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**TOWN OF SOUTHEAST PLANNING BOARD AGENDA**

**February 25, 2019**

**CIVIC CENTER, 1360 Route 22**

**7:30 p.m.**

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**PUBLIC HEARINGS:**

1. **BATISTA SOUTHEAST DUNKIN, 1617 Route 22, Tax Map ID 46.-1-21** –\_Public Hearing to Review an Application for Site Plan Amendment and Conditional Use Permit

**REGULAR SESSION:**

1. **ALFACOR, LLC, 291 Deans Corner Road & 14 Fields Lane, Tax Map IDs 78.-2-25 & 78.-2-18**  
– Continued Review of Application for Site Plan, Conditional Use Permit and Wetland Permit
2. **DYKEMANS CORPORATE PARK, 425 Rte. 312, Tax Map ID 45.-2-35** – Consider Request for Bond Reduction
3. **Approve Meeting Minutes from February 11, 2019**

**February 22, 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#>

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

INTRODUCED BY: Rush

DATE: February 25, 2019

SECONDED BY: Cyprus

**WHEREAS**, the Planning Board of the Town of Southeast is in receipt of an application for a site plan and conditional use permit, and other supporting documents for a project entitled **BATISTA SOUTHEAST DUNKIN**; and

**WHEREAS**, the proposed project is located at 1617 Route 22 in the HC Zoning District in the Town of Southeast and identified as Tax Map ID 46.-1-21; and

**WHEREAS**, the applicant proposes to construct a new 2,400 sq. ft. stand-alone Dunkin Donuts with drive-thru at the intersection of Route 22 and Route 312; and

**WHEREAS** the Planning Board scheduled a public hearing on the proposed site plan/conditional use permit for 2/25/19; and

**WHEREAS**, the Planning Board declared its Intent to be Lead Agency for the project on 1/14/19; 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>absent</u>
D. Armstrong, Boardmember	<u>yes</u>
M. Hecht, Boardmember	<u>yes</u>
J. King, Boardmember	<u>yes</u>

D. Rush, Vice Chairman	<u>yes</u>
E. Cyprus, Boardmember	<u>yes</u>
J. Gress, Boardmember	<u>yes</u>

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

D. Rush  
D. Rush, Acting Chairman  
Southeast Planning Board /rad

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

INTRODUCED BY: Rush

DATE: February 25, 2019

SECONDED BY: Armstrong

**WHEREAS**, the Planning Board of the Town of Southeast is in receipt of an application for site plan, wetland permit and conditional use permit, and other supporting documents for a project entitled **ALFACOR, LLC**; and

**WHEREAS**, the proposed project is located at 291 Deans Corner Road and 14 Fields Lane in the OP-1 Zoning District in the Town of Southeast and identified as Tax Map IDs 78.-2-25 and 78.-2-18; and

**WHEREAS**, the applicant proposes to construct two new commercial buildings with access through an existing commercial property and common driveway off Fields Lane. The proposed buildings include a 90,000 sq. ft. warehouse and a 9,900 sq. ft. office/warehouse with associated parking, loading, wells, stormwater management, and sewage disposal systems; 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 absent  
D. Armstrong, Boardmember yes  
M. Hecht, Boardmember yes  
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.

D. Rush / vad  
D. Rush, Acting Chairman  
Southeast Planning Board



**TOWN OF SOUTHEAST**

Planning Board  
1 Main Street  
Brewster, NY 10509

February 26, 2019

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

Re: ALFACOR, LLC  
GML §239-m

Dear Barbara,

The Planning Board of the Town of Southeast is considering an application for Site Plan, Wetland Permit and Conditional Use Permit by ALFACOR, LLC to construct two new commercial buildings with access through an existing commercial property and common driveway off Fields Lane. The proposed buildings include a 90,000 sq. ft. warehouse and a 9,900 sq. ft. office/warehouse. Associated parking, loading, wells, stormwater management, and sewage disposal systems are also proposed. The proposed project is located in the OP-1 Zoning District and located at 291 Deans Corner Road and 14 Fields Lane, Putnam County, New York (Tax Map IDs 78.-2-25 and 78.-2-18).

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,

*David Rush /vad*

David Rush, Acting Chairman  
Town of Southeast Planning Board

Attachment

cc: Town Attorney  
Town Clerk  
Bibbo Associates

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

February 26, 2019

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

RE: DYKEMANS CORPORATE PARK, 425 Rte. 312, Tax Map ID 45.-2-35

Dear Boardmembers:

At the February 25, 2019 regular meeting of the Town of Southeast Planning Board, a motion was made to positively refer the above referenced application to the Town Board for the reduction of the Performance Bond currently being held.

<u>PROJECT</u>	<u>CURRENT AMOUNT</u>	<u>NEW AMOUNT</u>
DYKEMANS	\$49,900.00	\$19,500.00

The Town Engineer's Report is attached for your consideration. If you have any questions, please do not hesitate to contact the Planning Board.

Sincerely,

  
David Rush, Acting Chairman  
Southeast Planning Board

cc: Town Attorney  
Town Clerk  
Town Engineer  
Building Inspector  
J. Civetta  
Planning Board File



Jacobson

February 22, 2019

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

Re: Dykemans Corporate Park  
425 Route 312  
Tax Map ID 45.-2-35  
Request for Bond Reduction  
NLJ #0001-0756

Dear Mr. LaPerch:

As requested, we have reviewed historical project information and made recent site inspections at the subject project to evaluate the extent to which the Erosion & Sediment Control / Restoration Bond for the project can be reduced.

This project was approved to be constructed in several phases, with a currently approved phasing plan shown on a set four of (4) drawings entitled "Phasing Plan Dykemans Corporate Park, NYS Route 22 Southeast, New York", dated 10/06/06 and last revised 9/20/12, prepared by LADA, P.C. At that time the required bond amounts and inspection fees were determined for each phase.

The approved project site improvements includes two commercial building pads and associated access drives, parking areas and stormwater management measures. Phase I of the project includes the entrance drive from Route 312 and the lower stormwater basin. Phase 2 of the project includes additional grading to create the pad for Building #1 and the upper stormwater basins. This work has generally been completed. Phase 3 of the project includes the grading for the upper building pad and construction of both buildings and has not been initiated.

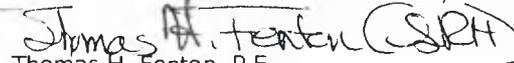
An erosion control bond for Phase 2 of the project is now in place in the amount of ~~\$49,900~~ Since much of this work has been completed and additional areas of the site stabilized, this bond can be reduced to allow for only the exposed areas and necessary erosion controls. At this time we can recommend a reduction in the required bond amount to \$19,500, as shown on the attached Opinion of Probable Construction Costs.

Since bonding and inspection fees for the project were established by project phase, prior to the start of any new work in Phase 3, the bond should be reevaluated and the appropriate inspection fees for that phase paid.

Should you have any questions, please contact me.

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, P.C.

  
Thomas H. Fenton, P.E.

THF/thf

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

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Nathan L. Jacobson & Associates, Inc.  
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Consulting Civil and Environmental Engineers Since 1972

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

2012 OPINION OF PROBABLE CONSTRUCTION COSTS

Project: Dykemans Corporate Park - Phase 2  
 Erosion & Sediment Control / Restoration Bond  
 NYS Route 312  
 Southeast, New York

Done by: TAH  
 Date: 11/14/12  
 Revised THF  
 Date: 2/25/19

Project No.: 0001-0756

PHASE 2

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	SPREAD STOCKPILED TOPSOIL TO 6"	\$1.10	S.Y.	8,065	\$8,871.50
2	HYDROSEED (FERT. & MULCH)	\$0.57	S.Y.	8,065	\$4,597.05
3	SILT FENCE	\$5.00	L.F.	300	\$1,500.00
4	EROSION CONTROL NETTING AT THE REGRADED SLOPE	\$2.46	S.Y.	1,833	\$4,509.18

Subtotal: \$19,477.73

SAY **\$19,500.00**

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
February 11, 2019**

Present: Chairman Thomas LaPerch; Vice Chairman David Rush; Boardmembers Eric Cyprus; Jim King; Dan Armstrong; Jack Gress; Town Planner Ashley Ley; Town Attorney Willis Stephens; Secretary Victoria Desidero. Absent & Excused: Boardmember Michael Hecht

**PUBLIC HEARINGS:**

**REGULAR SESSION:**

1. **NEW YORK AMERICAN WATER, 85 Fieldstone Drive** – This was a review of an application for Final Approval of Site Plan Amendment and Wetland Permit. Mike Shortell of WSP USA appeared before the Board. Chairman LaPerch said what we are looking for here is your comments in regard to the (Wetland Inspector) Steve Coleman comments and we apologize they came in a little late. Mr. Shortell said we got them and we will make those revisions to the plan and I have no problem with the conditions to the Final Site Plan approval that Steve Coleman recommends. Chairman LaPerch said he definitely recommends them but didn't see them as anything to hold up your approvals. Chairman LaPerch polled the Board for questions and there were none. He asked Town Planner Ashley Ley if they are conforming to what he said and it is a wetland issue... She said yes and they have been added as conditions of approval: they are in the resolution starting on page 5 and ending on page 6. The motion to Grant Final Approval of Site Plan Amendment and Wetland Permit with Conditions was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Recommend the Bond to the Town Board was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor.
  
2. **SEIFERT RESIDENCE, 490 Tonetta Lake Road** – This was a review of an application for Final Approval of a Wetland Permit. John Watson of Insite Engineering appeared before the Board. Chairman LaPerch said there's a new Board member so can you just walk us through where the property is and what the application is about? Mr. Watson said this property is on Tonetta Lake Road at the intersection of Brewster Hill Road and its constrained by roads on three sides and then by wetlands all across the bottom; there are a couple of streams or watercourses on the property. He said even though they have 5.5 acres, they are constrained by wetlands and wetland buffers. He explained the septic area has been accepted by the Health Department and they are ready to issue a permit once they have a Wetland Permit from this Board. He talked about the application they have with the New York City DEP (Department of Environmental Protection) being almost finalized. Mr. Watson said this is a very constrained site, a lot of issues, a lot of back and forth had to do with where is the best place for the house, best place for the driveway to minimize impacts and I think we are all at the point where we have agreed that, yes, we have minimized impact, we've done the best we can with what we can do and this is what we are left with. He used the plans to show where everything is on the site relative to the wetland areas. Chairman LaPerch said my understanding of this plan, from the comments from Mr. Coleman, was that nothing can be issued until you lay out the house plan. Mr. Watson said this is the whole chicken before the egg. He said the Health Department won't give us a permit until we get a permit from you and we can't get a permit from you until... He said the owner now has decided he has had the property for 30 years and he just wants to sell the property and feels it is entitled to permits and is more marketable to sell that way than as is. He said so we are getting this approved, on spec, for someone to come and build on the property. Chairman LaPerch said yes, it's a nice property but I guess my take away from (Wetland Inspector) Coleman is that building envelope is very constrained and it has to be placed before you go to get Board of Health? Mr. Watson said we drew up floor plans... Chairman LaPerch said for number of bedrooms? He said yes, but it is all on spec and when someone buys this it will be on spec and they will need to get an architect to develop house plans and, if that house footprint

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
February 11, 2019**

exactly matches this then we don't need to come back to you but if they make changes... Chairman LaPerch said so you are packaging this with a specific size house? He said with a specific size house that we don't have designed yet but that is what fits: the site dictates the footprint of the house. Chairman LaPerch said what is our rule with the ARB (Architectural Review Board)? Ms. Ley said if it is in an approved subdivision of five or more lots, it needs to go for a review for excessive similarity or dissimilarity. Mr. Watson said but we are not in a subdivision. Ms. Ley agreed. Mr. Watson said so we are asking for a Wetland Permit, knowing that if that footprint changes, we've got to come back but we need your approval of the Wetland Permit to get Health Department approval. Chairman LaPerch polled the Board for questions. Boardmember King said how big of a house is it? Mr. Watson said I don't have my scale with me but it's about 35 by 40. Chairman LaPerch said that's a three- to four-bedroom house? Mr. Watson said the septic is limited to three bedrooms. He said we imagine two stories, garage under... Boardmember King said is that like a real bridge? Mr. Watson explained there is a natural stream and you we are required to get a DEP permit for that. Boardmember Cyprus asked Ms. Ley: Mr. Coleman had recommended square footage but as long as it's in the footprint... Ms. Ley said right, so the approval resolution references Steve Coleman's memo and the conditions that are outlined in this memo as being conditions of approval. Chairman LaPerch said he (Coleman) is comfortable with that. Boardmember Rush said is there something that would be on the final plan that is very specific to the encroachment on that side of the lot? He said I mean it's gotta be clear to anyone who wants to buy it... Mr. Watson said we can add a note to the plan; that's a good idea. They discussed the importance of this and everyone agreed that it is a good idea. Secretary Desidero asked Ms. Ley if that needs to go in the resolution and she asked Boardmember Rush what exactly he wants. He said I just want it to note that they can't change this... She said without approval... right. Chairman LaPerch said they can't change the footprint, that being the building envelope that is designated on the map. Boardmember Rush said it should be a big block note. Ms. Ley said so 'add a note to the plan that any changes require Planning Board approval.' Chairman LaPerch asked Ms. Ley to read the condition and she said we are adding a note to the plan that 'any changes to the wetland buffer disturbance requires review by the Planning Board.' The motion to Grant Final Approval of a Wetland Permit for Seifert at 490 Tonetta Lake Road with Conditions was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 6 to 0 with 1 absent. Chairman LaPerch asked for next steps. Ms. Desidero said we need the revised plans for Mr. Coleman to sign. Mr. Watson said we will have one more round from DEP and I'd like to get those comments and then submit one final set.

3. **NYSEG DINGLE RIDGE SUBSTATION, 17 Branch Road** – This was a review of a request by the applicant to change the Public Hearing date. Ms. Desidero said they are not here: it's just to re-set the Public Hearing. Chairman LaPerch said NYSEG Dingle Ridge Substation, those applicants are not here, they have requested to move the Public Hearing back to March 25, 2019. The motion to re-schedule the Public Hearing to March 25, 2019 at the applicant's request for NYSEG Dingle Ridge Substation, 17 Branch Road, was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor.
4. **SOUTHEAST EXECUTIVE PARK PARKING AREA, 85, 105-111 & 115 Independent Way, 185 Route 312** – This was a review of an application for Final Site Plan approval. Engineer Sabri Barisser of Bibbo Associates appeared before the Board. Chairman LaPerch said we are looking to get you to the finish line tonight so some of the issues on our side were the legal documents with the easements and everything: have they been resolved? Mr. Barisser said they are being worked on and should be completed... Chairman asked Alan Goetz if that is true and he said yes. Chairman LaPerch polled the Board for questions and there were none. Chairman LaPerch said my only question is you are going to put 75 new parking spaces in, correct? Mr. Barisser said yes, it will go

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
February 11, 2019**

from 239 to 310. Chairman LaPerch said and you are going to make the traffic pattern take them out and dump them off on Independent Way, is that our goal? He said yes. Chairman LaPerch said is there anything to be done regarding the Rte. 312 people who go out that way: did we suggest anything for them? Ms. Ley said that was reviewed early on but DOT (Department of Transportation) rejected that idea. Chairman said so there is nothing that can be done down at that end? She said nothing is being done on the Rte. 312 exit. Chairman LaPerch asked Ms. Ley for the conditions of approval. She said there are a number of conditions of approval: the additions to the standard resolution is one condition regarding the provision of the draft easement language for review by the Town Attorney prior to issuance of the Building Permit. Chairman LaPerch said OK, that's easy. Ms. Ley said then the rest of them are... He said so everything is in, OK, so there is only really one. The motion to Grant Final Approval of Site Plan Amendment with Conditions was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Recommend a Bond to the Town Board was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor. Chairman LaPerch asked for next steps for the applicant. Ms. Ley said the next step is to file the plans for signature by the Planning Board Chairman and then proceed with Building Permits once all the easements are in order. Chairman LaPerch said how long did this take... the process? Mr. Goetz said four years, given that we started with a whole different scheme in the beginning. Ms. Ley said on this specific application, its been since March of 2018. Chairman LaPerch said well, good luck to you and I hope it solves a lot of problems.

Chairman LaPerch asked for comments on the Meeting Minutes of January 28, 2019 and there were none. The motion to approve the Meeting Minutes of January 28, 2019 as written was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed all in favor with Boardmember Cyprus abstaining.

The motion to close the meeting was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

**February 19, 2019/VAD**