
TOWN OF SOUTHEAST PLANNING BOARD AGENDA

November 25, 2019

CIVIC CENTER, 1360 Route 22

7:30 p.m.

PUBLIC HEARINGS:

REGULAR SESSION:

- 1. BREWSTER ELKS PAVILIONS, 1430 Route 22, Tax Map ID 57.-1-17** – Review of Application for Final Approval of Site Plan Amendment
- 2. PUTNAM PAWS DOGGY DAY CARE, 1485 Route 22, Tax Map ID 57.-1-8** – Review of Application for Final Approval of Site Plan Amendment
- 3. ALLVIEW AVENUE aka MAZZOTTA SUBDIVISION, 212 Allview Avenue, Tax Map IDs 67.16-1-6.1 & 6.2 & 6.3 & 6.4 & 6.5** – Continued Review of an Application for Subdivision
- 4. ROTH NURSERY SUBDIVISION, 291 Foggintown Road, Tax Map ID 46.-3-38.1** – Review of a Request for Extension of Preliminary Plat Approval
- 5. SOUTHEAST PARKING BY WB New York, 4 & 10 Independent Way, Tax Map IDs 56.-1-24 & 25** – Review of an Application for Re-Approval of Site Plan
- 6. LAS MANANITAS, 1250 Route 22, Tax Map ID 57.-2-40** – Continued Review of an Application for Site Plan Amendment
- 7. SALSA FRESCA, 1577 Route 22, Tax Map ID 46.-1-16.-1** – Review of Application for Site Plan Amendment
- 8. TRIPLE J SUBDIVISION, SHAILIN LANE ROAD DEDICATION** – Consideration and Recommendation to the Town Board Regarding Request to Have Road Dedicated to Town
- 9. LOCAL LAW REGARDING PUBLIC NOTICES** – Consideration and Recommendation to Town Board Regarding Local Law Change for Public Notices in Cooperative Corporations
- 10. Approve Meeting Minutes of October 7, 2019**
- 11. Approve Meeting Minutes of October 28, 2019**

**November 25, 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 APPROVAL**

INTRODUCED BY: LaPerch DATE: November 25, 2019
 SECONDED BY: Rush

WHEREAS, BREWSTER ELKS PAVILION as the Applicant/Owner of certain properties located 1430 Route 22 in the OP-1 Zoning District in Town of Southeast and known and designated as Tax Map Number 57.-1-17 has submitted an application for Site Plan approval for a proposal to install a 12-foot by 16-foot open pavilion and new landscaping at the BPOE Brewster Elks Lodge 2101 (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), classified this as a Type II Action on or about 6/10/19, indicating that no environmental impact would exist;

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

Drawing No. & Title; submitted by	Original Date; Last Revised
Memorandum to Planning Board from Marion Fuscaldo, Lodge Secretary	10/9/19
Short Environmental Assessment Form, prepared by Marion Fuscaldo	undated
Memorandum to Planning Board from Marion Fuscaldo, Lodge Secretary	5/8/19
Survey of Property, prepared by Terry Bergendorff Collins	9/24/12
A-101, Roof Framing Plan, no preparer	10/3/19
A-102, Rectangular Pavilion, no preparer	10/3/19
A-102 Specification, no preparer	10/3/19
Set of 8 Drawings, Standard Rectangular Pavilion, prepared by RigidPly Rafters	10/10/18

; 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 9/26/19 from the Architectural Review Board recommending approval of the architecture Proposed Action; and

WHEREAS, the Planning Board is in receipt of a resolution dated 8/15/19 from the Historic Sites Commission approving the architecture 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 Brewster Elks Pavilion 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. 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.
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. 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) Escrow Account shall be in good standing;
- b) 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
- c) 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.

Landscaping

1. Prior to planting according to the approved landscape plan, the Applicant shall stake the location of all proposed landscaping and allow for a site inspection by the Planning Board or its designees to ensure that the proposed landscaping will provide the maximum screening benefit and/or that the proposed landscaping is suitable for the visual setting and overall appearance of the project site.
2. All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season. Landscaping shall be maintained for the life of the facility. In the event that said landscaping is not maintained to the satisfaction of the Building Inspector or Code Enforcement Officer (CEO), the Building Inspector or CEO shall notify the applicant in writing of the violation. If the required landscaping maintenance is not performed within 30 days to the satisfaction of the Building Inspector or CEO, the Town shall correct the violation and be reimbursed for Town costs by the applicant.
3. The Applicant shall provide an on-site and qualified arborist or landscape architect to supervise construction activity within 100 feet of any tree designated to be preserved on the approved plans. The arborist or landscape architect shall ensure that the tree protection measures indicated on the approved plans are in place and properly maintained throughout construction activity.
4. After final construction is complete, and prior to the issuance of a Certificate of Occupancy, the Applicant shall submit an as-built landscaping plan to the Town of Southeast Building Department. The as-built plan shall identify any discrepancies between the approved plan and the installed landscaping. The plans must be certified by a professional landscape architect, architect, or engineer.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
D. Armstrong, Boardmember	<u>yes</u>	E. Cyprus, Boardmember	<u>yes</u>
M. Hecht, Boardmember	<u>not present</u>	J. Gress, Boardmember	<u>absent</u>
J. King, 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
RESOLUTION
SITE PLAN APPROVAL**

INTRODUCED BY:

LaPerch

DATE: November 25, 2019

SECONDED BY:

Cyprus

WHEREAS, PUTNAM PAWS DOGGY DAYCARE & GROOMING as the Applicant/Owner of certain properties located 1485 Route 22 in the SR-22 Zoning District in Town of Southeast and known and designated as Tax Map Number 57.-1-8 has submitted an application for Site Plan approval for a proposal to construct a two-story structure (approximately 768 sf footprint) addition to an existing mixed-use, which includes a two-car garage with a loft/storage area and deck. The proposed addition would reduce the size of the existing fenced dog run area and the remaining (currently pervious) dog run area would be re-surfaced with concrete. The Putnam Paws business has an existing Special Permit for the doggie daycare, grooming, and accessory retail uses, and no changes are proposed to the business operations; (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), classified this a Type II Action on or about 10/7/19, indicating that no 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
e-mail from Joseph Paravati, Putnam County Health Department	11/5/19
Statement of Use, no preparer	9/12/19; 10/31/19
Program for Construction, Completion and Occupancy, prepared by J. Group Designs	undated
Memorandum to Chairman LaPerch from J Group Designs	10/30/19
Memorandum to Chairman LaPerch from J Group Designs	10/30/19
SP-1, Amended Site Plan, prepared by J Group Designs	9/16/19; 10/29/19
SP-2, Sketch Plans, prepared by J Group Designs	9/16/19; 10/29/19
SP-3, Sketch Elevations, prepared by J Group Designs	9/16/19; 10/29/19
SP-4, Sketch Elevations, prepared by J Group Designs	9/16/19; 10/29/19

; 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 10/29/19 from the Architectural Review Board recommending approval of the architecture 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 Putnam Paws Doggy Daycare & Grooming 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. 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.

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. 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) Escrow Account shall be in good standing;
 - b) 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
 - c) 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.

Landscaping

1. Prior to planting according to the approved landscape plan, the Applicant shall stake the location of all proposed landscaping and allow for a site inspection by the Planning Board or its designees to ensure that the proposed landscaping will provide the maximum screening benefit and/or that the proposed landscaping is suitable for the visual setting and overall appearance of the project site.
2. All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season. Landscaping shall be maintained for the life of the facility. In the event that said landscaping is not maintained to the satisfaction of the Building Inspector or Code Enforcement Officer (CEO), the Building Inspector or CEO shall notify the applicant in writing of the violation. If the required landscaping maintenance is not performed within 30 days to the satisfaction of the Building Inspector or CEO, the Town shall correct the violation and be reimbursed for Town costs by the applicant.
3. The Applicant shall provide an on-site and qualified arborist or landscape architect to supervise construction activity within 100 feet of any tree designated to be preserved on the approved plans. The arborist or landscape architect shall ensure that the tree protection measures indicated on the approved plans are in place and properly maintained throughout construction activity.
4. After final construction is complete, and prior to the issuance of a Certificate of Occupancy, the Applicant shall submit an as-built landscaping plan to the Town of Southeast Building Department. The as-

built plan shall identify any discrepancies between the approved plan and the installed landscaping. The plans must be certified by a professional landscape architect, architect, or engineer.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
D. Armstrong, Boardmember	<u>yes</u>	E. Cyprus, Boardmember	<u>yes</u>
M. Hecht, Boardmember	<u>not present</u>	J. Gress, Boardmember	<u>absent</u>
J. King, 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

DATE: November 25, 2019

SECONDED BY: Rush

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 **ALLVIEW AVENUE aka MAZZOTTA**; and

WHEREAS, the proposed project is located at 212 Allview Avenue in the R-60 Zoning District in the Town of Southeast and identified as Tax Map IDs 67.1-1-6.1, 6.2, 6.3, 6.4 & 6.5; and

WHEREAS, the applicants proposes to merge five existing lots into three lots where the existing 5-lot subdivision was approved in 1991 as the Allview Avenue Subdivision and there are existing residences and accessory structures on the property: Lot 1 would retain the one of the existing residences and the existing pool, and access would be provided through the existing driveway on Allview Avenue. A new residence is proposed for Lot 2, which would have direct access from Allview Avenue. Lot 3 would retain two existing residences, two garages, and a cabana. Access to Lot 3 would be provided from the existing common driveway through Lot 1 requiring 280a "Open Development" approval from the Town Board. The cul-de-sac and stormwater infrastructure required as part of the 1991 subdivision were never installed. The Proposed Project also requires area variances for front yard, rear yard, and side yard setbacks; and

WHEREAS, the Planning Board declared its Intent to be Lead Agency for the project on 9/23/19; 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>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>not present</u>	J. Gress, Boardmember	<u>absent</u>
J. King, 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

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

Date: November 25, 2019

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: ALLVIEW AVENUE SUBDIVISION aka MAZZOTTA

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The applicants proposes to merge five existing lots into three lots where the existing 5-lot subdivision was approved in 1991 as the Allview Avenue Subdivision and there are existing residences and accessory structures on the property: Lot 1 would retain the one of the existing residences and the existing pool, and access would be provided through the existing driveway on Allview Avenue. A new residence is proposed for Lot 2, which would have direct access from Allview Avenue. Lot 3 would retain two existing residences, two garages, and a cabana. Access to Lot 3 would be provided from the existing common driveway through Lot 1 requiring 280a "Open Development" approval from the Town Board. The cul-de-sac and stormwater infrastructure required as part of the 1991 subdivision were never installed. The Proposed Project also requires area variances for front yard, rear yard, and side yard setbacks.

Location:

212 Allview Avenue, Tax Map IDs 67.1-1-6.1, 6.2, 6.3, 6.4 & 6.5

Reasons Supporting This Determination:

The following materials have been reviewed:

- Memorandum to Chairman LaPerch from Peder Scott re responses to AKRF comments, dated 10/21/19
- Memorandum to Chairman LaPerch from Peder Scott re responses to Jacobson comments, dated 10/21/19
- Memorandum to Peder Scott from Michael Nowicki of Ecological Solutions, dated 10/2/19
- Driveway Swale Calculations, prepared by PW Scott, dated 8/26/19; last revised 10/20/19
- Engineering Report, prepared by PW Scott, dated 9/11/19
- D-1, Pre/Post Drainage Overlay, prepared by PW Scott, dated 8/24/19; last revised 10/17/19
- SY-1, 3 Lot Subdivision Plan, prepared by PW Scott, dated 8/24/19; last revised 10/17/19
- SY-2, Site Details, prepared by PW Scott, dated 8/24/19; last revised 10/17/19
- SY-3, Erosion Control Plan, prepared by PW Scott, dated 8/24/19; last revised 10/17/19
- SY-4, Erosion Control Details, prepared by PW Scott, dated 8/24/19; last revised 10/17/19

- Memorandum from the NYC Department of Environmental Protection to Secretary Desidero, dated 10/23/19
- Memorandum from NYS Department of Environmental Conservation to Chairman LaPerch, dated 10/10/19
- Memorandum to Chairman LaPerch from PW Scott, dated 8/28/19
- Letter of Authorization, dated 8/15/19
- Drainage Calculations, prepared by PW Scott, dated 8/26/19
- Stormwater Pollution Prevention Plan, prepared by PW Scott, dated 8/15/19

WHEREAS, on 9/23/19, 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 has reviewed the full Environmental Assessment Form (EAF) and has thoroughly analyzed the information concerning relevant areas of environmental concern both submitted by the applicant and gather by the Planning Board through its consultants and the public; and

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

- (i) Not result in "a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;" (§617.7(c)(1)(i))
- (ii) Not result in "the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;" (§617.7(c)(1)(iii))
- (iii) Not result in "the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;" (§617.7(c)(1)(iii))
- (iv) Not result in "the creation of a material conflict with a community's current plans or goals as officially approved or adopted;" (§617.7(c)(1)(iv))
- (v) Not result in "the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;" (§617.7(c)(1)(v))
- (vi) Not result in "a major change in the use of either the quantity or type of energy;" (§617.7(c)(1)(vi))
- (vii) Not result in "the creation of a hazard to human health;" (§617.7(c)(1)(vii))
- (viii) Not result in "a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;" (§617.7(c)(1)(viii))
- (ix) Not result in "the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;" (§617.7(c)(1)(ix))
- (x) Not result in "the creation of a material demand for other actions that would result in one of the above consequences;" (§617.7(c)(1)(x))
- (xi) Not result in "changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or (§617.7(c)(1)(xi))

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

For Further Information:

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

A Copy of this Notice has been filed with:

INVOLVED/INTERESTED AGENCY	
Putnam County Department of Health 1 Geneva Road Brewster, New York 10509	Town Board 1360 Route 22 Brewster, NY 10509
New York City Department of Environmental Protection Bureau of Water Supply 465 Columbus Avenue Valhalla, New York 10595-1336	Town Clerk 1360 Route 22 Brewster, NY 10509
New York State Department of Environmental Conservation 625 Broadway Albany, NY 12233 ATTN: Commissioner	E-911 Coordinator / Assessor 1360 Route 22 Brewster, NY 10509
New York State Department of Environmental Conservation Region 3 21 South Putt Corners New Paltz, NY 12561 ATTN: Regional Director	Highway Superintendent 10 Palmer Road Brewster, NY 10509
	Building Inspector 1 Main Street Brewster, NY 10509

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>yes</u>	J. Gress, Boardmember	<u>absent</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
Planning Board
One Main Street
Brewster, NY 10509

November 26, 2019

Zoning Board of Appeals
1 Main Street
Brewster, NY 10509

RE: ALLVIEW AVENUE aka MAZZOTTA SUBDIVISION, 212 Allview Avenue,
TAX IDs 67.1-1-6.1,6.2,6.3,6.4,6.5
R-60 ZONING DISTRICT

Dear Boardmembers:

At the 11/25/19 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. Lot 1: a variance of 19 ft. from the rear yard setback for the pool where 31.62 ft. is provided and 50 ft. is required;
2. Lot 3: a variance of 30 ft. from the front yard setback for a cabana/chicken coop where 20 ft. is provided and 50 ft. is required

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

Sincerely,



Thomas LaPerch, Chairman
Town of Southeast Planning Board

Attachments

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



Environmental, Planning, and Engineering Consultants

34 South Broadway
Suite 401
White Plains, NY 10601
tel: 914 949-7336
fax: 914 949-7559
www.akrf.com

Memorandum

To: Town of Southeast Planning Board
From: Ashley Ley, AICP
Date: November 20, 2019
Re: Allview Avenue Subdivision
cc: Peder Scott, P.E.

AKRF, Inc. has reviewed the following documents and plans for the above referenced application:

1. PWS response to AKRF review letter dated 9/18/19
2. PWS response to Jacobson (Dillon) review dated 10/20/19
3. Ecological Solutions, LLC Wetlands Assessment – lot #2 dated 10/2/19
4. Driveway Swale Calculations - Triangular 1 ft. Deep revision dated 10/20/19
5. PWS Engineering Report (PCDOH witnessed SSTS Testing Logs) dated 9/11/19
6. D1 Pre/Post Drainage Overlay, prepared by P.W. Scott, revised 10/17/19
7. SY1 3-Lot Subdivision Plan, prepared by P.W. Scott, revised 10/17/19
8. SY2 Site Details, prepared by P.W. Scott, revised 10/17/19
9. SY3 Erosion Control Plan, prepared by P.W. Scott, revised 10/17/19
10. SY4 Erosion Control Details, prepared by P.W. Scott, revised 10/17/19

PROJECT DESCRIPTION

The Applicant proposes to merge five existing lots into three lots located at 212 Allview Avenue in the R-60 Zoning District in the Town of Southeast, NY (the “Proposed Project”). The existing 5-lot subdivision was approved in 1991 as the Allview Avenue Subdivision. There are existing residences and accessory structures on the property. However, the cul-de-sac and stormwater infrastructure required as part of the 1991 subdivision were never installed.

Lot 1 would retain one of the existing residences and the existing pool. Access would be provided through the existing driveway on Allview Avenue. A new residence is proposed for Lot 2, which would have direct access from Allview Avenue. Lot 3 would retain two existing residences, two garages, and a cabana. Access to Lot 3 would be provided from the existing common driveway through Lot 1.

The Proposed Project requires a subdivision approval from the Planning Board, and 280a “Open Development” approval from the Town Board for Lot 3. The Proposed Project also requires front and rear yard area variances from the Zoning Board of Appeals.

COMMENTS

The Applicant has updated the plans to address comments from the Planning Board and its consultants. Comments from AKRF’s September 18, 2019 memorandum are recited below in *italics*, comments from

Peder Scott's October 21, 2019 letter responding to AKRF's comments are written in *bold italics*, and new and follow-up comments are presented in **bold**.

1. *AKRF 9/19/19 memo: The Zoning Compliance Chart should be updated to include the required setbacks for accessory structures. It appears that several area variances will be required—for both primary and accessory structures. The Zoning Compliance Chart should also indicate where variances are necessary.*

Peder Scott 10/21/19 letter: A zoning compliance chart has been added to the Site Plan – SY1 which includes a list of variances required for the project – all existing structures on the site.

AKRF Response: A “Variance Chart” and updated “Zoning Compliance Chart” have been provided. However, as discussed at the 9/23/19 Planning Board meeting, variances would be required where a new non-compliant situation would be created. As such, the existing “Garage B” on Lot 3 would not require a setback variance as that is an existing condition. In addition, several of the numbers provided in the chart are marked with an asterisk symbol, but no legend is provided. These items should be updated.

In summary: a rear yard variance is required on Lot 1 where 31.62 feet is provided for the pool but 50 feet is required; and a front yard setback is required on Lot 3 where 20 feet is provided for the cabana/chicken coop but 50 feet is required.

2. *AKRF 9/19/19 memo: The presence of multiple residences and accessory structures on what is proposed to be Lot 3 is an existing condition. However, the proposed lot line adjustment between Lot 1 and Lot 3 would move the pool from Lot 3 to Lot 1. It is noted that the pool has an accessory cabana structure that would remain on Lot 3.*

Peder Scott 10/21/19 letter: The cabana, currently a chicken coop, shall remain on Lot #3. The pool is in the rear yard of Lot #1 which is permitted – Refer to 136-26B.

AKRF Response: This comment has been addressed. However, the note on Sheet SY-1 should be updated to refer to Section 138-26B (not 136). In addition, if the “cabana” is currently a “chicken coop” then the plans should be updated to reflect the change of use of the structure.

3. *AKRF 9/19/19 memo: Approvals from the Putnam County Department of Health for water supply and sewage disposal systems are required.*

Peder Scott 10/21/19 letter: Attached is the SSTS report and testing logs witnessed by PCDOH with proposed septic system for Lot #2 and reserve areas allocated for Lots #1 & #3. An SSTS is provided for the proposed cabana on Lot #1.

AKRF Response: Comment noted. PCDOH approvals will be required prior to subdivision approval.

4. *AKRF 9/19/19 memo: The EAF mapper indicates the potential presence of NYSDEC regulated wetlands. The property should be surveyed for potential wetlands and any regulated areas should be delineated.*

Peder Scott 10/21/19 letter: Attached is a report from Ecological Solutions, LLC. Findings are that there are no wetlands located on Lot #2. The wetlands identified in the NYSDEC Mapper are located off site to the east.

AKRF Response: This comment has been sufficiently addressed.

RECOMMENDED ACTIONS

At the 11/25/19 meeting, AKRF recommends that the Planning Board declare Lead Agency, consider setting or waiving the public hearing, consider a Negative Declaration, and refer the application to the Zoning Board of Appeals.



- (3) Notification of nearby property owners.
- (a) Except as otherwise provided herein, the notice shall be sent by United States Postal Service certified or registered mail, return receipt requested, to the owners of all lots within the State of New York, including the Village of Brewster, within 500 feet of the lot or land to which the application or petition pertains, except that the owner of a single-family residential lot applying for area variances shall mail said notice to property owners within the following proximity:
[Amended 8-26-2010 by L.L. No. 4-2010; 5-19-2016 by L.L. No. 4-2016]
- [1] If the subject property is located partially or wholly within a commercial zoning district or partially within an R-160 or R-80 Zoning District: 500 feet.
- [2] If the subject property is located partially or wholly within an R-40 or R-60 Zoning District: 300 feet.
- [3] If the subject property is located partially or wholly within an R-20 Zoning District: 100 feet.
- [4] If the subject property or structure is wholly located within a parcel of property owned in common by a cooperative corporation and the subject property is owned and occupied pursuant to proprietary leasehold, notice shall be given to such cooperative corporation and to the record owner of proprietary leases immediately adjacent to the subject property or structure. In the event the subject property or structure is located within 50 feet of the cooperative corporation's boundary line, the owners of property abutting the cooperative corporation's boundary and within 100 feet of the subject parcel or structure shall be given notice.
- [5] If the subject property lies adjacent to, or in the event the relative proximity of a cooperative housing corporation to the subject property requires the giving of notice of an application to owners within the cooperative housing corporation, notice shall be deemed sufficient if given to the board of directors of the cooperative housing corporation in the manner prescribed herein.
- [6] If the subject property lies within or adjacent to, or in the event the relative proximity of a condominium housing development to the subject property requires the giving of notice of an application to owners within the condominium housing development, notice shall be deemed sufficient if given by certified mail, return receipt requested, to the managing agent of the condominium housing development and by regular mail to those individual property owners otherwise entitled to notice pursuant to Subsection **B(3)(a)[1]** through **[5]** hereof.
- (b) The owners of the lands or properties to receive notice hereunder and their addresses shall be as indicated in the current records of the Tax Assessor of the Town or the Tax Assessor of any adjacent taxing jurisdiction, and the applicant shall be permitted to rely on such information as accurate.
- (4) At the time of the public hearing by the Town Board, the Zoning Board of Appeals or the Planning Board concerning a site plan or of the Town Board concerning a planned subdivision plat, the applicant shall provide to such agency a copy of the required notice, a list of the owners of all lots to whom such notice was mailed and either an affidavit that the mailing was completed, as requested herein, or copies of all mailing receipts.

**TOWN OF SOUTHEAST PLANNING BOARD
RESOLUTION GRANTING EXTENSION OF TIME IN WHICH TO
SUBMIT FOR FINAL PLAT APPROVAL**

INTRODUCED BY: LaPerch
SECONDED BY: King

DATE: November 25, 2019

WHEREAS, the Planning Board of the Town of Southeast previously granted conditional approval of the Preliminary Plat by resolution dated **12/10/18** and a six-month extension of approval by resolution dated **6/10/19** for a certain Project Development Plan known as **ROTH NURSERY SUBDIVISION**, located at 291 Foggintown Road in the R-160 Zoning District, also known and designated as Tax Map Number 46.-3-38.1; and

WHEREAS, pursuant to Section 123-13.A of the Code of the Town of Southeast, the subdivider must, within six months after the approval of the preliminary plat, file with the Planning Board an application for approval of the final plat in final form. If the final plat is not submitted within six months after the approval of the preliminary plat, the Planning Board may revoke approval of the preliminary plat and require the resubmission of the preliminary plat unless extension is granted by the Board before the expiration of the six-month period. Such an extension may be granted only if the proposed subdivision meets all zoning requirements in effect on the date of extension; 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 preliminary plat approval and to submit the Final Plat; and

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

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Southeast hereby grants the applicant a **SECOND** six-month extension of time, commencing on **12/10/19** in which to satisfy the conditions of the preliminary plat approval and to submit the Final Plat.

It is the responsibility of the applicant to track the timeframe 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>
D. Armstrong, Boardmember	<u>yes</u>	E. Cyprus, Boardmember	<u>yes</u>
M. Hecht, Boardmember	<u>yes</u>	J. Gress, Boardmember	<u>absent</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

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

INTRODUCED BY: *LaPerch*

DATE: November 25, 2019

SECONDED BY: *Armstrong*

WHEREAS, the Planning Board of the Town of Southeast is in receipt of an application for Re-approval of a Site Plan, Wetland Permit and Special Permit, and other supporting documents for a project entitled **SOUTHEAST PARKING BY WB NEW YORK**; and

WHEREAS, the proposed project is located at 4 & 10 Independent Way in the ED Zoning District in the Town of Southeast and identified as Tax Map ID 56.-1-24 & 25; and

WHEREAS, the applicant is seeking Site Plan re-approval of a 350-space commuter parking lot on an approximately 30-acre parcel. The proposed parking lot includes a comfort station, lighting, landscaping, stormwater management practices, and wetland mitigation measures. The proposed project, in all aspects, has not changed since the Planning Board granted it Final Site Plan Approval in 2015. The prior approvals expired on July 13, 2019 and were not eligible for extensions. The proposed project requires Site Plan and Wetland Permit approval from the Planning Board, and Special Permit approval from the Town Board; 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 *yes*
D. Armstrong, Boardmember *yes*
M. Hecht, Boardmember *yes*
J. King, Boardmember *yes*

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

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

Planning Board
1 Main Street
Brewster, NY 10509

November 26, 2019

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

Re: Southeast Parking by WB New York
GML §239-m

Dear Barbara,

The Planning Board of the Town of Southeast is considering an application for Site Plan, Wetland Permit and Special Permit by WB NEW YORK for re-approval of a 350-space commuter parking lot on an approximately 30-acre parcel. The proposed parking lot includes a comfort station, lighting, landscaping, stormwater management practices, and wetland mitigation measures. The proposed project, in all aspects, has not changed since the Planning Board granted it Final Site Plan Approval in 2015. The prior approvals expired on July 13, 2019 and were not eligible for extensions. The proposed project is located in the ED Zoning District and is located at 4 & 10 Independent Way, Putnam County, New York (Tax Map IDs 56.-1-24 & 25).

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, Chairman

Thomas LaPerch, Chairman
Town of Southeast Planning Board

Attachment

cc: Town Attorney
Town Clerk
Insite Engineering

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

INTRODUCED BY: LaPerch DATE: November 25, 2019
SECONDED BY: Hecht

WHEREAS, an application is being made by **SALSA FRESCA** for a Site Plan Amendment and Conditional Use Permit for construction of a 3,068 sq. ft. fast-casual restaurant on a property located at 1577 Route 22, in the Town of Southeast, New York; and

WHEREAS, the property is identified as Tax Map Number 46.-1-16.-1, and is located in the SR-22 Zoning District; and

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

1. Short Environmental Assessment Form (EAF) dated 11/1/19
2. Statement of Use, prepared by Seth Hirschel, dated 11/1/19
3. Memorandum to Seth Hirschel from Putnam County Department of Health, dated 10/24/19
4. A-001.01, Cover Sheet, prepared by Earthwise Architecture, dated 9/15/19
5. A-002.01, Site Plan, prepared by Earthwise Architecture, dated 9/15/19
6. A-003.01, 1st Floor Plan, prepared by Earthwise Architecture, dated 9/15/19
7. A-004.01, Elevations, prepared by Earthwise Architecture, dated 9/15/19
8. A-005.01, North South Sections, prepared by Earthwise Architecture, dated 9/15/19
9. A-006.01, East West Sections, prepared by Earthwise Architecture, dated 9/15/19
10. A-007.01, 2001 Sketch Plan, prepared by Earthwise Architecture, dated 9/15/19
11. M-001.01, Exhaust Hood Details, prepared by Earthwise Architecture, dated 9/15/19
12. M-002.01, Mechanical Plan, prepared by Earthwise Architecture, dated 9/15/19

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

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Town of Southeast Planning Board, finds the Proposed Action to be a Town of Southeast Minor Project as defined in Town Code Section 138-4, Definitions.

UPON ROLL CALL VOTE:

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

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

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
1 Main Street
Brewster, NY 10509**

November 26, 2019

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

Re: Salsa Fresca
GML §239-m

Dear Barbara,

The Planning Board of the Town of Southeast is considering an application for Site Plan Amendment and Conditional Use Permit by SALSA FRESCA for the construction of a 3,068 sq. ft. fast-casual restaurant on a property currently improved with the 2,962 sq. ft., 103-seat Seven Stars Diner, which would be substantially demolished to accommodate the new restaurant. The proposed project is located in the SR-22 Zoning District on an approximately ±1-acre parcel located at 1577 Route 22, Putnam County, New York (Tax Map ID 46.-1-16.-1).

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

Enclosed is the application for your review. Please call Victoria Desidero, Secretary to Planning Board, Architectural Review Board and Zoning Board of Appeals, at (845) 279-7736, if you should have any questions. We thank you for your consideration and review of this application.

Sincerely,

Thomas LaPerch

Thomas LaPerch, Chairman
Town of Southeast Planning Board

Attachment

cc: Town Attorney
Town Clerk
Earthwise Architecture



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

November 26, 2019

TO: Architectural Review Board

FROM: Thomas LaPerch, Chairman
Southeast Planning Board

RE: Salsa Fresca
1577 Route 22
Tax Map ID 46.-1-16.-1

At the regular meeting of the Town of Southeast Planning Board on 11/25/19, a motion was made to refer the above referenced Minor Project to your Board for review and recommendation to the Planning Board. The Planning Board classified this as a Type II Action under the New York State Environmental Quality Review Act (SEQRA) process on 11/25/19. 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
lad

Thomas LaPerch, Chairman
Southeast Planning Board

cc: Town Counsel
Town Clerk
Earthwise Architecture

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

November 25, 2019

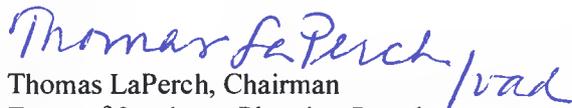
Hon. Tony Hay, Supervisor
Town of Southeast
1360 Route 22
Brewster, NY 10509

Re: **Local Law to Amend the Public Notice Requirements**

Dear Supervisor Hay:

The Town of Southeast Planning Board, pursuant to §138-93 of the Code of Southeast, would like to recommend an amendment to the Zoning Code. The purpose of this local law is to address the fact that the Town Tax Assessor, who generates the official mailing lists, does not have access to individual lot information for properties within cooperative corporations. The proposed amendment clarifies that properties adjacent to and within a cooperative corporation, need only notify the cooperative corporation board, and any properties within 50 feet of the cooperative corporation boundary.

Sincerely,


Thomas LaPerch, Chairman
Town of Southeast Planning Board

CC: Town Board
Town Clerk
Town Attorney
Town Assessor

Town of Southeast, Putnam County, NY

Local Law No. ___ of 2019

A LOCAL LAW entitled: "A Local Law to Amend Public Notice Requirements."

Be it enacted by the Town Board of the Town of Southeast, Putnam County, New York, as follows:

SECTION 1: LEGISLATIVE INTENT

The Town Board of the Town of Southeast proposes to amend the Code of the Town of Southeast as it relates to public notice requirements for cooperative and condominium units.

SECTION 2: AMENDMENTS TO CHAPTER 138, "ZONING,"

Section 138-44.B(3)(a), "Notification of nearby property owners" is hereby amended, in part, as follows.

[4] If the subject property or structure is wholly located within a parcel of property owned in common by a cooperative corporation notice shall be given to such cooperative corporation. Notice shall also be given to the owners of property within 50 feet of the cooperative corporation boundary line. ~~and the subject property is owned and occupied pursuant to proprietary leasehold, notice shall be given to such cooperative corporation and to the record owner of proprietary leases immediately adjacent to the subject property or structure. In the event the subject property or structure is located within 50 feet of the cooperative corporation's boundary line, the owners of property abutting the cooperative corporation's boundary and within 100 feet of the subject parcel or structure shall be given notice.~~

[5] If the subject property lies adjacent to, or in the event ~~that~~ the relative proximity of a cooperative housing corporation to the subject property requires the giving of notice of an application to owners within the cooperative housing corporation, notice shall be deemed sufficient if given to the board of directors of the cooperative housing corporation in the manner prescribed herein.

SECTION 3: VALIDITY

The invalidity of any word, section, clause, paragraph, sentence, part, provision of this Local Law shall not affect the validity of any other part of this Local Law that shall be given effect without such invalid part or parts.

SECTION 4: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

**TOWN OF SOUTHEAST, NY
PLANNING BOARD RESOLUTION
RECOMMENDING THE ACCEPTANCE OF
SHAILIN LANE
BY THE TOWN OF SOUTHEAST**

INTRODUCED BY: LaPerch DATE: November 25, 2019
SECONDED BY: Hecht

WHEREAS, Triple J Development Corp. (the "Applicant") has installed the improvements required by the Triple J Subdivision, located on Welfare Road and Shailin Lane in the Town of Southeast, New York; and

WHEREAS, the applicant is requesting the acceptance of Shailin Lane by the Town of Southeast; and

WHEREAS, the improvements and record drawings have been inspected by the Town Engineer and recommended for acceptance in a letter dated November 12, 2019; and

WHEREAS, the improvements and record drawings have been inspected by the Town Highway Superintendent and recommended for acceptance in a letter dated October 22, 2019; and

WHEREAS, the record drawings shall be provided to the Town in accordance with Section 123-23 of the Town Code;

NOW, THEREFORE BE IT RESOLVED, that the Town of Southeast Planning Board, pursuant to Section 123-23 finds that Shailin Lane and its associated improvements are consistent with the project approvals, and recommends that the Town Board move to accept Shailin Lane from Welfare Road to its terminus at the cul-de-sac as a Town Road subject to the following conditions:

1. Recommendations stated in the Town Engineer letter dated November 12, 2019.

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>yes</u>	J. Gress, Boardmember	<u>absent</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
Planning Board
One Main Street
Brewster, NY 10509

November 26, 2019

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

RE: TRIPLE J SUBDIVISION, Welfare Road, Tax Map ID 36.-1-20

Dear Boardmembers:

At the 11/25/19 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 release of the Performance Bond currently being held.

<u>PROJECT</u>	<u>AMOUNT</u>
TRIPLE J SUBDIVISION	\$260,100.00

The Planning Board further resolved that the following maintenance bond be posted as a condition of the release of the Performance Bond:

<u>BOND TYPE</u>	<u>DURATION</u>	<u>AMOUNT</u>
STORMWATER MAINTENANCE	4 YEARS	\$24,700.00

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,


Thomas LaPerch, Chairman
Southeast Planning Board

cc: Town Attorney
Town Clerk
Town Engineer
Building Inspector
Hogan & Rossi
Planning Board File



Jacobson

November 12, 2019

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

Re: Triple J Subdivision
Shalin Lane
Request for Road Dedication
NLJA #0054-0754

Dear Mr. LaPerch:

As requested, we have made recent inspections and reviewed the following items in connection with the proposed dedication of Shalin Lane:

- Item 1: Letter to Hon. Michael Bruen, Town of Southeast Highway Superintendent, from Jamie Spillane Esq. dated October 17, 2019, with attachments.
- Item 2: Set of three (3) drawings entitled "Road As-Built Survey of Shalin Lane as shown on 'Final subdivision Plat Prepared for Triple J Properties', Filed Map No, 2985. Filed 06/26/2015 Situate in Town of Southeast Putnam Co. N.Y. and Town of Patterson, Putnam Co. N.Y.", scales as noted, dated December 21, 2015 and last revised 11/30/2016, prepared by Terri Bergendorff Collins, L.S.

Based on historical inspections and review of the submitted items referenced above, we can confirm that the road and drainage improvements as constructed are in general conformance with the Town of Southeast Subdivision Regulations and the approved plans. As such we can now recommend that the Town accept the offer of road dedication of Shalin Lane subject to the following conditions:

1. A mylar copy of the record drawings should be provided to the Town in accordance with §123-23-B of the Subdivision Regulations.
2. Legal documentation associated with the road dedication, including relevant deeds, easements and documents relating to formation of a stormwater drainage district should be reviewed by the Town Attorney.
3. It is our understanding that there is a performance bond in place for construction of the public improvements which was originally established in the amount of \$520,200 and reduced to \$260,100. With the completion of the road improvements and acceptance of the road by the Town, the performance Bond can be released subject to posting of a stormwater maintenance bond to guarantee the performance of the stormwater management system for a period of four



Jacobson

Mr. Thomas LaPerch, Chairman
Re: Triple J Subdivision
Shalin Lane
Request for Road Dedication
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Page 2

years (Subdivision Regulations §123-48D(2)(a)). We have determined the required amount of the stormwater maintenance bond to be \$24,700 based on 10% of the cost of the stormwater management system.

Should you have any questions, please feel free to 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
W. Stephens, Jr.
S. Coleman
J. Spillane, Hogan & Rossi

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
October 28, 2019**

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

PUBLIC HEARINGS:

- 1. LIFE STORAGE, LLC, 1639 Route 22** – This was a Public Hearing to review an Application for a Site Plan Amendment and Wetland Permit. Engineer Jerry Bergman of GPI and Owner Rich Pasternak appeared before the Board. The motion to open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Mr. Bergman said we are seeking an expansion to the Life Storage facility on Route 22 and what we are proposing is 1,844 sq. ft. on two stories plus a basement. He said I believe we have addressed all of the comments that the Town's consultants have had. Mr. Bergman said there is something I would like to bring up: we have supplied the Town with the fire truck turning radius plan, we have supplied the Town with our lighting lumens plan and we have also eliminated all outside storage on the site and have addressed the wetlands concerns of the DEC (Department of Environmental Conservation), Town and anybody else who had interest in the wetlands. Chairman LaPerch said you sure did. He said I saw all of the correspondence with the consultants and I believe you have answered all of their questions to their satisfaction. Chairman LaPerch asked Boardmember King if he had any questions. Boardmember King said I do not have any questions. Chairman LaPerch asked Boardmember Armstrong if he had any questions. Boardmember Armstrong said I am a tenant at the facility, I don't know... what I will do is I won't be a deciding vote that way I can ask questions. He said over the years the landscaping and trees along Route 22 have deteriorated and I am not sure what the Town Law is on landscaping and trees on a commercial property but my suspicion is they should be maintained. Town Planner Ashley Ley said any trees or shrubs on the original Site Plan Approval would need to be replaced if they died. Mr. Bergman said I will check on the original Site Plan Approval and anything that was required at that time that needs replacing will be taken care of. Ms. Ley said as part of this application if you wanted any supplemental landscaping in the front, the Board could request that. Chairman LaPerch said that is a good question (Boardmember) Dan (Armstrong). Boardmember Armstrong said there are many trees that are dead. Mr. Bergman said we will look at it and I don't know if you (Boardmember Armstrong) were here but we have eliminated all the parking in front of the building as well as in the back, the storage will be eliminated. Boardmember Armstrong said it is a well-run facility and I have no problem. Chairman LaPerch said that was a good point. He asked Boardmember Cyprus if he had any questions. Boardmember Cyprus said is the plan still to clean up everything outside? He said I know I mentioned the boat outside but all of that gets cleaned up? Mr. Bergman said yes. Chairman LaPerch said I think you have done everything for the Boards questions but it is time to open the Public Hearing so anyone who would like to say anything, please stand up and we can put it on the record. There were no questions from the public. The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. The motion to Adopt a Negative Declaration under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Refer the Application to the Architectural Review Board was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

REGULAR SESSION:

- 1. CRECCO WETLAND PERMIT, 62 Stallion Trail** – This was a review of an Application for Final Approval of a Wetland Permit. Engineer Paul Lynch of Putnam Engineering appeared before the Board. Chairman LaPerch said my understanding is from all of the correspondence that I have

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
October 28, 2019**

reviewed you have had a satisfactory answer to everyone's concerns and submitted a Wetland Plan. Mr. Lynch said yes. Chairman LaPerch polled the Board for questions and there were none. The motion to Adopt a Negative Declaration under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Grant a Wetland Permit was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 5 to 0 with 2 absent.

2. **PALMER SITE PLAN, 2334 Route 6** – This was a Continued Review of an Application for Site Plan Amendment and Conditional Use Permit. John Folchetti of JR Folchetti & Associates appeared before the Board. Mr. Folchetti said I think we have hit most of the comments. He said the big issue has been the expansion of the storage unit. Mr. Folchetti continued: we have proposed a green roof with the City of New York and we are at the 90-95% mark on that. He said we are just waiting on final approval and/or their correspondence saying 'you do not need a SWPPP (Stormwater Pollution Prevention Plan).' Mr. Folchetti said I owe the Board a revision to the lighting plan and some hard landscaping that limits the amount of the storage area. He said what we are going to pick is stone as opposed to any of the other things that you selected and that would be on the next revision. Chairman LaPerch said Ashley (Ley) this application has been around for a while, can you please update the Board on legitimizing his use, cleaning it up, does he have multi-tenants here and is this all going to be part of this submission? Ms. Ley said there was a violation issue.... the tenancy thing is gone; there is only one tenant now. Chairman LaPerch said it is only him there now but does he have the ability to add? Ms. Ley said that is not part of the Site Plan so they would have to come back depending on what the tenant was and certainly if there was any additional outside storage to what's being proposed at this time. Chairman LaPerch said is this an ARB action too? Ms. Ley said yes, this goes to the ARB. The motion to Declare this a Minor Town of Southeast Project was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. The motion to Refer this to County Planning under GML-239m was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Chairman LaPerch asked for comments on waiving the Public Hearing and no one objected. The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor.
3. **DURKIN WATER/DREW REALTY, 120 and 160 Fields Lane** – This was a Review of an Application for Final Approval of Site Plan Amendment and Wetland Permit. Jamie LoGiudice of Insite Engineering appeared before the Board. Chairman LaPerch said Ashley (Ley) this is for the violation? Ms. Ley said there was a violation on this property earlier because of the outside storage on the Drew Realty property but that was cleared up. Then, she said, right before they were to get final approval there was an issue on the other side with some clearing without a permit. Chairman LaPerch said did they resolve that? Ms. Ley said that has been resolved which is why they are back for consideration of Final Site Plan Approval. Ms. LoGiudice said we are here for Final Site Plan Approval and a Wetland Permit. She said as mentioned, we have had a couple different violations on the properties all of which have been resolved and we are looking to close out the original permits. Chairman LaPerch said yes and move on to the next application. Boardmember Armstrong asked are there no violations and everything that needed to be done has been done? Chairman LaPerch said yes. The motion to Approve the Site Plan Amendment and Wetland Permit was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Recommend the Performance Bond for Erosion & Sediment Control to the Town Board was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
October 28, 2019**

Chairman LaPerch asked Secretary Desidero for the next meeting and she said is it on November 25th and as of now we have Allview Avenue Subdivision coming back for continued review and Brewster Elks, which was supposed to be on tonight, will be back for Final Approval. The deadline for that meeting has not come up yet so there might be more, she said.

Chairman LaPerch said we can't approve the Meeting Minutes because we don't have a quorum.

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

November 13, 2019/LM/VAD