
TOWN OF SOUTHEAST PLANNING BOARD AGENDA

July 13, 2020 7:30 p.m.

Please join from your computer, tablet or smartphone: *When prompted, please type your full name*

<https://us02web.zoom.us/j/89243111604>

***** This meeting will be recorded *****

PUBLIC HEARINGS:

- 1. ALFACOR, LLC, 291 Deans Corner Road, Tax Map ID 78.-2-25 & 18** – Public Hearing to Review an Application for Site Plan Amendment and Conditional Use Permit

REGULAR SESSION:

- 1. FWL GROUP, LLC, 200 & 280 Fields Lane, Tax Map IDs 78.-2-1 and 78.-2-2** – 78.-2-1 and 78.-2-2 of Amended Final Plat Resolution
- 2. AT&T, 3925 Danbury Road, Tax Map ID 69.13-1-20** – Review of an Application for Site Plan Amendment
- 3. SOUTHEAST PARKING BY WB NEW YORK, Independent Way, Tax Map ID 56.1-2-24 & 25** – Review of Application for Final Approval of Site Plan, Wetland Permit and Special Permit
- 4. ROUTE 22 MASTER PLAN AND ZONING DISCUSSION**
- 5. APPROVE MEETING MINUTES OF June 22, 2020**

**Agenda Subject to Change
July 7, 2020/VAD**

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#>

***** ZOOM MEETING INSTRUCTIONS *****

New to Zoom? Please download the free app now so you are ready when the meeting starts: <https://zoom.us/download>

Please join from your computer, tablet or smartphone by clicking on this link:
<https://us02web.zoom.us/j/89243111604>

This is the preferred method so you can see the documents and plans being discussed. When prompted, please provide your full name. If you are representing an application, please also provide the name of your firm.

You can also dial in using your phone:

Call-in number: +1 929 436 2866 US

Meeting ID: 892 4311 1604

FROM YOUR SMARTPHONE

One tap mobile

+19294362866,,89243111604# US (New York)

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<https://support.zoom.us/hc/en-us/categories/200101697-Getting-Started>

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

Date: July 13, 2020

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: Alfacor

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The Applicant proposes to construct two new commercial buildings on an approximately 31.5 acre lot located at 291 Deans Corner Road (Tax ID 78.-2-25) and located in the OP-1 Zoning District. Access would be provided via a common driveway through an existing 6.45 acre commercial property located at 14 Fields Lane (Tax ID 78.-2-18), also located in the OP-1 Zoning District. No access is proposed from Deans Corner Road. The proposed buildings include a 90,000 SF warehouse and a 9,900 SF warehouse/office building. Associated parking, loading, wells, stormwater management, and sewage disposal systems are also proposed. The proposed project requires site plan and conditional use permit approval from the Planning Board. The proposed site plan layout avoids disturbance to the onsite wetland and wetland buffer.

Location: 291 Deans Corner Road (Tax ID 78.-2-25)

Reasons Supporting This Determination:

The following materials have been reviewed:

- Town of Southeast Application Form, dated 11/1/18;
- Letter from Nicholas Gaboury, PE to Members of the Planning Board, dated 11/5/18;
- Long EAF, dated 2/4/19;
- Letter from Nicholas Gaboury, PE to Members of the Planning Board, dated 2/4/19;
- Letter from Nicholas Gaboury, PE to Members of the Planning Board, dated 8/19/19;
- Traffic Letter, prepared by Adler Consulting/Chazen, dated 8/6/19;
- E-mail correspondence with NYS Parks, dated 6/28/19;
- Response to Comments Letter on Traffic Impact Study ("TIS") dated 11/20/19 and Appendices, prepared by Adler Consulting/Chazen;
- Response to Comments Letter on Traffic Impact Study ("TIS") dated 5/7/20 and Appendices, prepared by Adler Consulting/Chazen;
- Site Plan Drawing Set (11 sheets), prepared by Bibbo Associates, last revised 5/12/2020;
- Stormwater Pollution Prevention Plan, prepared by Bibbo Associates, last revised 4/12/20;

- Response to Comments Letter on the Site Plan dated 5/15/20, 2020 prepared by Bibbo Associates;
- Letter from Nicholas Gaboury, PE to the Planning Board, dated 6/22/20;
- Supplemental Traffic Impact Study and appendices prepared by Adler Consulting/Chazen dated 6/22/20;
- Truck Turning Maneuvers Figures (2 sheets), prepared by Bibbo Associates, dated 6/20/20;
- Minutes from meeting with NYSDOT dated 6/25/20;
- Memorandums from AKRF, Inc. dated 11/21/18, 2/21/19, 9/4/19, 1/27/20, 6/2/20, and 7/7/20;
- Letters from Nathan L. Jacobson & Associates, P.C. dated 11/21/18, 2/21/19, 9/4/19, 1/24/19, and 6/3/20; and
- Letter from Stephen Coleman dated 11/25/18 and email 9/9/19.

WHEREAS, on February 25, 2019, the Planning Board classified the proposed action as an Unlisted Action and circulated its intent to serve as Lead Agency in a coordinated review of the project, to which no other agency has objected; and

WHEREAS, the Planning Board held a publically noticed meeting on July 13, 2020, at which time members of the public were given the opportunity to comment on the proposed project; and

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

WHEREAS, the above referenced traffic studies identified potential impacts to the Hardscrabble Road/I-684 Northbound Ramp, however the Planning Board has determined based upon the data presented in the traffic study prepared by the Applicant's Engineer, review by the Town's Traffic consultant, and consultation with NYSDOT, that these impacts would not be significant; 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	
NEW YORK STATE	
New York State Department of Environmental Conservation Region 3 21 South Putt Corners New Paltz, NY 12561 ATTN: Regional Director	SEQR Unit New York State Department of Transportation Traffic Engineering & Safety Division 4 Burnett Blvd. Poughkeepsie, NY 12603
NEW YORK CITY	
New York City Department of Environmental Protection Bureau of Water Supply 465 Columbus Avenue Valhalla, New York 10595-1336	
PUTNAM COUNTY	
Putnam County Department of Planning/Development & Public Transportation Putnam County Transit Facility 2 Route 164 Patterson, New York 12563	Putnam County Department of Health 1 Geneva Road Brewster, New York 10509
MUNICIPALITIES	
Town of North Salem 266 Titicus Road North Salem, NY 10560	
TOWN OF SOUTHEAST	
Town Board 1360 Route 22 Brewster, NY 10509	Architecture Review Board 1 Main Street Brewster, NY 1050
Town Clerk 1360 Route 22 Brewster, NY 10509	Building Inspector 1 Main Street Brewster, NY 10509
Planning Board 1 Main Street	Highway Superintendent 10 Palmer Road

Brewster, NY 1050	Brewster, NY 10509
Zoning Board of Appeals 1 Main Street Brewster, NY 1050	Southeast Fire Inspector 1 Main Street Brewster, NY 10509
E-911 Coordinator / Assessor 1360 Route 22 Brewster, NY 10509	

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>absent</u>	J. King, Boardmember	<u>absent</u>
L. Eckardt, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 4 to 0, with 3 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

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

July 13, 2020

TO: Architectural Review Board

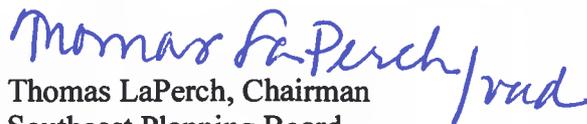
FROM: Thomas LaPerch, Chairman
Southeast Planning Board

RE: ALFAOR, LLC
291 Deans Corner Road
Tax Map ID 78.-2-25 & 18

At the regular meeting of the Southeast Planning Board on 7/13/20, a motion was made to refer the above referenced application to your Board for review and recommendation to the Town Board. The Planning Board issued a Negative Declaration under the New York State Environmental Review Act (SEQRA) process on 7/13/20. The applicant will be sending your Board a copy of the proposed plans to aid you in your review.

If there is any additional information you require, please contact the Planning Board office.

Very truly yours,


Thomas LaPerch, Chairman
Southeast Planning Board

cc: Town Counsel
Town Clerk
Bibbo Associates

**TOWN OF SOUTHEAST, NY
RESOLUTION
FINAL PLAT APPROVAL**

INTRODUCED BY: *LaPerch* DATE: July 13, 2020

SECONDED BY: *Cyprus*

WHEREAS, FWL Group, LLC as the Applicant/Owner of certain properties located at 200 and 280 Fields Lane in the Town of Southeast and known and designated as Tax Map Numbers 78.-2-1 and 78.-2-2 has submitted an application for Final Plat approval for a proposal to merge these two parcels into one lot; and,

WHEREAS, the proposed lot line merger would accommodate the development of a 28,500 square foot commercial building with an associated parking lot, driveway, stormwater management system, well, and septic, which is under review by the Planning Board and not the subject of this resolution; and

WHEREAS, the Applicant submitted an application for Final Plat approval on April 3, 2020: and,

WHEREAS, the Southeast Planning Board (the "Planning Board") is in receipt of the following drawings, related to the subdivision application:

- Lot Merger Map, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C, dated April 6, 2020.
- Town of Southeast Final Subdivision Application, dated April 3, 2020.
- Town of Southeast Final Subdivision Checklist, dated April 6, 2020.
- NYCDEP Letter of Complete Application, dated June 7, 2019.

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 123, "Subdivision of Land," (specifically §123-13.C and §123-31) and Chapter 138, "Zoning," of the Town of Southeast Code; and,

WHEREAS, pursuant to §123-13.D, the Planning Board referred the complete application to the Putnam County Division of Planning and Development on 4/9/2018 for its review under §239-n of Article 12-B of the General Municipal Law; and,

WHEREAS, the Planning Board is in receipt of the following information relative to approvals from outside agencies:

Board/Agency	Resolution/Report	Date
Town Board	Wetland Permit	n/a
Town Board	Special Permit	n/a
Town Board	Architecture Approval	n/a
Architecture Review Board	Referral to Town Board	n/a
Zoning Board of Appeals	Variance(s)	n/a
New York City Department of Environmental Protection	Letter of Complete Application	y
Putnam County Department of Health	Approval of Wastewater Treatment System	n/a

WHEREAS, the Planning Board, in its resolution approving the Preliminary Plat, has confirmed that the requirements of the State Environmental Quality Review Act (SEQRA) have been met and that proposed mitigation measures will avoid significant adverse environmental impacts to the maximum extent practicable; and,

NOW, THEREFORE, be it RESOLVED, that pursuant to the authority vested in the Planning Board by Chapter 123, "Subdivision of Land," of the Town Code, the Planning Board hereby grants Final Plat approval for the Proposed Action, as defined above.

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. The approved plat and all associated plans and drawings shall serve as the record of all approved improvements.
4. The Applicant shall submit revised Final Plat drawings for the signature of the duly authorized officer of the Planning Board within one-hundred and eighty (180) days of the date of this Final Approval (§123-13.G(2)) to show compliance with all conditions of this approval.
5. Prior to submission of the Final Plat for the signature of the duly authorized officer of the Planning Board the Applicant shall obtain final approval of all street names from the Town Board (§123-35.E) and Town Tax Assessor (§54-A.4).
6. Prior to submission of the Final Plat for the signature of the duly authorized officer of the Planning Board the Applicant shall first obtain the required signatures of the Putnam County Department of Health on the Final Plat.
7. All changes or modifications to the Final Plat made in response to compliance with the conditions of this Final Approval shall be reviewed by the Town Engineer who may require the Applicant to present such changes to the Planning Board prior to having the Final Plat signed by

the duly authorized officer of the Planning Board if such changes constitute a substantial alteration to the Final Plat.

8. The Applicant shall file the signed approved Final Plat with the County Clerk within sixty (60) days of the date upon which the Final Plat was signed by the duly authorized officer of the Planning Board or the Final Plat shall be considered null and void (see §123-13.J). The Applicant shall provide the Town of Southeast with five (5) copies of the filed plat.

9. The Applicant shall provide any and all deed easements and road dedications, as noted on the subdivision drawings and where applicable, to the satisfaction and approval of the Town Attorney prior to filing of the Final Plat (see §123-13.H(2)) with the County Clerk.

10. The Final Plat may be submitted in sections (pursuant to §123-13.I) and the Town Engineer shall review such sections to ensure the orderly development of the subdivision. All conditions within this approval, as well as any other permit or approval from a separate agency, shall apply to any and all subdivision sections filed for the Proposed Project.

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>absent</u>	J. King, Boardmember	<u>absent</u>
L. Eckardt, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 4 to 0, with 3 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 DATE: July 13, 2020
SECONDED BY: Cyprus

WHEREAS, an application is being made by AT&T for a Site Plan Amendment on a property located at 3925 Danbury Road, in the Town of Southeast, New York; and

WHEREAS, the applicant seeks to expand the existing fenced compound at the base of the monopole by approximately 720 sq. ft. to accommodate a walk-in equipment cabinet and standby emergency generator. The Planning Board recently approved extending the height of the existing 100 ft monopole to 120 ft. (The Project); and

WHEREAS, the property is identified as Tax Map Number 69.13-1-20, 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. Letter from Alec Gladd to Chairman LaPerch, dated June 19, 2020.
2. Site Plan Set (9 Sheets), prepared by Krupakaran Kolandaivelu P.E. (TKK Engineering DPC), last revised 6/18/20

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>absent</u>	J. King, Boardmember	<u>absent</u>
L. Eckardt, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 4 to 0, with 3 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board



TOWN OF SOUTHEAST

Planning Board
1 Main Street
Brewster, NY 10509

July 13, 2020

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

Re: AT&T (aka New Cingular Wireless)
GML §239-m

Dear Barbara,

The Planning Board of the Town of Southeast is considering an application for Site Plan Amendment by AT&T to expand the existing fenced compound at the base of the monopole by approximately 720 square feet to accommodate a walk-in equipment cabinet and standby emergency generator. The Planning Board recently approved extending the height of the existing 100 ft monopole to 120 ft. The proposed project is located in the SR-6 Zoning District on an approximately ±2.19-acre parcel located at 3925 Danbury Road, Putnam County, New York (Tax Map ID 69.13-1-20).

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
Cuddy & Feder

**TOWN OF SOUTHEAST, NY
RESOLUTION
SITE PLAN AND WETLAND PERMIT APPROVAL**

INTRODUCED BY:

LaPerch

DATE:

7/13/2020

SECONDED BY:

Rush

WHEREAS, Southeast Parking by WB New York as the Applicant/Owner of certain properties located 4 and 10 Independent Way in the ED Zoning District in Town of Southeast and known and designated as Tax Map Number 56.-1-24 & 25 has submitted an application for Site Plan and Wetland Permit approval for a proposed 350-space commuter parking lot with associated comfort station, lighting, and landscaping (the "Proposed Project"); and,

WHEREAS, the Proposed Project was previously approved on July 13, 2015, and received one-year extensions in 2016, 2017, and 2018; and,

WHEREAS, the previous approvals expired on July 13, 2019 and were not eligible for extensions; and

WHEREAS, the Proposed Project would have the same footprint, wetland mitigation measures, landscaping, and architecture as the previously approved project. The only change is an update of the lighting to energy efficient LED lighting; 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, issued a Negative Declaration on or about April 13, 2020, indicating that no potential environmental impacts 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
OP-1 Existing Conditions Plan; Insite Engineering, Surveying & Landscape Architecture, P.C.	2/5/2016; 11/4/2019
SP-1 Layout & Landscape Plan; Insite Engineering, Surveying & Landscape Architecture, P.C.	2/5/2016; 11/4/2019
SP-2 Grading & Utilities Plan; Insite Engineering, Surveying & Landscape Architecture, P.C.	2/5/2016; 11/4/2019
SP-3 Erosion & Sediment Control Plan	2/5/2016; 11/4/2019
D-1 Details; Insite Engineering, Surveying & Landscape Architecture, P.C.	2/5/2016; 11/4/2019
D-2 Details; Insite Engineering, Surveying & Landscape Architecture, P.C.	2/5/2016; 11/4/2019
D-3 Details; Insite Engineering, Surveying & Landscape Architecture, P.C.	2/5/2016; 11/4/2019
LP-1 Lighting Plan; Insite Engineering, Surveying & Landscape Architecture, P.C.	1/16/2015; 6/18/2020
Evaluation of Potential Impacts Final Site Plan Re-Approval Application; Insite Engineering, Surveying & Landscape Architecture, P.C.	11/4/2019
Expanded Environmental Assessment, SEQR Full Environmental Assessment Form (EAF) and Supplemental Studies	12/4/2013
A-1 First Floor Plan; Paul Raymond Walter	4/3/2015

Drawing No. & Title; submitted by	Original Revised	Date;	Last
A-2 Second Floor Plan; Paul Raymond Walter		4/3/2015	
A-3 Front Elevations; Paul Raymond Walter		4/3/2015	
A-4 Side Elevations; Paul Raymond Walter		4/3/2015	
A-5 Rear Elevation; Paul Raymond Walter		4/3/2015	

; 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 April 23, 2015 from the Architectural Review Board recommending approval of the architecture Proposed Action; and

WHEREAS, the Planning Board is in receipt of a resolution dated May 7, 2015 from the Town Board approving the architecture for the Proposed Project; and

WHEREAS, the Planning Board is in receipt of a resolution dated April 23, 2020 from the Town Board approving the Special Permit for the Proposed Project; and

WHEREAS, the Town of Southeast Wetlands Consultant issued a report and recommendation dated July 13, 2015 in connection with the Proposed Project, as depicted on drawings dated February 25, 2015 and prepared by Tim Miller Associates; and

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

NOW, THEREFORE, BE IT RESOLVED, that after reviewing the maps, plans and submissions of the Applicant, together with the Report and Recommendation of the Wetlands Consultant dated February 25, 2015 (the "Report") which is incorporated herein by reference, the Planning Board of the Town of Southeast hereby GRANTS a permit to allow a portions of the proposed activity to occur within the regulated wetland/wetland buffer area as shown on the proposed plan on file with the Planning Board and Building Department subject to the conditions and mitigations set forth in the Report.

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 Final Site Plan Approval for the Proposed Action, as defined above, subject to the following Conditions identified below. (For purposes of compliance, these conditions, and any other conditions identified in the environmental review of the Proposed Action, shall be enforceable by the Town of Southeast in accordance with the Town Code of the Town of Southeast).

General Conditions

1. The Applicant must conform to all the rules, regulations, and ordinances of the Town of Southeast, County of Putnam, and State of New York.
2. The Applicant is hereby bound by any statements offering modifications, improvements, or offerings to the Town of Southeast made by itself or its representatives in relation to approval of the Proposed Project.
3. Prior to issuance of a Building Permit, the applicant will submit to the Planning Board information pertaining to the specific tenant/use and, if necessary, an amended site plan application showing any proposed modifications to the site for the specific tenant/use.

4. Pursuant to §138-85.D , where a proposed use or proposed building or other structure involves the installation, extension, relocation or reconstruction of a sewage disposal or water supply system, no building permit shall be issued until plans for such a system have been approved by the County of Putnam, State of New York, City of New York or any regulatory agency having jurisdiction as required by law. No certificate of occupancy shall be issued until such a system has been completed and approved by such an agency as required by law or until the use or building or structure has been provided with the connections to a previously completed and approved sanitary sewer and public water supply system.
5. The Proposed Action shall be constructed in coordination with the approved site improvements for the Southeast Parking by WB New York including all stormwater and wastewater treatment systems and conveyance systems.
6. The Applicant is granted approval based on generic review by the Architectural Review Board of building design and elevations and will have to seek a second review if modifications to the approved design are made. The Proposed Action shall be constructed in accordance with the approved plans and drawings for the specific tenant as reviewed by the Architectural Review Board and approved by the Town Board.
7. Pursuant to §138-41.E(4), the applicant shall provide to the Town of Southeast Planning Board one full set of final full-sized plans and five copies of the filed plans on eleven-inch by seventeen-inch, or similar, paper, with a graphic scale indicated (to allow for scale measurements of photo-reduced drawings), for distribution to the Town Engineer, the Planning Board, the Town Clerk, the Building Inspector, and the Town Planner. This final plan set shall include the final architectural plans recommended by the Architectural Review Board and approved by the Town Board. Each of these sets shall be bound, and shall contain a signature box on the Index or Title Page for the Planning Board Chairman's Signature. No Building Permits shall be issued until these plan sets have been submitted to the Planning Board Secretary and signed by the Planning Board Chairman.
8. The Applicants shall submit two (2) sets of as-built plans to the Town of Southeast Building Department and one (1) full size set to the Planning Board after final construction is completed. The as-built plans must show all buildings and site improvements, the impervious surfaces, landscaping, and final design specifications for all stormwater management facilities. The plans must be certified by a professional engineer.

Financial & Legal Considerations

1. The Applicant shall post a Performance Bond in an amount determined by the Town Engineer and recommended by the Planning Board for Town Board approval to ensure all site grading, stormwater management, and road improvements will be made in accordance with the approved drawings, Town of Southeast Code and to the satisfaction of the Town Engineer and/or Highway Superintendent. The Performance Bond may also be used to finance necessary work to stabilize the project site should the Applicant abandon the project and the Town is forced to complete necessary improvements. The establishment of the Performance Bond shall be done in a form acceptable to the Town Counsel. The bond amount will be based upon 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. This resolution supersedes all construction, design, approvals, conditions, restrictions, and requirements of the previously approved site plan, and building permits. The inclusion of certain previously adopted conditions in this resolution shall not be deemed as an affirmation of past approvals or conditions not recited herein.

Construction Activity

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

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

- a) Performance Bond and Erosion and Sediment (E&S) Control Bond shall be posted with the Town Clerk;
- b) Inspection Fees shall be paid to the Planning Board;
- c) Escrow Account shall be in good standing;
- d) In accordance with item #7 under "General Conditions" above, approved/signed plans shall be on file with the Planning Board and the Building Department; and
- e) The MS4 Acceptance, proof of mailing of Notice of Intent (NOI), and E&S shall be completed and on file with MS4 Administrator.

3. The Town of Southeast Building Inspector or its designee may make periodic inspections to ensure that all site work and site improvements are being made in conformance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall designate a responsible and competent person to be the on-site construction manager who shall be responsible for ensuring the continued compliance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall ensure that all remedial measures are taken within 72 hours of any notification of deficiencies relating to construction. If appropriate measures are not implemented to the satisfaction of the Town Engineer, a stop work order may be issued by the Town and/or a fine imposed according to Town Code.

4. Should project changes be required that would represent a significant change to the approved plans, the Applicant may be required to seek an amended approval from the Planning Board.

5. The Applicant shall retain the services of a professional engineer and/or a landscape architect (in accordance with the drawings prepared) throughout the construction process who shall periodically observe the construction of all approved improvements, except improvements to Town of Southeast roads and drainage (which shall be inspected by the Town Engineer and/or Highway Superintendent). The Applicant's professional engineer and/or landscape architect shall provide a statement, in writing, that all approved improvements have been constructed substantially as required and approved by the Planning Board or as such requirements have been modified.

6. Prior to commencing any site clearing, grading, or construction activity, the Applicant shall have the boundary of the property staked out by a licensed surveyor.
7. A copy of the completed NOI to comply with the New York State Department of Environmental Conservation (NYSDEC) General Permit for Construction Activity shall be maintained at the on-site construction office.
8. All sediment and erosion control measures or Best Management Practices indicated on the approved plans and/or required for compliance with the NYSDEC General Permit for Construction Activity shall be installed at the commencement of grading activities and shall be inspected on a weekly basis (or following any storm event in excess of one-half inch) to ensure proper function. All construction activities shall adhere to the provisions for sediment and erosion control contained in the NYSDEC's *New York Standards and Specifications for Erosion and Sediment Control*.
9. The design and construction of all proposed water quantity and water quality best management practices shall adhere to the *New York State Stormwater Management Design Manual*.
10. Any drainage improvements that would affect a Town drainage structure or element or any improvements to Town of Southeast roads shall be made in accordance with the Town Road and Drainage Specifications (Chapter A143 of the Town Code) and shall be made under the direction and supervision of the Highway Superintendent.
11. The Town Highway Superintendent must be notified a minimum of 72 hours in advance of any construction activity affecting the Town drainage system or any Town Road except where emergency repairs are required, in which case the Highway Superintendent must be notified as soon as possible after the affected area has been stabilized.
12. Existing trees, understory vegetation, and ground cover along all property lines shall remain undisturbed to the maximum extent practicable throughout the duration of construction. Should any disturbance be required to construct approved improvements, the area shall be replanted with comparable vegetation as soon as is practicable following completion of construction activity in that area.
13. All disturbed areas shall be stabilized pursuant to NYSDEC regulations. Should disturbed areas remain disturbed for periods longer than one month, more permanent stabilization measures shall be installed.

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

absent

J. King, Boardmember

absent

L. Eckardt, Boardmember

yes

The resolution was passed by a vote of 4 to 0, with 3 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board