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**TOWN OF SOUTHEAST PLANNING BOARD AGENDA**

**February 10, 2020**

**CIVIC CENTER, 1360 Route 22**

**7:30 p.m.**

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**PUBLIC HEARINGS:**

- 1. DREW REALTY / SITEONE, 160 & 170 Fields Lane, Tax Map IDs 78.-2-5 & 4** – Public Hearing to Review an Application for Site Plan, Subdivision, Wetland Permit and Conditional Use Permit

**REGULAR SESSION:**

- 1. COMFORTING CARE, 4005 Danbury Road, Tax Map ID 69.-1-12** – Review of Application for Special Permit for Animal Hospital
- 2. SALSA FRESCA, 1577 Route 22, Tax Map ID 46.-1-16-1** – Review of Application for Final Approval for Site Plan Amendment and Conditional Use Permit
- 3. ALFACOR, LLC, 14 Fields Lane, Tax Map ID 78.-2-25** – Continued Review of an Application for Special Permit for Excavation & Grading
- 4. COMMERCIAL CAMPUS AT FIELDS CORNER p/k/a NORTHEAST INTERSTATE LOGISTICS, 51 Pugsley Road, TM IDs: See Attachment A** – Discussion of Revised DRAFT Final Environmental Impact Statement (FEIS) -- NO ACTIONS WILL BE TAKEN.
- 5. Approve Meeting Minutes of January 27, 2020**

**February 10, 2020/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#>

Exhibit A

#	Tax ID #	#	Tax ID #	#	Tax ID #
1	45-1-4	53	45-3-46	105	45-3-98
2	45-1-5-2	54	45-3-47	106	45-3-99
3	45-1-5-3	55	45-3-48	107	45-3-100
4	45-1-8-1	56	45-3-49	108	45-3-101
5	45-1-8-2	57	45-3-50	109	45-3-102
6	45-1-8-3	58	45-3-51	110	45-3-103
7	45-1-12	59	45-3-52	111	45-3-104
8	45-1-13	60	45-3-53	112	45-3-105
9	45-3-1	61	45-3-54	113	45-3-106
10	45-3-2	62	45-3-55	114	45-3-107
11	45-3-3	63	45-3-56	115	45-3-108
12	45-3-4	64	45-3-57	116	45-3-109
13	45-3-5	65	45-3-58	117	45-3-110
14	45-3-6	66	45-3-59	118	45-3-111
15	45-3-7	67	45-3-60	119	45-3-112
16	45-3-8	68	45-3-61	120	45-3-113
17	45-3-9	69	45-3-62	121	45-3-114
18	45-3-10	70	45-3-63	122	45-3-115
19	45-3-11	71	45-3-64	123	45-3-116
20	45-3-12	72	45-3-65	124	45-3-117
21	45-3-13	73	45-3-66	125	45-3-118
22	45-3-14	74	45-3-67	126	45-3-119
23	45-3-15	75	45-3-68	127	45-3-120
24	45-3-16	76	45-3-69	128	45-3-121
25	45-3-17	77	45-3-70	129	45-3-122
26	45-3-18	78	45-3-71	130	45-3-123
27	45-3-19	79	45-3-72	131	45-3-124
28	45-3-20	80	45-3-73	132	45-3-125
29	45-3-21	81	45-3-74	133	45-3-126
30	45-3-22	82	45-3-75	134	45-3-127
31	45-3-23	83	45-3-76	135	45-3-128
32	45-3-24	84	45-3-77	136	45-3-129
33	45-3-25	85	45-3-78	137	45-3-130
34	45-3-26	86	45-3-79	138	45-3-131
35	45-3-27	87	45-3-80	139	45-3-132
36	45-3-28	88	45-3-81	140	45-3-133
37	45-3-29	89	45-3-82	141	45-3-134
38	45-3-30	90	45-3-83	142	45-3-135
39	45-3-32	91	45-3-84	143	45-3-136
40	45-3-33	92	45-3-85	144	45-3-137
41	45-3-34	93	45-3-86	145	45-3-138
42	45-3-35	94	45-3-87	146	45-3-139
43	45-3-36	95	45-3-88	147	45-3-140
44	45-3-37	96	45-3-89	148	45-3-141
45	45-3-38	97	45-3-90	149	45-3-142
46	45-3-39	98	45-3-91	150	45-3-143
47	45-3-40	99	45-3-92	151	45-3-144
48	45-3-41	100	45-3-93	152	45-3-145
49	45-3-42	101	45-3-94	153	45-3-146
50	45-3-43	102	45-3-95	154	45-3-147
51	45-3-44	103	45-3-96	155	45-3-148
52	45-3-45	104	45-3-97	156	45-3-149

Notes:

(1) Tax Lot 45-3-148 does not appear on the Town of Southeast Tax Map.

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

**INTRODUCED BY:** *LaPerch*

**DATE:** February 10, 2020

**SECONDED BY:** *Cyprus*

**WHEREAS**, the Planning Board of the Town of Southeast is in receipt of an application for a Site Plan, Subdivision, Conditional Use Permit and Wetland Permit, and other supporting documents for a project entitled **DREW REALTY / SITE ONE**; and

**WHEREAS**, the proposed project is located at 160 & 170 Fields Lane in the OP-1 Zoning District in the Town of Southeast and identified as Tax Map IDs 78.-2-5 & 78.-2-4; and

**WHEREAS**, the applicant proposes a lot line adjustment between parcels 78.-2-4 (Lot 1) and 78.-2-5 (Lot 2). Lot 1 (12.2 acres) would be developed with a 10,500 square foot building and associated outside storage for a wholesale landscape supplier (nursery use). Lot 2 (63.3 acres) would be developed with 4 new propane storage tanks and 12 truck parking spaces associated with the Durkin related companies and tenants on another portion of Lot 2. The new propane tanks and truck parking would be accessed via a driveway through Lot; and

**WHEREAS** the Planning Board scheduled a public hearing on the proposed Site Plan, Subdivision, Conditional Use Permit and Wetland Permit for 2/10/20; and

**WHEREAS**, the Planning Board declared its Intent to be Lead Agency for the project on 1/13/20; 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

*yes*

D. Rush, Vice Chairman

*yes*

D. Armstrong, Boardmember

*absent*

E. Cyprus, Boardmember

*yes*

M. Hecht, Boardmember

*yes*

J. King, Boardmember

*yes*

L. Eckardt, Boardmember

*absent*

The resolution was *passed* by a vote of *5* to *0*, with *2* absent.

*T. LaPerch*  
\_\_\_\_\_  
T. LaPerch, Chairman  
Southeast Planning Board

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

INTRODUCED BY: LaPerch  
SECONDED BY: Rush

DATE: 2/10/2020

**WHEREAS**, an application is being made by **COMFORTING CARE VETERINARY SERVICES** for a Special Use Permit for an animal hospital on a property located at 4005 Danbury Road, in the Town of Southeast, New York; and

**WHEREAS**, the property is identified as Tax Map Number 69.-1-12, and is located in the SR-6 Zoning District; and

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

1. Short Environmental Assessment Form (EAF) dated 1/19/20
2. Owner Consent Form, signed by Peter Suozzi of Greenlands II, LLC, dated 1/21/20
3. Statement of Use, prepared by Lisa N. Walling, DVM, cVMA, dated 1/20/20
4. Aerial Photos of 4005 Danbury Road, undated

**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	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
D. Armstrong, Boardmember	<u>absent</u>	E. Cyprus, Boardmember	<u>yes</u>
M. Hecht, Boardmember	<u>yes</u>	J. King, Boardmember	<u>yes</u>
L. Eckardt, Boardmember	<u>absent</u>		

The resolution was passed by a vote of 5 to 0, with 2 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board



**TOWN OF SOUTHEAST**

**Planning Board  
1 Main Street  
Brewster, NY 10509**

February 11, 2020

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

Re: **Comforting Care Veterinary Services  
GML §239-m**

Dear Barbara,

The Planning Board of the Town of Southeast is considering an application for Special Use Permit for animal hospital by COMFORTING CARE VETERINARY SERVICES for a proposed veterinary practice specializing in acupuncture and end of life care for domestic cats and dogs where applicant proposes to occupy 1,000 SF of office space in an existing multi-tenant building located in the SR-6 Zoning District on an approximately ±1.8-acre parcel located at 4005 Danbury Road, Putnam County, New York (Tax Map ID 69-1-12).

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  
Lisa Walling, DVM, cVMA**

**TOWN OF SOUTHEAST  
PLANNING DEPARTMENT  
SPECIAL PERMIT REFERRAL**

INTRODUCED BY: LaPerch

DATE: February 10, 2020

SECONDED BY: Cyprus

**WHEREAS, COMFORTING CARE VETERINARY SERVICES** has applied for a Special Permit for Animal Hospital from the Town Board of the Town of Southeast for permission for a proposed veterinary practice specializing in acupuncture and end of life care for domestic cats and dogs where applicant would occupy 1,000 sq. ft. of office space in an existing multi-tenant building. The property is located at 4005 Danbury Road in the SR-6 Zoning District and designated as Tax Map Number 69.-1-12; and,

**WHEREAS,** the Town Board has requested a report from the Planning Board on the said proposal; and,

**WHEREAS,** the Planning Board has determined that the above request for a Special Use Permit for this particular project is in conformance with Article X of Chapter 138 of the Zoning Code of the Town of Southeast; and,

**WHEREAS,** the Planning Board, having reviewed such application together with its consultants, finds that there will be no adverse affect to the surrounding area or the environment,

**NOW, THEREFORE, BE IT RESOLVED,** that the Planning Board recommends that the Town Board of the Town of Southeast grant the requested Special Permit.

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
D. Armstrong, Boardmember	<u>absent</u>	E. Cyprus, Boardmember	<u>yes</u>
M. Hecht, Boardmember	<u>yes</u>	J. King, Boardmember	<u>yes</u>
L. Eckardt, Boardmember	<u>absent</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 and CONDITIONAL USE PERMIT APPROVAL**

INTRODUCED BY:

La Perch

DATE: February 10, 2020

SECONDED BY:

King

**WHEREAS, SALSA FRESCA** as the Applicant/Owner of certain properties located 1577 Route 22 in the SR-22 Zoning District in Town of Southeast and known and designated as Tax Map Number 46.-1-16 has submitted an application for Conditional Use Permit and Site Plan approval for the construction of a 3,068 sq. ft. fast-casual restaurant. The property is 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 restaurant would be divided into two spaces. Salsa Fresca, a Mexican restaurant, would occupy 1,620 sq. ft. and have seating for approximately 40 customers. A 1,448 sq. ft. restaurant use with approximately 40 seats is proposed for the other space. An outdoor seating area and expanded stone wall is proposed in front of the restaurant (the "Proposed Project"); and,

**WHEREAS,** the Town of Southeast Planning Board, acting as Lead Agency for the purposes of the State Environmental Quality Review Act (SEQRA), and conducting a coordinated environmental review, classified this as a Type II Action on or about 11/25/19, 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:

<b>Drawing No. &amp; Title; submitted by</b>	<b>Original Date; Last Revised</b>
Memorandum to Seth Hirschel from Putnam County Health Department	10/24/19
Statement of Use, prepared by Seth Hirschel	11/1/19
Schedule of Use, prepared by Seth Hirschel	1/27/20
A-001.01, Cover Sheet, prepared by Earthwise Architecture	1/23/20; 1/24/20
A-002.01, Site Plan, prepared by Earthwise Architecture	1/23/20; 1/24/20
A-003.01, Floor Plan, prepared by Earthwise Architecture	1/23/20; 1/24/20
A-004.01, Elevations, prepared by Earthwise Architecture	1/23/20; 1/24/20
A-005.01, North South Sections, prepared by Earthwise Architecture	1/23/20; 1/24/20
A-006.01, East West Sections, prepared by Earthwise Architecture	1/23/20; 1/24/20
A-007.01, Landscaping Plan, prepared by Earthwise Architecture	1/23/20; 1/24/20
A-008.01, Site GIS, prepared by Earthwise Architecture	1/23/20; 1/24/20
S-1, Sketch Plan, prepared by Harry Nichols, PE	7/30/01

; 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 1/29/20 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).

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that pursuant to the authority vested in the Planning Board by Chapter 138, "Zoning," of the Town Code, the Planning Board hereby grants Conditional Use Permit Approval for the 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).

1. No more than 100 patron seats shall be permitted onsite. The total seat count is inclusive of both restaurant spaces and all outdoor seating.
2. The Code Enforcement Officer shall have right of entry for inspection, with reasonable notice, to determine compliance with the conditions of this permit.

#### **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 Salsa Fresca including all stormwater and wastewater treatment systems and conveyance systems.
6. The Applicant is granted approval based on generic review by the Architectural Review Board of building design and elevations and will have to seek a second review if modifications to the approved design are made. The Proposed Action shall be constructed in accordance with the approved plans and drawings for the specific tenant as reviewed by the Architectural Review Board and approved by the Planning Board.
7. Pursuant to §138-41.E(4), the applicant shall provide to the Town of Southeast Planning Board one full set of final full-sized plans and five copies of the filed plans on eleven-inch by seventeen-inch, or similar, paper, with a graphic scale indicated (to allow for scale measurements of photo-reduced drawings), for distribution to the Town Engineer, the Planning Board, the Town Clerk, the Building Inspector, and the Town Planner. This final plan set shall include the final architectural plans recommended by the Architectural Review Board and approved by the Planning Board. Each of these sets shall be bound, and shall contain a signature box on the Index or Title Page for the Planning Board Chairman's Signature. No Building Permits shall be issued until these plan sets have been submitted to the Planning Board Secretary and signed by the Planning Board Chairman.

8. The Applicants shall submit two (2) sets of as-built plans to the Town of Southeast Building Department and one (1) full size set to the Planning Board after final construction is completed. The as-built plans must show all buildings and site improvements, the impervious surfaces, landscaping, and final design specifications for all stormwater management facilities. The plans must be certified by a professional engineer.

#### **Financial & Legal Considerations**

1. The Applicant shall post a Performance Bond in an amount determined by the Town Engineer and recommended by the Planning Board for Town Board approval to ensure all site grading, stormwater management, and road improvements will be made in accordance with the approved drawings, Town of Southeast Code and to the satisfaction of the Town Engineer and/or Highway Superintendent. The Performance Bond may also be used to finance necessary work to stabilize the project site should the Applicant abandon the project and the Town is forced to complete necessary improvements. The establishment of the Performance Bond shall be done in a form acceptable to the Town Counsel. The bond amount will be based upon 2020 construction costs. If the construction is not begun during the calendar year 2020, the Applicant must re-apply to the Planning Board for an adjustment of the bond amount to account for escalation of material and labor costs. Upon such request to the Planning Board, the Planning Board shall make a recommendation to the Town Board and the Town Board shall diligently set a new bond amount in accordance with the recommendation of the Town Engineer. The Performance Bond must be paid prior to the start of any work on the site and/or the filing for a Building Permit. The Southeast Planning Board requests that the Southeast Building Inspector withhold the Certificate of Occupancy until the Planning Board or its duly authorized representative has made an inspection of the subject improvements and determined that the Applicant has complied with all the conditions of this approval.

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

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

4. All construction, design, approvals, conditions, restrictions, and requirements of the previously approved site plan, and building permits shall still be applicable except and only to the extent that same are modified herein. The inclusion of certain previously adopted conditions in this resolution shall not be deemed as a waiver of past conditions not recited herein.

#### **Construction Activity**

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

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

- a) Performance Bond and Erosion and Sediment (E&S) Control Bond shall be posted with the Town Clerk;

- b) Inspection Fees shall be paid to the Planning Board;
  - c) Escrow Account shall be in good standing;
  - d) In accordance with item #7 under “General Conditions” above, approved/signed plans shall be on file with the Planning Board and the Building Department; and
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

yes

D. Rush, Vice Chairman

yes

D. Armstrong, Boardmember

absent

E. Cyprus, Boardmember

yes

M. Hecht, Boardmember

yes

J. King, Boardmember

yes

L. Eckardt, Boardmember

absent

The resolution was passed by a vote of 5 to 0, with 2 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board

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

February 11, 2020

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

RE: **SALSA FRESCA**, 1577 Route 22, TAX MAP ID 46.-1-16.-1

Dear Boardmembers:

At the 2/10/20 regular meeting of the Town of Southeast Planning Board, a motion was made to refer the above referenced project to the Town Board for the establishment of a Performance Bond for Erosion & Sediment Control and site stabilization.

<b>PROJECT</b>	<b>BOND AMOUNT</b>
SALSA FRESCA	\$ 10,000.00

The Town Engineer's memo is attached for your consideration and includes the estimate for all site improvements, which totals \$84,400.00 Inspection Fees, based on the total cost of site improvements, in the amount of \$3,376.00, must be remitted to the Planning Board Secretary prior to filing for a Building Permit. If you have any questions, please do not hesitate to contact the Planning Board.

Sincerely,

  
Thomas LaPerch, Chairman  
Southeast Planning Board

Attachment

cc: Town Attorney  
Town Clerk  
Town Engineer  
Building Inspector  
Seth Hirschel  
Planning Board File



Jacobson

February 10, 2020

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

Re: Salsa Fresca  
1577 Route 22  
Bond Estimate  
NLJ #0001-0771

Dear Mr. LaPerch:

As requested, we have prepared a performance bond estimate for all site improvements associated with the above referenced project. Our attached Opinion of Probable Construction Costs for site improvements totals \$84,400.

Based on the current "Town of Southeast, Planning Board Fee Schedule" and the above referenced Opinion of Probable Construction Costs, the required inspection fee to be collected for the project is 4% of Site Development Costs or \$3,376.

While a performance bond estimate has not been prepared specifically for erosion & sediment controls and site restoration, we would recommend that a bond in the amount of \$10,000 be posted for the installation of the proposed landscaping.

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

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, P.C.

Joseph M. Dillon, P.E.

JMD:jmd

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

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

**OPINION OF PROBABLE CONSTRUCTION COSTS**  
 Performance Bond

**Project: Salsa Fresca**  
**1557 Route 22**  
**Brewster, New York**

**Done by: JMD**  
**Date: 2/6/2020**

**Project No.:** 0001-0771

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	BITUMINOUS CONCRETE	\$104.33	C.Y.	250	\$26,082.50
2	CAST-IN-PLACE CONCRETE	\$395.00	C.Y.	30	\$11,850.00
3	CONCRETE CURB	\$17.02	L.F.	750	\$12,765.00
4	LIGHT POLES	\$2,200.00	EACH	8	\$17,600.00
5	SIGNS	\$312.00	EACH	5	\$1,560.00
6	DUMPSTER ENCLOSURE	\$3,000.00	L.S.	1	\$3,000.00
7	PAVEMENT MARKINGS	\$1,500.00	L.S.	1	\$1,500.00
8	LANDSCAPING	\$10,000.00	L.S.	1	\$10,000.00
Subtotal:					\$84,357.50
<b>SAY</b>					<b>\$84,400.00</b>

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

INTRODUCED BY: LaPerch                      DATE: February 10, 2020  
SECONDED BY: King

**WHEREAS**, an application is being made by **ALFACOR, LLC** for a Special Permit for Excavation & Grading for placing approximately 4,362 cubic yards of fill on an approximately 31.5-acre lot without a permit where the total area of soil disturbance is approximately 0.9 acres on a property located at 291 Deans Corner Road, in the Town of Southeast, New York; and

**WHEREAS**, the applicant proposes to import an additional 1,500 cubic yards of fill; and

**WHEREAS**, the property is identified as Tax Map Number 78.-2-25, and is located in the OP-1 Zoning District; and

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

- 1. Memorandum to Chairman LaPerch from Bibbo Associates, LLP, dated 1/7/20
- 2. Stormwater Pollution Prevention Plan, prepared by Bibbo Associates, dated 1/6/20
- 3. ECP, Imported Fill Erosion Control Plan, prepared by Bibbo Associates, dated 12/31/19

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

**UPON ROLL CALL VOTE:**

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

The resolution was passed by a vote of 5 to 0, with 2 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board



**TOWN OF SOUTHEAST**

Planning Board  
1 Main Street  
Brewster, NY 10509

February 11, 2020

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

Re: ALFACOR, LLC Special Permit  
GML §239-m

Dear Barbara,

The Planning Board of the Town of Southeast is considering an application for Special Permit for Grading & Excavation by ALFACOR, LLC for placing approximately 4,362 cubic yards of fill and requesting to place another 1,500 cubic yards of fill on an approximately 31.5 acre lot located at 291 Deans Corner Road, Putnam County, New York (Tax ID 78.-2-25) in the OP-1 Zoning District without a permit. The total area of soil disturbance is approximately 0.9 acres. The Applicant requires a Special Permit under Chapter 69, Excavation and Grading, to remedy the violation.

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  
Town of Southeast Planning Board

Attachment

cc: Town Attorney  
Town Clerk  
Bibbo Associates

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
January 27, 2020**

Present: Chairman Thomas LaPerch; Vice Chairman David Rush; Boardmembers Jim King, Michael Hecht, Eric Cyprus, Dan Armstrong and Lynne Eckardt; Town Attorney Willis Stephens; Town Planner Ashley Ley; Secretary Victoria Desidero.

**PUBLIC HEARINGS:**

**REGULAR SESSION:**

1. **PROSWING STARR RIDGE, 273 Starr Ridge Road** – This was a Review of a Request by the Applicant to Set a Public Hearing. Attorney Richard O'Rourke of Keane & Beane appeared before the Board. The motion to Set the Public Hearing for this Subdivision for Feb. 24, 2020 was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor.
2. **JCE ENTERPRISES, INC., 12 Old Route 6** – This was Consideration by the Board to Refer the Application to the Zoning Board of Appeals. Chairman LaPerch said the applicant was told they did not need to attend this meeting. The motion to Refer the Application to the ZBA for an Area Variance was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.
3. **STATELINE RETAIL CENTER / RESTAURANT DEPOT, US Route 6** – This was a Continued Review of an Application for Subdivision and Discussion of the Overall Application. Jeff Contelmo of Insite Engineering appeared before the Board. Chairman LaPerch asked him to provide a quick overview of the project which he did. Boardmember Hecht asked if this would look like the one in Newburgh and Mr. Contelmo said this will be much nicer architecture. Boardmember Cyprus asked about how this fits with the old Stateline approval and Town Planner Ashley Ley explained the history of the project and the differences between the previously approved plan and this proposal. Boardmember Rush asked about the master plan versus the Restaurant Depot portion and Mr. Contelmo answered. The motion to Declare Intent to be Lead Agency for a Type I Action was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 7 to 0. The motion to Set the Public Hearing for Feb. 24, 2020 was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. The motion to Refer the Application to County Planning under GML 239-m and n was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.
4. **577 NORTH MAIN STREET, 577 North Main Street** – This was a Review of an Application for Special Permit. Owner Bart Lansky appeared before the Board and explained the Special Use Permit and Conditional Use Permits he has applied for on this property and said we are back for two new uses: a kennel and a warehouse for a company called Tally Ho. He explained the two businesses in detail. Ms. Ley and Chairman LaPerch asked for clarification of the two uses being requested simultaneously and they discussed this with the applicant. Chairman LaPerch asked about the outside storage and whether or it is maxed out. Mr. Lansky said we have an open application for a Conditional Use Permit for the trucks there now. He explained all the things on the property that are considered outside storage. The Board discussed how these new requests are being handled within the previous applications. Boardmember Eckardt asked some questions about the kennel use, the dog runs and the chain link fence. Ms. Ley said the fence will need to go to the ARB (Architectural Review Board). Boardmember King asked how many vehicles Tally Ho would have parked there. Mr. Lansky said he is starting with two vans. Boardmember Armstrong asked if there is a limit on the number of dogs, about the size of the space and how the dogs are housed. Mr.

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
January 27, 2020**

Lansky said 50 dogs in 4,000 sq. ft. and they are in areas for training and an area for them to stay at night. Boardmember Cyprus asked some follow up questions about what is included in the count of 50 dogs and Mr. Lansky said with the tenant's existing business they keep about 30 dogs a day and they expect to grow so 50 is the number we chose. Ms. Ley said the Town Board would be able to put a cap on the number because it is a Special Permit. The Board asked additional questions about the number of dogs, the parking, the proximity of the nearest residence, sanitary issues and hours of operation. Mr. Lansky said it is a tough question about hours and Chairman LaPerch said we need a definitive answer. Ms. Ley said the dogs are not allowed outside off leash after 8 pm at night or before 8 am in the morning. Boardmember Rush said he is concerned about the noise, and sanitary issues. Boardmember Armstrong asked if this can be a renewable permit and Ms. Ley said yes, the Town Board can do that. Everyone agreed that is a good idea. Boardmember Eckardt asked if there is a drawing of this. Mr. Lansky said there was a survey where he outlined the dog area. Chairman LaPerch said next time around bring us some visuals, this is a big deal and we need to see it. The motion to Set a Public Hearing for Feb. 24, 2020 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. The motion to Affirm this as a Type II Action under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 7 to 0. The motion to Refer the application to the ARB was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

5. **NORTHWOOD TREE CARE, 25 Fields Lane** – This was a Continued Review of an Application for Site Plan Amendment, Wetland Permit, Special Permit and Conditional Use Permit. Peder Scott of PW Scott Associates appeared before the Board. Mr. Scott offered to give an overview of the application for the new members on the Board and Chairman LaPerch said please do. He used the plans to give the history of the businesses and uses on the property and explained what his client is proposing in a phased approach. He also described variances previously received for the site. Mr. Scott described the “wood mill” use on the site in detail and an interpretation they need from the Zoning Board of Appeals. Chairman LaPerch said this is rather confusing and asked Mr. Scott to respond to the Town Engineer's memo regarding drainage which he did using the plans. Boardmember Eckardt asked about the mulch and having real boundaries to keep things from spreading. They discussed the type of fencing that would work best. Boardmember King asked if the mulch is dyed on the premises and Mr. Scott no, they are currently creating natural mulch. Ms. Ley said can you put that as a note on the Site Plan and he said yes. Boardmember Hecht asked for clarification of where this is on Fields Lane and Mr. Scott showed him using the plans. Boardmember Cyprus asked for clarification on the timing of the request for interpretation from the ZBA. Ms. Ley said typically this Board refers to the ZBA after SEQRA is complete and that would be her recommendation: to refer for the interpretation and the necessary variances at the same time. The motion to Declare Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 7 to 0. The motion to Set a Public Hearing for Feb. 24, 2020 was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.
  
6. **ALFACOR, LLC SPECIAL PERMIT, 14 Fields Lane** – This was a Review of an Application for a Special Permit for Excavation and Grading. Nicholas Gaboury of Bibbo Associates appeared before the Board. He explained how the owner moved some excess material from one site to another which resulted in a violation. He said this application for a Special Permit for Excavation and Grading is to rectify that violation. Mr. Gaboury used the plans to show where the piles are located and all of the erosion and sediment control measures they installed on the site. Chairman LaPerch said you did file for MS4 and this permit in a timely way. Boardmember Eckardt asked what is the fill? He said it is soil from the hillside excavation for the warehouse on 131 Fields Lane; natural soil and some boulders taken off the hillside. Mr. Gaboury said there are two additional

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
January 27, 2020**

requests that the owner would like to incorporate into this Special Permit: one is to include an additional 1500 cubic yards of material to be moved onto the site. There was a lengthy discussion as to whether the additional requests were reviewed by the consultants and it was determined that the consultant memos do not reflect the request. It was determined the plans showed the additional fill but the cover letter did not mention it. Mr. Gaboury agreed to change the letter. He said the other item is the trimming of the trees that are on the site. He used the plans to show where the trees are and said his client would like to cut the trees down to the stump prior to the hibernation of the northern long-eared bat ending. There was another discussion about who received this request and whether it was addressed by the consultants in this round of memos. Chairman LaPerch said I think we have to put this off to the next meeting until after our consultants have time to review this and I would like to get Tom (Fenton, Town Engineer) out there. Boardmember Eckardt expressed concern about trees being cut down prior to site plan approval. After some discussion it was decided to set the Public Hearing and hold off on classification and referrals until the next meeting. The motion to Set a Public Hearing for Feb. 24, 2020 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor.

7. **GAS LAND SOUTHEAST, 3411 Danbury Road** – This was a Review of an Application for Site Plan Amendment. Chairman LaPerch recused himself and left the dais. Chris LaPine of The Chazen Companies appeared before the Board with his client Mitch Nesheiwat. Mr. LaPine explained the location of the gas station and the proposal to enlarge the building and modernize the existing store including some changes to the layout of the pump area and increasing the sidewalk width for ADA accessibility and to add some landscaping. He explained they would be moving the building to the rear of the property which will require zoning variances. Acting Chairman Rush polled the Board for questions. Boardmember Eckardt asked if the back will have access by a road and Mr. LaPine said there is no road but there will be access to walk around there. They discussed whether there would be any issues with firefighting if there is no vehicle access. She asked Ms. Ley if the lighting will be re-done. Ms. Ley and Acting Chairman Rush said the lighting and landscaping plans are required as part of the application. Boardmember King asked how growing the building in the back will increase the distance to the canopy and Mr. LaPine said they are moving the whole building back creating more space in the front. He explained how they keep the station and store in operation during the construction. Acting Chairman Rush asked about the distance between the building and the landscape in the back. Mr. LaPine answered using the plan to show the grade changes. They discussed the access to the rear of the building relative to the grades. After some discussion, Ms. Ley asked Mr. LaPine to bring to the next meeting a section that shows that area. Acting Chairman Rush suggested it could be a green roof. The motion to Classify this as a Type II Action under SEQRA and Minor Town of Southeast Project was introduced by Acting Chairman Rush, seconded by Boardmember King and passed by a roll call vote of 6 to 0 with 1 recused. The motion to Refer the Application to County Planning under GML-239m was introduced by Acting Chairman Rush, seconded by Boardmember Cyprus and passed all in favor. Acting Chairman Rush asked the Board about waiving the Public Hearing and it was agreed it could be waived as Ms. Ley said the ZBA will be required to have a Public Hearing on this. The motion to Waive the Public Hearing was introduced by Acting Chairman Rush, seconded by Boardmember Hecht and passed all in favor. The motion to Refer the Application to the ARB was introduced by Acting Chairman Rush, seconded by Boardmember Armstrong and passed all in favor. The motion to Refer the Application to the ZBA was introduced by Acting Chairman Rush, seconded by Boardmember Cyprus and passed all in favor.

The motion to Approve the Meeting Minutes from January 13, 2020 was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor with Boardmember Eckardt abstaining.

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
January 27, 2020**

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

**February 7, 2020/VAD**

**THE FULL AUDIO RECORDING OF THIS MEETING IS AVAILABLE AT:**  
<https://www.southeast-ny.gov/337/Planning-Board-Audio-Files>