Use of horizontal projections or recesses in the building facade such as bay windows, cornices, balustrades, etc.</li> <li>• Use of pitched roofs and other roof elements such as cross gables, dormer windows, turrets, and clocktowers to provide visual interest, reduce the scale of continuous roofs and break the line where the building meets the sky.</li> </ul>	<p>Yes.</p>
<p>[4] Treatment of the sides and rear of proposed buildings shall be in a manner substantially consistent in appearance, amenity and quality of materials to the treatment given to their front facade.</p>	<p><i>The rear façade has minimal articulation. However, those portions of the rear façade that would be intermittently visible from I-84 would be articulated.</i></p>
<p>[5] Building facades shall be architecturally articulated horizontally so that there are breaks in the façade plane where building entrances, windows, or landscaped areas may be located.</p>	<p>Yes.</p>
<p>[6] Building facades shall be architecturally articulated vertically to define a pedestrian scale along any pedestrian walkway, square, or plaza. Arcades, awnings, roof- or eave-lines, or second-story windows may be used to define the pedestrian scale. (Any awning, roof, or eave that extends above a pedestrian walkway, square, or plaza shall have a minimum clear height (height from sidewalk to the bottom of any awning, roof, of eave) of eight (8) feet six (6) inches and a maximum clear height of ten (10) feet above the sidewalk and shall extend beyond the building face a minimum of five (5) feet).</p>	<p>Yes.</p>
<p>[7] All buildings shall have an appropriate rhythm of entrances and windows consistent with the overall size of the building and orientation to any pedestrian walkways, squares, or plazas.</p>	<p>Yes.</p>
<p>[8] Exterior cladding shall be consistent with the overall building style and shall include a variety of colors and textures to help articulate the main facades.</p>	<p>Yes.</p>
<p><b>[e] Building Roofs</b></p>	
<p>[1] Fully-enclosed gabled roofs (minimum pitch of 8:12) are preferred to flat roofs with parapets. On larger buildings a variety of roof-lines shall be used to break up the horizontal extent of the building. Where parapets are used, the parapet shall be provided along each façade. Parapet height is limited to ten (10) feet above the flat roof.</p>	<p>Yes.</p>

<p>[2] Where flat roofs are required due to building size, roofing materials having a Solar Reflectance Index (SRI) equal to or greater than the values in the table below for a minimum of 75 percent of the roof surface shall be used or a green roof on at least 50 percent of the roof area shall be used.</p>	<p><i>Yes. The applicant has stated that SRI or equivalent material will be utilized.</i></p>
<p><b>[f] Building Materials</b></p>	
<p>[1] While synthetic materials may be acceptable, natural building materials including, but not limited to, clapboard and shingle siding, brick, stone, glass, or glass block are preferred and encouraged over synthetic materials. Generic, unadorned Concrete Masonry Units (CMUs) shall not be used as a primary exposed building material on any facade. CMUs with any type of variegated surface (e.g., Architectural Block or Split-Faced CMUs) are permitted but shall not comprise the majority of the surface area of any one facade.</p>	<p><i>Yes.</i></p>
<p>[2] Treatment of the sides and rear of proposed buildings shall be in a manner substantially consistent in appearance, amenity and quality of materials to the treatment given to their street frontage.</p>	<p><i>The rear façade has minimal articulation. However, those portions of the rear façade that would be intermittently visible from I-84 would be articulated.</i></p>
<p>[3] Windows and doors shall be trimmed with wood or stone a minimum of four (4) inches in width.</p>	<p><i>Low-maintenance composite materials (such as hardiplank or azek trim) or masonry (such as natural or cultured stone) are proposed.</i></p>
<p><b>[g] Mechanical Equipment</b></p>	
<p>[1] All HVAC or similar equipment shall be screened from ground-level views and views from any roads or adjoining properties at a higher elevation.</p>	<p><i>HVAC layout has not been provided, however, the applicant proposes to fully shield all HVAC equipment with RTU screening.</i></p>
<p>D. The developer shall provide adequate proof to the Town Board, prior to the issuance of any certificate of occupancy, that the developer has contracted with a private security company for the purpose of patrolling the premises for the safety and security of its customers, employees and businesses invitees and to ensure that the premises do not become a focal point for loitering or vagrancy. Such contract, or replacements thereof, shall remain in full force and effect during the occupancy of any premises developed hereunder. Failure to adequately maintain security services for the premises shall result in the revocation of any certificate of occupancy by the Town of Southeast; and</p>	<p><i>TBD</i></p>
<p>E. The Town Board may require the inclusion of any of the foregoing conditions in a declaration of restrictive covenants executed in recordable form and to be recorded by the applicant/owner as a condition of any Special Permit</p>	<p><i>TBD</i></p>

approval.	
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**WHEREAS**, the Planning Board, in its review of the proposed project, believes that the proposed project substantially complies with the Special Permit criteria; and

**WHEREAS**, the Town of Southeast Planning Board (the “Planning Board”) is in receipt of the following drawings, prepared by Insite Engineering, Surveying, & Landscape Architecture, PC, related to the site plan application:

<b>Drawing No. &amp; Title</b>	<b>Last Revised</b>
SP-1 Overall Site Plan	3/5/2018
SP-2.1 Layout and Landscape Plan	3/5/2018
SP-2.2 Layout and Landscape Plan	3/5/2018
SP-3.1 Grading and Utilities Plan	3/5/2018
SP-3.2 Grading and Utilities Plan	3/5/2018
SP-4.1 Overall Phasing Plan	3/5/2018
SP-4.2 Sediment and Erosion Control Plan	3/5/2018
SP-4.3 Sediment and Erosion Control Plan	3/5/2018
PR-1 Profiles and Cross Sections	3/5/2018
LP-1 Lighting Plan	3/5/2018
D-1 Site Details	3/5/2018
D-2 Site Details	3/5/2018
D-3 Site Details	3/5/2018
D-4 Site Details	3/5/2018
D-5 Site Details	3/5/2018
D-6 Site Details	3/5/2018
Stormwater Pollution Prevention Plan	3/5/2018

; and,

**WHEREAS**, the Town of Southeast Planning Board (the “Planning Board”) is in receipt of the following drawings, prepared by DCAK-MSA Architecture, related to the site plan application:

<b>Drawing No. &amp; Title</b>	<b>Last Revised</b>
SA-1 Proposed Sign Area Buildings A,B & C	3-09-10
SA-2 Proposed Sign Area Buildings A,B & C	3-09-10
SA-3 Proposed Sign Area Buildings A,B & C	3-09-10
SA-4 Proposed Sign Area Buildings A,B & C	3-09-10
SA-5 Proposed Sign Area Building D	3-09-10
MS-1 Proposed Freestanding Signs	4-22-10
MS-2 Proposed Freestanding Signs	4-22-10
MS-3 Proposed Freestanding Signs	4-22-10
SW-1.0 Proposed Plaza Sidewalk Plan	11-18-09
SW-2.0 Proposed Elevations for Buildings A,B & C	11-18-09
SW-2.1 Proposed Elevations for Buildings A,B & C	11-18-09
SW-2.2 Proposed Elevations for Buildings A,B & C	12-02-09
SW-2.3 Proposed Elevations for Buildings A,B & C	11-18-09
SW-3.0 Proposed Elevations for Building D	12-02-09

; and,

**WHEREAS**, the above listed plans are identical to those approved by the Planning Board on or about April 26, 2010; 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 ARB issued a positive recommendation on the retail building to the Town Board in a resolution dated December 2, 2009, based on the site plan and architectural drawings sets dated November 18, 2009, and as presented at the December 2, 2009, ARB meeting; and,

**WHEREAS**, the Town Board approved the retail center architecture for a project identical to this current Proposed Project or about December 10, 2009, the approval for which remains valid; and,

**WHEREAS**, the ARB has not issued a recommendation or approval of any of the proposed signage or monument structures; and,

**WHEREAS**, the Applicant shall return to the ARB for review and approval of all signage and monument structures, and shall prepare for the ARB's review and approval tenant signage design criteria, which shall govern the tenant signage on the project site and ensure that a cohesive signage package is developed for the project; and,

**WHEREAS**, no signage or monument structures shall be erected on the site until the tenant signage design criteria has been reviewed and approved by the ARB; and,

**WHEREAS**, the Planning Board is in receipt of minutes from the ZBA dated March 15, 2010 and April 19, 2010 granting variances for the manufactured slope, the size and location of the proposed signage, and the proposed monument signs; and

**WHEREAS**, in 2013 the Town of Southeast amended its sign ordinance to permit larger signs, which lessened the extent of the variances previously granted; and

**WHEREAS**, pursuant to §239-m of the General Municipal Law, the Planning Board referred the complete application to the Putnam County Division of Planning and Development on January 11, 2010 for its review; and,

**WHEREAS**, the Planning Board received a positive recommendation from the Putnam County Department of Planning, Development and Public Transportation dated January 22, 2010, which remains applicable to the Proposed Project; and

**NOW THEREFORE BE IT RESOLVED**, that the Town of Southeast Planning Board hereby recommends the approval of a Special Use Permit for a large retail center; and

**BE IT FURTHER RESOLVED**, that the Planning Board hereby recommends that, provided that there have been no substantial changes to the wetlands since last inspected by the Town of Southeast Wetland Inspector in 2014, the Town Board grant Wetland Permit Approval for the Proposed Project; and

**BE IT FURTHER RESOLVED**, that the Planning Board hereby recommends Site Plan Approval for Lot 2 subject to the following conditions

**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 Town 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. 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 Action 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 Town Board.
5. Within thirty (30) days of Final Site Plan Approval, the Applicant shall provide to the Town 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. The final plan set shall be certified by the Supervisor of the Town of Southeast.
6. The Applicant shall submit two (2) sets of as-built plans to the Town of Southeast Building Department after final construction is completed. The as-built plans must show 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 approved by the Town Board 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 2018 construction costs. If the construction is not begun during the calendar year 2018, the Applicant must re-apply to the Town Board for an adjustment of the bond amount to account for escalation of material and labor costs. Upon such request 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 Town Board requests that the Southeast Building Inspector withhold the Certificate of Occupancy until the Town 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. 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.

3. This resolution supersedes all construction, design, approvals, conditions, restrictions, and requirements of any previously approved site plan or building permits for the affected parcels. 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 Town Board and the Town Engineer, in writing, of the time when it proposes to commence construction of such improvements so that the Town Board 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 Town Board and Town Engineer and shall update that schedule, and provide copies to the Town Board and Town Engineer, throughout the construction process, as necessary. 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.

2. The Town Board 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.

3. 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 Town Board.

4. 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 Town Board or as such requirements have been modified.

5. 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.

6. A copy of the completed Notice of Intent (NOI) to comply with the New York State Department of Environmental Conservation General Permit for Construction Activity shall be maintained at the on-site construction office.

7. All sediment and erosion control measures or Best Management Practices indicated on the approved plans and/or required for compliance with the New York State Department of Environmental Conservation 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 New York State Department of Environmental Conservation's *New York Standards and Specifications for Erosion and Sediment Control*.

8. 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*.

9. 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.

10. 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.

11. 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.

12. All disturbed areas shall be stabilized pursuant to New York State Department of Environmental Conservation regulations. Should disturbed areas remain disturbed for periods longer than one month, more permanent stabilization measures shall be installed.

#### **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 Town 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, the Building Inspector shall notify the applicant in writing of the violation. If the required landscaping maintenance is not performed within 30 during the growing season, or within 30 days of the start of the growing season if the violation is noted during the winter months, to the satisfaction of the Town Engineer and/or Building Inspector, 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. 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.

5. To allow for a more natural landscape and appropriate screening, the proposed trees shall be planted in a variety of caliper widths and tree heights, with larger trees planted at key locations.

### **Architecture and Signage**

1. The application shall be subject to all representations made to the Planning Board, ARB, ZBA, and Town Board with regards to the proposed architecture. Any substantive changes to the proposed architecture shall be referred by the Building Inspector to the ARB for review and recommendation to the Town Board.

2. Prior to the erection of any signage or sign monuments, tenant signage design criteria shall be prepared by the Applicant and submitted to the ARB for review and approval. The tenant signage design criteria shall include the maximum dimensions, location, mounting style, materials, lighting, and any other such design elements as the ARB deems necessary to ensure that a cohesive signage package is developed for the site. The tenant signage design criteria shall govern all tenant signage on the site.

3. Prior to the erection of any tenant signage, the proposed tenant sign shall be reviewed and approved by the ARB in conformance with the approved tenant signage design criteria.

4. Rooftop HVAC equipment shall be fully screened from view, and upon installation, screening shall be adjusted as necessary to ensure proper shielding.

### **Stormwater Management**

1. Pursuant to § 119-13 of the Code of the Town of Southeast, the Applicant/property owner shall submit a plan for ownership, construction, operation and maintenance of stormwater facilities. This plan shall provide for the inspection, operation and maintenance of each and every component of such facilities and shall specify the methods and procedures to be used to provide and ensure the funds required for such inspection, operation and maintenance and who will be responsible there for. A four-year performance guaranty shall be provided for the entire stormwater management system by the developer to cover any modifications, corrections, or material failures. In addition, the developer shall fund or otherwise guarantee an inspection and maintenance program for a period of no less than 10 years.

2. The Applicant shall provide for the long term maintenance and continuation of stormwater control measures approved by the Town of Southeast. Stormwater control measures shall be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components.

3. This resolution binds the Applicant, property owner, and its successors, to the maintenance provisions depicted in the approved stormwater pollution prevention plan and site plan.
4. The Applicant shall maintain, clean, repair, replace and continue the stormwater control measures depicted in the approved stormwater pollution prevention plan to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices, aeration system, and retention ponds.
5. The Applicant/property owner shall be responsible for all expenses related to the maintenance of the stormwater control measures.
6. The Applicant/property owner shall provide for the periodic inspection of the stormwater control measures, not less than once per year, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Town Engineer within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
7. The Applicant/property owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Town.
8. The Applicant/property owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Town or in accordance with the recommendations of the inspecting engineer.
9. If ever the Town determines that the Applicant/Property owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Town or by the inspecting engineer, the Town is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.
10. All stormwater management basins shall be maintained to provide vector control. The aeration system shall be monitored and repaired as necessary. Any garbage or debris shall be removed on a regular basis.
11. Any plant material associated with the stormwater management facilities 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. Plant material approved as part of the stormwater pollution prevention plan shall be maintained for the life of the facility and replaced as necessary,

#### **Outdoor Storage**

1. Outdoor display areas shall be maintained in such a manner to ensure an attractive and pedestrian friendly sidewalk.

2. Outdoor display areas shall be clearly delineated on the site plan to facilitate enforcement.
3. No banners, signs, or other promotional materials shall be permitted within outdoor display areas.
4. No heavy machinery, large equipment, or palletized merchandise shall be permitted within outdoor display or parking areas.
5. Vending machines, reverse vending machines (bottle and can recycling stations), ice machines, newspaper boxes, or similar equipment shall be prohibited outside any buildings.

**Community Space**

1. As stated by the applicant in a letter dated December 1, 2009, 1,500 square feet of space on the second floor of the retail center shall be made available to the community for public meetings, functions, or similar uses, including activities for seniors. The community space shall be accessible by elevator, and shall have ADA compliant restroom facilities. A secured storage cabinet and/or closets that could be used by the seniors or other civic and community organizations to safely store items shall be made available.

**BE IT FURTHER RESOLVED,** that a copy of this resolution be circulated to the Town Board of the Town of Southeast.

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
P. Wissel, Boardmember	<u>yes</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 5 to 0, with 2 absent.

T. LaPerch  
 T. LaPerch, Chairman  
 Southeast Planning Board

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

INTRODUCED BY: LaPerch                      DATE: April 9, 2018  
SECONDED BY: Armstrong

**WHEREAS**, an application is being made by **DONALD SEIFERT** for a Wetland Permit to construct a residential dwelling and associated well and septic, where the proposed driveway would cross over a NYS DEC class C Stream to access Brewster Hill Road. The proposed driveway, house, and a portion of the proposed subsurface sewage treatment system (SSTS) would be located within the NYC DEP 100 ft. watercourse buffer and 133 ft. Town of Southeast wetland buffer on a property located at 490 Tonetta Lake Road, in the Town of Southeast, New York; and

**WHEREAS**, the property is identified as Tax Map Number 57.5-2-2, and is located in the R-20 and R-160 Zoning Districts; and

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

1. Memorandum to Chairman LaPerch from Insite Engineering, dated 4/2/18
2. Short Environmental Assessment Form (EAF), prepared by Insite Engineering, dated 4/2/18
3. Wetland Buffer Monitoring & Maintenance Plan, prepared by Insite Engineering, dated 4/2/18
4. A - Aerial Photo, prepared by Insite Engineering, dated 4/2/18
5. SD-1, Site Development Plan, prepared by Insite Engineering, dated 4/2/18
6. EC-1, Erosion & Sediment Control Plan, prepared by Insite Engineering, dated 4/2/18
7. WV-1, NYSDEC Wetland Validation Map, prepared by Insite Engineering, dated 4/2/18

**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)(7), 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	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
P. Wissel, Boardmember	<u>yes</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 5 to 0, with 2 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board

**PLANNING BOARD  
TOWN OF SOUTHEAST, NEW YORK  
RESOLUTION TO DECLARE LEAD AGENCY**

INTRODUCED BY: LaPerch  
SECONDED BY: Armstrong

DATE: April 9, 2018

**WHEREAS**, the Planning Board of the Town of Southeast is in receipt of an application for a site plan, lot line merger and wetland permit and other supporting documents for a project entitled **FWL GROUP, LLC**; and

**WHEREAS**, the proposed project is located at 200 & 280 Fields Lane in the OP-1 Zoning District in the Town of Southeast and identified as Tax Map IDs 78.-2-1 & 2; and

**WHEREAS**, the applicant proposes to construct a 30,000 sq. ft. commercial building and nursery with an associated parking lot, driveway, stormwater management system, well, and septic, where a portion of the driveway would be located within the NYS DEC 100 ft. wetland buffer. In addition, a portion of the driveway, parking area, and building would be located within the 133 ft. Town of Southeast wetland buffer. The two lots are proposed to be merged as part of this application; and

**WHEREAS** the Planning Board is scheduling a public hearing on the proposed site plan. subdivision and wetland permit for 5/14/18; and

**WHEREAS**, the Planning Board declared its Intent to be Lead Agency for the project on 3/12/18; and

**WHEREAS**, pursuant to §617.6(b)(3) of the State Environmental Quality Review Act (SEQRA), the aforementioned information was mailed to all involved agencies, notifying them that a Lead Agency must be agreed upon within thirty (30) days of the date that the aforementioned information was mailed, and

**NOW, THEREFORE BE IT RESOLVED**, that the Planning Board of the Town of Southeast will serve as Lead Agency for purposes of SEQRA for this Unlisted and Coordinated Action.

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
P. Wissel, Boardmember	<u>yes</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 5 to 0, with 2 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board



**TOWN OF SOUTHEAST**

Planning Board  
1 Main Street  
Brewster, NY 10509

April 10, 2018

Director  
Putnam County Division of Planning and Development  
2 Route 164  
Patterson, NY 12563

Re: FWL Group LLC  
GML §239-m and §239-n Referrals

Dear Sir/Madame,

The Planning Board of the Town of Southeast is considering an application for a Site Plan, Wetland Permit, and Lot Line Adjustment by FWL Group, LLC, for a proposed 30,000 square foot commercial building and nursery with an associated parking lot, driveway, stormwater management system, well, and septic where a portion of the driveway would be located within the NYS DEC 100 ft. wetland buffer. In addition, a portion of the driveway, parking area and building would be located within the 133 ft. Town of Southeast wetland buffer. The proposed project is located in the OP1 Zoning District on a ±13.06 acre combined parcel located at 200 and 280 Fields Lane, Putnam County, New York (Tax Map IDs 78.-2-1 and 78.-2-2).

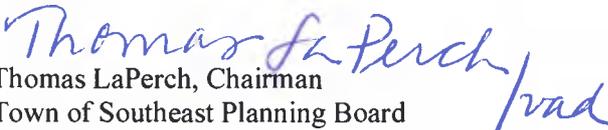
The Planning Board, acting as Lead Agency under the State Environmental Quality Review Act (SEQRA), is herewith referring the subject application to the Putnam County Division of Planning and Development pursuant to General Municipal Law §239-m §239-n.

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, Chairman  
Town of Southeast Planning Board

Attachment

cc: Town Attorney  
Town Clerk  
Insite Engineering

**TOWN OF SOUTHEAST  
RESOLUTION GRANTING EXTENSION OF TIME IN WHICH TO SATISFY THE  
CONDITIONS OF CONDITIONAL FINAL PLAT APPROVAL**

INTRODUCED BY: LaPerch                      DATE: April 9, 2018

SECONDED BY: Armstrong

**WHEREAS**, the Planning Board of the Town of Southeast previously granted conditional approval of the Final Plat by resolution dated 5/9/16, and two 90-day extensions of the conditional approval by resolution dated 10/24/16, and two 90-day extensions of the conditional approval by resolution dated 4/10/17 and two 90-day extensions of the conditional approval by resolution dated 9/25/17 for a certain Project Development Plan known as **FARM TO MARKET ROAD SUBDIVISION**, located at 83 & 85 Farm to Market Road in the R-160 Zone, also known and designated as Tax Map Numbers 45.-2-21 and 45.-2-22, and;

**WHEREAS**, pursuant to Section 123-13.G(2) of the Code of the Town of Southeast, conditional approval of the final plat shall expire within 180 days of the resolution granting such approval, provided that the Planning Board may extend the approval by twelve periods of 90 days each if in the Planning Board's opinion such extension is warranted; and

**WHEREAS**, the Planning Board is in receipt of a letter from the owner or their representative requesting an extension of time in which to satisfy the conditions of the conditional final plat approval; and

**WHEREAS**, the applicant has demonstrated that it has been diligently pursuing the conditions of final approval; and

**NOW THEREFORE BE IT RESOLVED**, that the Planning Board of the Town of Southeast hereby grants the applicant two 90 day extensions of time, commencing on 5/9/18, in which to satisfy the conditions of the conditional final plat approval. The applicant shall be eligible for four (4) more 90-day extensions per Section 123-13.G(2).

**It is the responsibility of the applicant to track the time frame within which this extension will expire. There will be no written or verbal notification to the applicant from the Planning Board office prior to the expiration of this extension.**

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
P. Wissel, Boardmember	<u>yes</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 5 to 0, with 2 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board