
TOWN OF SOUTHEAST PLANNING BOARD AGENDA

February 11, 2019

CIVIC CENTER, 1360 Route 22

7:30 p.m.

PUBLIC HEARINGS:

REGULAR SESSION:

- 1. NEW YORK AMERICAN WATER, 85 Fieldstone Drive, Tax Map ID 46.-2-23** – Review of an Application for Final Approval of Site Plan Amendment and Wetland Permit and Recommendation of Performance Bond to Town Board
- 2. SEIFERT RESIDENCE, 490 Tonetta Lake Road, Tax Map ID 57.5-2-2** – Continued Review of Application for a Wetland Permit
- 3. NYSEG DINGLE RIDGE SUBSTATION, 17 Branch Road, Tax Map ID 46.-1-21** – Consider Request to Re-schedule Public Hearing to March 25, 2019
- 4. SOUTHEAST EXECUTIVE PARK PARKING AREA, 85, 105-111 & 115 Independent Way, 185 Route 312, Tax Map IDs 45.1-1-3; 45.-1-2.1; 56.-1-31 & 56.-1-32.112** – Review of an Application for Final Approval of Site Plan Amendment
- 5. Approve Meeting Minutes from January 28, 2019**

**February 5, 2019/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 AND WETLAND PERMIT APPROVAL**

INTRODUCED BY:

L. A. Purch

DATE: February 11, 2019

SECONDED BY:

Gress

WHEREAS, NEW YORK AMERICAN WATER as the Applicant/Owner of certain properties located 85 Fieldstone Drive in the RMF Zoning District in Town of Southeast and known and designated as Tax Map Number 46.-2-23 has submitted an application for Site Plan approval and a Wetland Permit for a proposal to install a new water-supply well ("Fieldstone 2") in the existing Mount Ebo water-supply system. The project also includes an associated 300 square foot water treatment building and a new water main to connect proposed well to the existing distribution system along Fieldstone Drive (the "Proposed Project"); and,

WHEREAS, the Town of Southeast Planning Board, acting as Lead Agency for the purposes of the State Environmental Quality Review Act (SEQRA), and conducting a coordinated environmental review, classified this as a Type II Action on or about 3/12/18, indicating that no further environmental review was 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:

Drawing No. & Title; submitted by	Original Date; Last Revised
Memorandum to Secretary Desidero from WSP USA	1/17/19
1 – Site Plan for Permanent Water Treatment System, prepared by WSP USA	9/26/18; 1/15/19
1A – Proposed Permanent Treatment System Layout, prepared by WSP USA	9/26/18; 1/15/19
2 – Key Symbols, Project Notes, Equipment List and Process Flow Diagram, prepared by WSP USA	9/20/18; 9/28/18
3 – Proposed Treatment Building Details, prepared by WSP USA	9/20/18; 9/28/18
4 – Well Profile Details, prepared by WSP USA	9/11/18; 9/28/18
5 – Water Main Profile for Permanent Treatment System and Proposed Channel Section, prepared by WSP USA	9/26/18; 1/15/19
SE-1 – Soil Erosion Control Plan: Site Plan Details, prepared by WSP USA	9/26/18; 1/15/19
Mitigation Planting Plan, prepared by JD Barrett & Associates	4/26/18; 1/17/19
Three-Year Wetland Monitoring and Maintenance Plan, prepared by JD Barrett & Associates	1/17/19
Memorandum to WSP USA from NYC Department of Environmental Protection	1/17/19
Appendix B – Updated Crossing, Pipinr or Diversion Report, prepared by WSP USA	10/3/18; 1/4/19
Attachment D, Well As-Built Map, prepared by Kirk Rother, PE	10/14/16; 7/01/18
Attachment F, Stormwater Pollution Prevention Plan, prepared by WSP USA	4/4/18; 1/4/19
Engineer's Report, New York American Water, Fieldstone Well 2, prepared by WSP USA	September 2018
TB-1, Illustrations of Typical Prefabricated Building and Photograph of Existing Structure, prepared by WSP USA	10/26/18
Specifications for New York American Water Fieldstone Well 2, prepared by WSP USA	January 2018

; 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 10/30/18 from the Architectural Review Board recommending approval of the architecture Proposed Action; and

WHEREAS, the Town of Southeast Wetlands Consultant issued a report and recommendation dated 2/8/19 in connection with the Proposed Action, as depicted on drawings dated 1/15/19 prepared by WSP, USA and 1/17/19 prepared by JD Barrett & Associates, LLC; and

NOW THEREFORE BE IT RESOLVED, that pursuant to the authority vested in the Planning Board by Chapter 138, "Zoning," and Chapter 78, "Freshwater Wetlands" of the Town Code, the Planning Board hereby grants Final Approval for the Proposed Action, 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 Action, 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 Action shall be constructed in coordination with the approved site improvements for the New York American Water 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 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 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 2019 construction costs. If the construction is not begun during the calendar year 2019, 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.

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 Project Site is located within or near record(s) of northern long-eared bats (*Myotis septentrionalis*), a species listed as threatened in New York State. To avoid impacts to 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, the removal of any trees greater than 4-inches diameter at breast height (DBH) associated with this Project shall occur during the Northern Long-eared Bat's hibernation period. This period begins October 31 and ends March 31 (of any given year). If tree cutting cannot occur during the above time frames, the applicant shall contact the NYSDEC to determine if a Take Permit is required and shall copy the Town of Southeast Building Inspector and Planning Board Secretary on all correspondence.

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.

Wetland Mitigation

1. The Seeding Note on the Mitigation Planting Plan shall be modified to state that “seed mix shall be covered with straw” and not woodchips.
2. The 3-year wetland monitoring and maintenance plan shall be revised to include a paragraph that states “an as-built plan of the mitigation plantings shall be prepared to allow effective monitoring of the installed mitigation plantings.”
3. Temporary deer fencing shall be installed along the outer perimeter and shall replace the construction fence after plants have been installed. Deer netting shall remain for the duration of the 3-year monitoring.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman yes
 D. Armstrong, Boardmember yes
 M. Hecht, Boardmember absent
 J. King, Boardmember yes

D. Rush, Vice Chairman yes
 E. Cyprus, Boardmember yes
 J. Gress, Boardmember yes

The resolution was passed by a vote of 6 to 0, with 1 absent.

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

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

February 12, 2019

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

RE: **NEW YORK AMERICAN WATER**, 85 Fieldstone Drive, TAX MAP ID 46.-2-23

Dear Boardmembers:

At the 2/11/19 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>
NEW YORK AMERICAN WATER	\$ 8,400.00

The Town Engineer's memo is attached for your consideration and includes the estimate for all site improvements, which totals \$92,000.00. Inspection Fees, based on the total cost of site improvements, in the amount of \$3,680.00, 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
WSP USA
Planning Board File



Jacobson

February 7, 2019

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

Re: New York American Water
85 Fieldstone Drive
Tax Map No.: 46.-2-1
Bond Estimate
NLJA #0001-1014

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 \$92,000.

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 \$3,680.

We have also prepared a performance bond estimate for erosion & sediment controls and site restoration. The required Erosion & Sediment Control / Restoration Bond based on the attached estimate is \$8,400.

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

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, P.C.

Joseph M. Dillon, P.E.

JMD:jmd

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

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

OPINION OF PROBABLE CONSTRUCTION COSTS
Performance Bond

Project: New York American Water
85 fieldstone Drive
Southeast, New York

Done by: JMD
Date: 2/7/2019

Project No.: 0001-1014

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	CLEAR TREES (Cut & Chip / Grub)	\$11,389.00	ACRE	0.2	\$2,277.80
2	STRIP & STOCKPILE TOPSOIL	\$0.48	S.Y.	812	\$389.76
3	SWALE (Drainage)	\$14.15	L.F.	155	\$2,193.25
4	4" Ø HDPEP	\$28.30	L.F.	90	\$2,547.00
5	12" Ø HDPEP	\$34.00	L.F.	60	\$2,040.00
6	12" HDPE FLARED END SECTION	\$407.00	EACH	4	\$1,628.00
7	4" Ø DIP	\$49.89	L.F.	30	\$1,496.70
8	6" Ø DIP	\$49.75	L.F.	330	\$16,417.50
9	24" Ø DIP	\$156.37	L.F.	20	\$3,127.40
10	ROUGH GRADE SUBGRADE	\$1.20	S.Y.	245	\$294.00
11	GRAVEL SUB BASE	\$32.56	C.Y.	489	\$15,921.84
12	FINE GRADE & ROLL BASE	\$2.23	S.Y.	245	\$546.35
13	BITUMINOUS CONCRETE	\$98.77	TON	42	\$4,148.34
14	SPREAD STOCKPILED TOPSOIL TO 6"	\$1.10	S.Y.	2776	\$3,053.60
15	HYDROSEED (FERT. & MULCH)	\$0.57	S.Y.	2776	\$1,582.32
16	SILT FENCE	\$5.00	L.F.	500	\$2,500.00
17	CONSTRUCTION ENTRANCE	\$1,253.00	EACH	1	\$1,253.00
18	REMOVE Existing 12" Ø Pipe	\$2.69	L.F.	20	\$53.80
19	CHAIN LINK FENCE (10' High)	\$57.60	L.F.	220	\$12,672.00
20	CHAIN LINK GATE	\$3,210.00	EACH	1	\$3,210.00
21	LANDSCAPING	\$14,770.00	L.S.	1	\$14,770.00
Subtotal:					\$92,122.66
SAY					\$92,000.00

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

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

Project: New York American Water
85 fieldstone Drive
Southeast, New York

Done by: JMD
Date: 2/7/2019

Project No.: 0001-1014

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	SPREAD STOCKPILED TOPSOIL TO 6"	\$1.10	S.Y.	2776	\$3,053.60
2	HYDROSEED (FERT. & MULCH)	\$0.57	S.Y.	2776	\$1,582.32
3	SILT FENCE	\$5.00	L.F.	500	\$2,500.00
4	CONSTRUCTION ENTRANCE	\$1,253.00	EACH	1	\$1,253.00
Subtotal:					\$8,388.92
SAY					\$8,400.00

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

INTRODUCED BY: LaPerch DATE: February 11, 2019
SECONDED BY: Rush

WHEREAS, SEIFERT RESIDENCE as the Applicant/Owner of certain properties located 490 Tonetta Lake Road in the R-20 and R-160 Zoning Districts in Town of Southeast and known and designated as Tax Map Number 57.5-2-2 has submitted an application for a Wetland Permit to construct a residential dwelling and associated well and septic on a property where the proposed driveway would cross over a NYSDEC 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 NYCDEP 100 feet watercourse buffer and 133-foot Town of Southeast wetland buffer (“Proposed Action”); and,

WHEREAS, the Town of Southeast Wetlands Consultant issued a report and recommendation dated 2/9/19 in connection with the Proposed Action, as depicted on drawings dated 1/22/19 and prepared by Insite Engineering; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that after reviewing the maps, plans and submissions of the Applicant, together with the Report and Recommendation of the Wetlands Consultant dated 2/9/19 (the “Report”) which is incorporated herein by reference, the Planning Board of the Town of Southeast hereby GRANTS a permit to allow a portions of the proposed activity to occur within the regulated wetland/wetland buffer area as shown on the proposed plan on file with the Planning Board and Building Department subject to the conditions and mitigations set forth in the Report and as follows:

1. Section 64-17A of the Town Code requires that driveways be constructed with an eight-inch depth of subbase. The Asphalt Pavement Driveway Detail on Sheet 3 of 3 shall be corrected to show a subbase course of eight inches instead of six inches.
2. Add note to the site plan that any changes to the wetland buffer disturbance requires review by the Town of Southeast Planning Board.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
D. Armstrong, Boardmember	<u>yes</u>	E. Cyprus, Boardmember	<u>yes</u>
M. Hecht, Boardmember	<u>absent</u>	J. Gress, Boardmember	<u>yes</u>
J. King, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 6 to 0, with 1 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

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

INTRODUCED BY: La Perch DATE: February 11, 2019
 SECONDED BY: Armstrong

WHEREAS, NINTH JAM DEVELOPMENT, TOWN OF SOUTHEAST, HIGHLANDS CENTER, LLC; and NYSEG as the Applicants/Owners of certain properties located 185 Rte. 312, 85, 105 -111 and 115 Independent Way in the RC Zoning District in Town of Southeast and known and designated as Tax Map Numbers 45.-1-3; 56.-1-31, 56.-1-32.112, and 45.-1-2.1 have submitted an application for Site Plan approval for a proposed new two-tiered parking lot portions of which will be constructed on adjacent Town-owned property to provide 75 parking spaces for use by CareMount Medical, the current occupant of the property known as Southeast Executive Park, and for users of the adjacent Town owned property. Secondary access to the parking area would be provided through a new driveway connection to Independent Way under an easement agreement to be formed with NYSEG and the Highlands Center, LLC (the "Proposed Project");

WHEREAS, the Town of Southeast Planning Board, acting as Lead Agency for the purposes of the State Environmental Quality Review Act (SEQRA), and conducting a coordinated environmental review, issued a Negative Declaration on or about 10/29/18, indicating that no negative environmental impact would exist;

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

Drawing No. & Title; submitted by	Original Date; Last Revised
Planning Board Application from Ninth Jam Development	1/24/19
Planning Board Application from Town of Southeast	1/25/19
Planning Board Application from Highlands Center, LLC	1/25/19
Planning Board Application from NYSEG	1/28/19
Memorandum to Chairman LaPerch from Bibbo Associates	1/31/19
Statement of Use, prepared by Bibbo Associates	undated
Stormwater Pollution Prevention Plan, prepared by Bibbo Associates	4/24/18; 1/29/19
CS-1, Cover Sheet, prepared by Bibbo Associates	3/5/18; 1/29/19
E-1, Existing Condition, prepared by Bibbo Associates	3/5/18; 1/29/19
SP-1, Parking Area Additions & Driveway Extension Plan, prepared by Bibbo Associates	3/5/18; 1/29/19
EC-1, Erosion Control for Parking Area Additions & Driveway Extension Plan, prepared by Bibbo Associates	3/5/18; 1/29/19
P-1, Profiles, prepared by Bibbo Associates	3/5/18; 1/29/19
D-1, Details, prepared by Bibbo Associates	3/5/18; 1/29/19
D-2, Drainage Details, prepared by Bibbo Associates	3/5/18; 1/29/19
D-3, Erosion & Sediment Control Notes & Details, prepared by Bibbo Associates	3/5/18; 1/29/19
L-1, Lighting Plan, prepared by Bibbo Associates	5/3/18; 10/19/18
L-2, Planting Plan, prepared by Bibbo Associates	5/3/18; 12/5/18
Memorandum to Bibbo Associates from NYC Department of Environmental Protection	1/29/19

; 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 11/28/18 from the Architectural Review Board recommending approval of the architecture Proposed Action; and

WHEREAS, the Planning Board is in receipt of a resolution dated 12/13/18 from the Town Board approving the architecture of the Proposed Action; and

WHEREAS, the Planning Board is in receipt of a resolution dated 1/17/19 from the Zoning Board of Appeals approving an area variance for the Proposed Action; 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 Approval for the Proposed Action, 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 Action, 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 Action shall be constructed in coordination with the approved site improvements for the Southeast Executive Park Parking 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 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.
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 Town 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 2019 construction costs. If the construction is not begun during the calendar year 2019, the Applicant must re-apply to the Planning Board for an adjustment of the bond amount to account for escalation of material and labor costs. Upon such request to the Planning Board, the Planning Board shall make a recommendation to the Town Board and the Town Board shall diligently set a new bond amount in accordance with the recommendation of the Town Engineer. The Performance Bond must be paid prior to the start of any work on the site and/or the filing for a Building Permit. The Southeast Planning Board requests that the Southeast Building Inspector withhold the Certificate of Occupancy until the Planning Board or its duly authorized representative has made an inspection of the subject improvements and determined that the Applicant has complied with all the conditions of this approval.

2. No certificate of occupancy for the structures depicted on the project development plan/site plan shall be issued or occupancy permitted unless and until the site improvements associated with the development shall be fully completed by the developer or substantially completed to the satisfaction of the building inspector and a valid performance bond is posted, in an amount equal to the amount necessary to fully complete the outstanding site improvements, to ensure faithful completion thereof within a reasonable period of time not to exceed six months.

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

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

5. Prior to any construction activity, the Applicant shall provide any and all deeds, easements, licenses or other agreements allowing for the construction upon, use and occupancy of the subject properties, including, but not limited to, cross and/or reciprocal easements and maintenance agreements between the Town and the Owner for the shared usage of the parking facilities, and for ingress and egress upon, over and through the adjoining parcels, all as noted on the Site Plan drawings and where applicable, and all to the satisfaction and approval of the Town Attorney.

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 Project Site is located within or near record(s) of northern long-eared bats (*Myotis septentrionalis*), a species listed as threatened in New York State. To avoid impacts to 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, the removal of any trees greater than 4-inches diameter at breast height (DBH) associated with this Project shall occur during the Northern Long-eared Bat's hibernation period. This period begins October 31 and ends March 31 (of any given year). If tree cutting cannot occur during the above time frames, the applicant shall contact the NYSDEC to determine if a Take Permit is required and shall copy the Town of Southeast Building Inspector and Planning Board Secretary on all correspondence.

Landscaping

1. Prior to planting according to the approved landscape plan, the Applicant shall stake the location of all proposed landscaping and allow for a site inspection by the Planning Board or its designees to ensure that the proposed landscaping will provide the maximum screening benefit and/or that the proposed landscaping is suitable for the visual setting and overall appearance of the project site.

2. All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season. Landscaping shall be maintained for the life of the facility. In the event that said landscaping is not maintained to the satisfaction of the Building Inspector or Code Enforcement Officer (CEO), the Building Inspector or CEO shall notify the applicant in writing of the violation. If the required landscaping maintenance is not performed within 30 days to the satisfaction of the Building Inspector or CEO, the Town shall correct the violation and be reimbursed for Town costs by the applicant.

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

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

UPON ROLL CALL VOTE:

T. LaPerch, Chairman yes
D. Armstrong, Boardmember yes
M. Hecht, Boardmember absent
J. King, Boardmember yes

D. Rush, Vice Chairman yes
E. Cyprus, Boardmember yes
J. Gress, Boardmember yes

The resolution was passed by a vote of 6 to 0, with 1 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board /oad

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

February 12, 2019

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

RE: **SOUTHEAST EXECUTIVE PARK PARKING**, 185 Rte. 312, TAX MAP IDs 45.-1-3;
56.-1-31, 56.-1-32.112, 45.-1-2.1

Dear Boardmembers:

At the 2/11/19 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>
SOUTHEAST EXECUTIVE PARK PARKING AREA	\$ 32,000.00

The Town Engineer's memo is attached for your consideration and includes the estimate for all site improvements, which totals \$830,000.00. Inspection Fees, based on the total cost of site improvements, in the amount of \$33,200.00, 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
Bibbo Associates
Planning Board File



February 11, 2019

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

Re: Southeast Executive Park
NYS Route 312 & Independent Way
Tax Map Nos.: 45.1-1-3, 45.-1-2.1
56.-1-31 & 56.1-32.112
Bond Estimate
NLJA #0001-0265

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 \$830,000.

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 \$33,200.

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 \$32,000.

Should you have any questions, please do not hesitate 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 Bibbo

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

OPINION OF PROBABLE CONSTRUCTION COSTS
Performance Bond

Project: Southeast Executive Park
18S Route 312
Southeast, New York

Done by: MAL
Date: 2/11/2019

Project No.: 0001-0256

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	CLEAR TREES (Cut & Chip / Grub)	\$11,389.00	ACRE	2.58	\$29,383.62
2	STRIP & STOCKPILE TOPSOIL	\$0.48	S.Y.	11070	\$5,313.60
3	EXCAVATION & REMOVAL (Surplus)	\$19.51	C.Y.	10672	\$208,210.72
4	CUT AND FILL WITH COMPACTION	\$8.23	S.Y.	229	\$1,884.67
5	SINGLE CATCH BASIN: Type C	\$3,055.00	EACH	10	\$30,550.00
6	SINGLE CATCH BASIN: Type CL	\$3,045.00	EACH	1	\$3,045.00
7	STORM MANHOLES	\$3,180.00	EACH	1	\$3,180.00
8	DIVERSION MANHOLES	\$7,500.00	EACH	2	\$15,000.00
9	6" Ø PVC PIPE	\$25.00	L.F.	257	\$6,425.00
10	15" Ø HDPEP	\$41.00	L.F.	1476	\$60,516.00
11	ROUGH GRADE SUBGRADE - PARKING LOTS (Large)	\$1.20	S.Y.	4374	\$5,248.80
12	1-1/2" & 1-1/4" PROCESSED AGGREGATE BASE	\$47.44	C.Y.	486	\$23,055.84
13	FINE GRADE & ROLL BASE - PARKING LOTS	\$2.23	S.Y.	4374	\$9,754.02
14	BITUMINOUS CONCRETE BINDER	\$89.89	TON	639	\$57,439.71
15	BITUMINOUS CONCRETE TOP	\$95.34	TON	383	\$36,515.22
16	CONCRETE CURB	\$22.93	L.F.	2491	\$57,118.63
17	C.I.P. CONC. WALK (4' Wide, 5" Thick, 8" Base)	\$9.09	S.F.	1508	\$13,707.72
18	CONCRETE STAIRS & WALK (5' Wide)	\$45.00	S.F.	475	\$21,375.00
19	GUIDE RAIL	\$26.00	L.F.	614	\$15,964.00
20	GUIDE RAIL END ANCHORAGE	\$1,675.00	EACH	6	\$10,050.00
21	SPREAD STOCKPILED TOPSOIL TO 6"	\$1.10	S.Y.	6700	\$7,370.00
22	HYDROSEED (FERT. & MULCH)	\$0.57	S.Y.	6700	\$3,819.00
23	EROSION CONTROL BLANKET	\$2.46	S.Y.	1310	\$3,222.60
24	SIGNS	\$257.00	EACH	1	\$257.00
25	SILT FENCE	\$5.00	L.F.	1534	\$7,670.00
26	CONSTRUCTION ENTRANCE	\$1,253.00	EACH	2	\$2,506.00
27	PARKING STALL LINE PAINTING	\$10.67	EACH	70	\$746.90
28	PAINTED STOP BAR (12" Wide)	\$1.26	L.F.	12	\$15.12
29	INFILTRATION SYSTEMS	\$82,600.00	L.S.	1	\$82,600.00
30	CDS UNITS	\$15,000.00	EACH	2	\$30,000.00
31	OUTLET MODIFICATION @ DET. BASIN	\$1,500.00	L.S.	1	\$1,500.00
32	LIGHTING	\$63,650.00	L.S.	1	\$63,650.00
33	LANDSCAPING	\$12,580.00	L.S.	1	\$12,580.00
Subtotal:					\$829,674.17

SAY **\$830,000.00**

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

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

Project: Southeast Executive Park
185 Route 312
Southeast, New York

Done by: MAL
Date: 2/11/2019

Project No.: 0001-0265

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	SPREAD STOCKPILED TOPSOIL TO 6"	\$1.10	S.Y.	11070	\$12,177.00
2	HYDROSEED (FERT. & MULCH)	\$0.57	S.Y.	11070	\$6,309.90
3	EROSION CONTROL BLANKET	\$2.46	S.Y.	1310	\$3,222.60
4	SILT FENCE	\$5.00	L.F.	1534	\$7,670.00
5	CONSTRUCTION ENTRANCE	\$1,253.00	EACH	2	\$2,506.00
				Subtotal:	\$31,885.50
				SAY	\$32,000.00