
TOWN OF SOUTHEAST PLANNING BOARD AGENDA

September 28, 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/81148394723>

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

PUBLIC HEARING:

REGULAR SESSION:

- 1. COMMERCIAL CAMPUS AT FIELDS CORNER, 51 Pugsley Road, Tax Map IDs (See Attachment - Exhibit A)** – Consider Adoption of SEQRA Statements of Findings
- 2. AT&T (aka New Cingular Wireless), 3925 Danbury Road, Tax Map ID 69.13-1-20** – Review of an Application for Final Approval of Site Plan Amendment
- 3. LAS MANANITAS, 1250 Route 22, Tax Map ID 57.-2-1** – Review of an Application for Final Approval of Site Plan Amendment and Recommendation of Performance Bond to Town Board
- 4. LAKEVIEW PLAZA, 1505-1515 Route 22, Tax Map ID 46.-1-1.-1** – Review of Request for Release of Performance Bond
- 5. CHARBONNEAU LOT LINE ADJUSTMENT, 120 Prospect Hill Road, Tax Map ID 56.-1-14** – Review of an Application for Subdivision for a Lot Line Adjustment
- 6. ROUTE 22 MASTER PLAN AND ZONING STATUS UPDATE**
- 7. APPROVE MEETING MINUTES of August 26, 2020**

**Agenda Subject to Change
September 16, 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 *****

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<https://us02web.zoom.us/j/81148394723>

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: 811 4839 4723

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Additional Zoom FAQs and tutorials:

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

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	45-3-31

Notes:

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

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

INTRODUCED BY: *LaPerch*

DATE: September 28, 2020

SECONDED BY: *Cyprus*

WHEREAS, Putnam Seabury Partners, L.P (the “Applicant”), located on an approximately 328 acre site located at New York State (NYS) Route 312 and Pugsley Road (the “Project Site”), in the Town of Southeast, has applied for a Special Permit from the Town Board of the Town of Southeast for permission to construct a 933,100 square foot distribution center (light manufacturing use) to be known as Commercial Campus at Fields Corners (the “Proposed Project”) in the **OP-3** Zoning District; and,

WHEREAS, the Project Site consists of 156 existing tax parcels as follows:

#	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.-3-31

; 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 subject to the following conditions:

Land Use

1. Prior to issuance of a building permit for the Action, the Applicant shall file with the Putnam County Clerk a deed restriction, in a form acceptable to the Town Attorney, that places no build restrictions on the approximately 172 acres of the Property shown in FEIS Figures 1-2 and 1-2A.
2. No “hazardous substances,” as that term is defined by NYSDEC regulations and which are subject to regulation by the NYSDEC pursuant to 6 N.Y.C.R.R. Part 596, will be handled or stored at the Property.
3. Each tenant or occupant of the buildings shall enforce site-specific requirements including prohibitions against: (a) overnight facilities or overnight sleeping by truckers at the Property, and; (b) idling on the Property.

Traffic

4. The Applicant shall install at the intersection of Route 312 and Pugsley Road, prior to the issuance of a certificate of occupancy for either Building, a demand responsive traffic signal, with vehicle detection to provide additional green time for certain movements when the approaching volume necessitates the signal green time extension. The proposed traffic signal shall be coordinated with the three signalized intersections to the east along Route 312.
 - a. Prior to the issuance of a certificate of occupancy for either building, the Applicant shall, at the intersection of Route 312 and Pugsley Road, install: on Route 312 eastbound a left turn lane and a second through lane is proposed along Route 312 eastbound;
 - b. on Route 312 westbound, subject to the selection of the NYSDOT, a right turn lane (Alternative A) or second through lane with shared right turns (Alternative B), and;
 - c. on Pugsley Road, either expand Pugsley Road to provide three approach lanes to Route 312, with dual left turns and a single right turn lane with the Route 312 westbound right turn lane (Alternative A), or; (ii) improve Pugsley Road to a two lane approach to Route 312, with dual left turns and shared right turns (Alternative B).
5. The Applicant shall, prior to the issuance of a certificate of occupancy for either Building, widen Route 312 from two (2) lanes to provide four (4) lanes for the entire distance between Pugsley Road and the I-84 Eastbound ramps/Independent Way.
6. The Applicant shall, prior to the issuance of a certificate of occupancy for either Building, improve Fields Corner Road to eliminate existing curves in Pugsley Road/Barret Road/Fields Corner Road intersections pursuant Drawing PE-1 in FEIS Appendix 4.A, Part M. Upon the completion of said improvements, the Town may, pursuant to New York Town Law Section 212-a, abandon to the Applicant such sections or part of the old road as it existed before the improvements which are of no further use for highway purposes.
7. The Applicant shall, prior to the issuance of a certificate of occupancy for either Building, at the intersection of Route 312 and the I-84 eastbound ramps/Independent way: (i) in the event the improvements proposed for the Crossroads 312 project have already been made, modify signal timing during the peak weekday AM hour, or; (ii) in the event the improvements proposed for the Crossroads 312 project have not already been made, modify signal timing for the peak weekday AM and peak weekday PM hours and modify the lane utilization of Independent Way.
8. The Applicant shall, prior to the issuance of a certificate of occupancy for either Building, at the intersection of Route 312 and the I-84 westbound ramps, modify signal timing in the in the event the improvements proposed for the Crossroads 312 project have been made. In the event the improvements proposed for the Crossroads 312 project have not already been made, the Applicant is not required to undertake any measures at this intersection.
9. The Applicant shall prepare within three (3) months of full occupancy of both Buildings a traffic signal Warrant Analysis of the Route 312/Prospect Hill Road intersection. The Warrant Analysis shall consider the variety of warrants available and determine if a signal is justified at this intersection using at least two warrants per NYSDOT direction. The Applicant shall also prepare within six (6) months of full occupancy of both Buildings a

Corridor Study along Route 312 from Prospect Hill Road to International Boulevard to determine the need and recommendations for revised time-of-day traffic signal plans. The Corridor Study shall include the weekday AM, weekday PM, and Saturday peak hours using SimTraffic software per NYSDOT guidance.

- a. If, based on the Warrant Analysis, it is determined and approved by NYSDOT that a signal is warranted, the signal would be designed, installed and coordinated with the four other existing and proposed signals along Route 312 to Independent Way. If the traffic signal is not approved by NYSDOT, other traffic signal technologies could be implemented, and coordinated with the four other existing and proposed signals along Route 312 to Independent Way, as may be identified in the Corridor Study.
 - b. Prior to the issuance of the first certificate of occupancy for the Action, the Applicant shall place \$150,000 in escrow with the Town, or provide a bond to the Town in the amount of \$150,000, to cover: (i) the Applicant's fair share portion of the traffic light required pursuant to the Warrant Analysis, or other signal technologies identified in the Corridor Study and (ii) the costs incurred by the Town for their review of the Warrant Analysis and Corridor Study. The Applicant shall be responsible for preparing the Warrant Analysis and Corridor Study.
10. The Applicant shall complete a Traffic Monitoring Plan (TMP) within six (6) months of the issuance of a certificate of occupancy for the first of the two Buildings completed, and also within six (6) months of the full occupancy of the Action. The following items will be included in the Applicant's tenant and/or occupant leases to ensure the accuracy of the TMP:
- a. confirm there are no scheduled truck deliveries after 11:00 PM on Monday-Saturday or after 5:00 PM on Sunday, and before 6:00 AM Monday-Saturday or before 10:00 AM on Sunday.;
 - b. confirm that trucks parking on the site are only within the designated truck loading and trailer parking spaces shown on the project site plan approval drawings. Occupants will permit truck parking within truck loading and trailer parking spaces on the approved site plan drawings;
 - c. confirm there are no manned overnight layover of trucks. Notwithstanding, Tenants and/or Occupants may provide trucker's bunks to be used for emergency conditions only;
 - d. confirm trucks are not idling on-site in excess of State guidelines and/or local regulations. Occupants will not permit on-site truck idling in excess of the State guidelines or local regulations;
 - e. confirm Project generated traffic volumes do not exceed the volumes analyzed in the FEIS as the Sensitivity Analysis scenario during the Peak Weekday AM (7:30-8:30 AM) and PM (5:00-6:00 PM) Hours along the area roadways (Route 312) and the Peak Saturday Midday Hour (12:15-1:15 PM). If the Project generated volumes exceed the Sensitivity Analysis volumes during the peak roadway hours, the Applicant shall coordinate with its tenants/occupants to adjust work shift hours. The volume thresholds are 364 trips on a weekday from 7:30-8:30 AM, 426 trips on a weekday from 5:00-6:00 PM and 121 trips on Saturday from 12:15-1:15 PM;

- f. record travel speeds along Pugsley Road for 24 hours with automatic traffic recorders (ATR) to determine the average and 85th percentile travel speed. Based on the results of the study, the roadway posted speed limit could potentially be reduced to 25 MPH if determined to be appropriate by the Town and/or the Applicant could be required to install radar speed signs on Pugsley Road, and;
 - g. provide the number of visitors and employees that utilize Metro-North to get to the Property so that the need for a jitney can be assessed.
 - h. The operator(s) of the Buildings shall have a policy in place with all the trucking companies that requires the use of approved routes to and from the facility. Trucks shall not use Fields Corner Road, and trucking companies shall face fines or suspension of business with the facility if found not in compliance.
11. Fields Corner Road shall remain a seasonal road that is closed north of the current Barrett Road intersection during the winter. The Applicant shall install height clearance bars and gates. The Applicant shall provide two turnaround areas along Fields Corner Road within the Town of Southeast. The Applicant shall also install video cameras to monitor truck traffic along Fields Corner Road, as well as signs indicating the prohibition of commercial trucks and the progressive fines currently established by the Town for restricted road use violations. The Applicant shall record the video information on a 24 hour loop and the video monitoring shall be provided to the Town and/or the Putnam County Sheriff's Department if requested to determine whether tickets should be issued. Should it be found by the Planning Board that the traffic levels on Fields Corner Road exceed those predicted under the traffic analysis in the FEIS, the gate shall be closed at the discretion of the Planning Board, except for use by emergency vehicles.
 12. Trucks shall not be scheduled to access the site after 11:00 PM on Monday through Saturday or 5:00 PM on Sunday, and before 6:00 AM on Monday through Saturday or before 10:00 AM on Sunday.
 13. NYSDOT restricts large trucks known as Special Dimension Vehicles, which includes 53 foot trailers, from travelling beyond one mile of an interstate ramp, or along specially designated truck access highways, unless NYSDOT issues an extension approval. NYSDOT has conditionally approved the highway extension for the Project and the Town Board should confirm this. NYSDOT advised that Pugsley Road will be designated as a truck access highway upon completion of the proposed road improvements. Pugsley Road would be improved to provide 12 foot lanes and the proposed improvements to the Route 312/Pugsley Road intersection and the Pugsley Road/Barrett Road intersection have been designed to accommodate appropriate turning radii for Special Dimension Vehicles.
 14. To ensure the satisfactory completion and performance of all proposed public improvements on Pugsley Road, the Town shall hold a performance bond in an amount to be determined in consultation with the Town Highway Superintendent and Town Engineer. The performance bond shall be utilized for the first full resurfacing of Pugsley Road as directed by the Town Highway Superintendent.

Visual Resources

15. Prior to issuance of a building permit for the Action, the Applicant shall file with the Putnam County Clerk a deed restriction, in a form acceptable to the Town Attorney, that places no build restrictions on the approximately 172 acres of the Property shown in FEIS Figures 1-2 and 1-2A.

16. Subject to approval of the boards of Hunters Glen, Twin Brook Manor and the respective residents, the Applicant shall plant a total of up to 50 evergreen trees (25 per residential development, unless otherwise distributed between the two developments) on the Hunters Glen and Twin Brook Manor residential properties in locations approved by the respective condominium association boards to further reduce visibility. The locations would be coordinated with the Town Planning Consultant upon completion of the exterior of Building B. The evergreen trees shall be 6-7 feet tall at the time of planting. Prior to the issuance of a building permit for Building B, the Applicant shall obtain a performance bond in the amount of \$30,000 for up to one year subsequent to the issuance of a certificate of occupancy for Building B. Any surplus funds shall be returned to the Applicant.
17. The Action's stormwater management areas shall be adequately landscaped as shown on the Site Plan Approval drawings so as to reduce any potential visual impacts of those areas.
18. Prior to the issuance of a certificate of occupancy for Building B, an approximately 12 foot high berm shall be constructed north of Building B.
19. Trucks shall not be allowed to circulate around the Buildings;
20. There shall be no wall-pack lighting on the western sides of the Buildings;
21. Parking lot light poles shall not be larger than 20 feet high;
22. A combination of evergreen and deciduous trees would be planted along the southern side of Building B as shown on the Site Plan Approval drawings;
23. Subject to the review of the Town Architectural Review Board, the color of Buildings and the water tank shall be predominately medium to dark green, as well as grey colors. The green colors would be similar to natural green colors of vegetation;
24. Evergreen trees shall be planted around the proposed water tank as shown on the Site Plan Approval drawings to reduce any potential visual impact and to minimize the view of the tank from Pugsley and Fields Corner Roads.

Surface Water and Wetlands

25. A Stormwater Pollution Prevention Plan (SWPPP) and Erosion and Sediment Control Management Program shall be implemented, including the following permanent erosion and sediment control measures:
 - a. vegetated swales;
 - b. infiltration basins that provide water quality for 1 year stormwater runoff volume;
 - c. CDS Water Quality Structure to provide pretreatment of the water quality flow rate for separating sediment, debris, floatables, etc. from the runoff prior to discharge to the SMP's. The CDS must provide water quality for 75% of existing impervious areas for the 1 year, 24 hour storm in accordance with the requirements of the NYSDEC;
 - d. infiltration System (I-2) to treat the runoff volume generated from a portion of the developed area and provide additional water quality and runoff volume reduction;
 - e. catch basins to remove some of the coarse sand and grit sediment before entering the drainage system;

- f. Rip-Rap Energy Dissipaters at discharge points from the stormwater drainage system into the stormwater management basins, and;
 - g. seeding of at least 70% perennial vegetative cover.
26. The project shall implement the wetland and wetland buffer restoration and enhancement measures set forth in the report entitled “Installation, Management and Monitoring Protocol for Upland Habitat Restoration Areas and Wetland Habitat Restoration,” dated August 2019, prepared by Evans Associates, and the associated plans, namely Drawings MP-1 “Overall Habitat Restoration & Wetland Mitigation Plan”, MP-2 and MP-3 “Habitat Restoration Plan”, MP-4 “Wetland & Wetland Buffer Restoration Plan” prepared by Evans Associates last revised August 7, 2019. This report and the associated plans require 1.54 acres of wetland mitigation (restoration and habitat enhancement) and buffer restoration within the immediate area of the wetland, and 13 acres of upland habitat planting/restoration outside of the wetland buffers. The wetland and upland restoration areas shall be monitored for a period of five (5) years from the date of completion of the initial planting, with an environmental monitor inspecting the restoration planting areas quarterly during the first two years and yearly in the subsequent three ears. The yearly inspections are to be conducted during the growing season, between the dates of June 15 and October 1.
 27. Fertilizers and pesticides shall only be applied in accordance with state and federal law as well as with the manufacturer’s guidelines by a competent landscaper or other professional.
 28. No clearing of vegetation shall occur between May 1-July 15.

Geology, Soils and Topography

29. The Erosion and Sediment Control Management Program, set forth in JMC Drawings C-401 through C-421, last revised June 17, 2020, shall be implemented.

Groundwater

30. No road salt be stored on the Property.
31. Any outside contractor(s) used to clear snow at the Property shall comply with all pertinent NYCDEP regulations regarding any materials used for snowmelt, and use the minimum amount necessary.

Vegetation and Wildlife

32. The Wetland Mitigation/Habitat Restoration Report, prepared by Evans Associates, last revised August 2019, and the associated plans (Drawings MP-1 “Overall Habitat Restoration & Wetland Mitigation Plan”, MP-2 and MP-3 “Habitat Restoration Plan”, MP-4 “Wetland & Wetland Buffer Restoration Plan” prepared by Evans Associates, last revised August 7, 2019, shall be implemented.
33. Tree cutting is prohibited from April 1 to October 31 (i.e., tree-cutting may only be conducted between November 1 and March 31).
34. NYSDEC shall be contacted prior to construction to determine the closest bald eagle nest site to the Project Site.

Noise

35. Noise from the rooftop HVAC equipment shall not exceed 46 dBA during the night-time hours of 8:01 PM to 6:59 AM, which is 9 dBA less than the maximum permitted by the Town Noise Ordinance. At the time of Site Plan Approval, the Applicant shall perform a

supplemental noise analysis based on actual equipment selection and location to confirm that with both Buildings fully occupied the HVAC noise would be less than 46 dBA at all existing residential receptors. The Applicant shall also provide a further confirming monitoring report after installation of the equipment to document the results. Sound barriers would be added adjacent to units on the roof if that would be necessary to meet the 46 dBA goal, although the analysis indicates that this is unlikely. In addition to ensure that operational noise levels from traffic and motor vehicles are in compliance with the noise levels projected within the DEIS and FEIS, the Applicant shall conduct noise monitoring for two consecutive days/nights at the locations utilized in the DEIS within six months of full operation. New baseline noise measurements should be taken prior to the issuance of the certificate of occupancy. The results of this noise monitoring shall be presented to the Planning Board and Town of Southeast Building Inspector. Should onsite traffic or HVAC equipment exceed permitted noise levels at the sensitive receptors analyzed in the DEIS, additional noise mitigation shall be implemented in consultation with the Town's Building Inspector and acoustical consultants.

36. Trucks shall not be scheduled access the site after 11:00 PM on Monday through Saturday or after 5:00 PM on Sunday, and before 6:00 AM on Monday through Saturday or before 10:00 AM on Sunday.
37. Each tenant or occupant of the Buildings shall enforce site-specific requirements, including prohibitions against: (a) overnight facilities or overnight sleeping by truckers at the Property, and; (b) idling on the Property. Each tenant's/occupant's lease and/or prospective purchaser's contract of sale shall contain provisions to confirm trucks are not idling on-site in excess of State guidelines and/or local regulations.
38. The Applicant shall install a sign on Pugsley Road near Route 312 stating: "Truckers Quiet Zone: NO JAKE BRAKES."

Air

39. The Project's construction plan shall incorporate the following measures:
 - a. any disturbed earth will be wet down with water, as necessary to control dust;
 - b. after construction activities, all disturbed areas will be covered and/or vegetated to provide for dust control on the site;
 - c. all trucks carrying fill or other unconsolidated materials shall be covered with tarps;
 - d. all soil or dirt stock piles shall be enclosed with silt fencing when not in use and during weekends, and;
 - e. a stabilized construction entrance shall be established at the entrance to the site at Pugsley Road and at the entry to Barrett Road from Pugsley Road. Tires and truck bodies, as necessary, will be washed to minimize tracked mud and dust.
40. Overnight facilities or overnight sleeping by truckers at the Property is prohibited
41. Idling on the Property is prohibited. Each tenant's/occupant's lease and/or prospective owner's contract of sale shall contain provisions to confirm trucks are not idling on-site in excess of State guidelines and/or local regulations.

Hazardous Materials

42. The Soil Management/Contingency, dated June 2019, shall be implemented.

43. Hydrodynamic water quality separators shall be used to separate any oil accumulated from the parking lots and driveways that may source from small leaks in engines and potential larger spills, prior to flowing to any other stormwater management practice. The separators shall be regularly maintained, and the accumulated oil shall be disposed of at a licensed processing facility.
44. No "hazardous substances," as that term is defined by NYSDEC regulations and which are subject to regulation by the NYSDEC pursuant to 6 N.Y.C.R.R. Part 596, will be handled or stored at the Property.

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>no</u>	J. King, Boardmember	<u>yes</u>
L. Eckardt, Boardmember	<u>no</u>		

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

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

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

INTRODUCED BY:

LaPerch

DATE: September 28, 2020

SECONDED BY:

Armstrong

WHEREAS, NEW CINGULAR WIRELESS d/b/a AT&T as the Applicant/Owner of certain properties located 3925 Danbury Road in the SR-6 Zoning District in Town of Southeast and known and designated as Tax Map Number 69.13-1-20 has submitted an application for Site Plan approval for a proposal 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 “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 Project on or about 3/23/20, 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 Secretary Desidero from Cuddy & Feder	9/1/20
Memorandum to Chairman LaPerch from Cuddy & Feder	6/19/20
ANT-001.00, Title Sheet, prepared by TKK Engineering DPC	6/18/20
ANT-002.00, Land Survey, prepared by TKK Engineering DPC	6/18/20
ANT-003.00, 500’ Property Owners Map & List, prepared by TKK Engineering DPC	6/18/20
ANT-004.00, Zoning Map & Tax Map, prepared by TKK Engineering DPC	6/18/20
ANT-005.00, Compound Plan, prepared by TKK Engineering DPC	6/18/20
ANT-006.00, Elevation, prepared by TKK Engineering DPC	6/18/20
ANT-007.00, WIC & Generator Pad Details, prepared by TKK Engineering DPC	6/18/20
ANT-008.00, Equipment Details, prepared by TKK Engineering DPC	6/18/20
ANT-009.00, Construction Details, prepared by TKK Engineering DPC	6/18/20

; 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 8/26/20 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).

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 AT&T 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) 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	<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. King, Boardmember	<u>yes</u>
L. Eckardt, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 7 to 0, with 0 absent.

T. LaPerch
 T. LaPerch, Chairman
 Southeast Planning Board

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

INTRODUCED BY:

La Parch

DATE: September 28, 2020

SECONDED BY:

Cyprus

WHEREAS, LAS MANANITAS as the Applicant/Owner of certain properties located 1250 Route 22 in the RC Zoning District in Town of Southeast and known and designated as Tax Map Number 57.-2-40 has submitted an application for Site Plan approval for a proposal to make the following amendments: the retention and expansion of an asphalt parking area; a new 1,000 sq. ft. shed; a new deck on the restaurant; a new deck, roof, and façade on the residence; new pavers in the restaurant drop-off area; driveway improvements; new lighting; repairs and upgrades to two existing patios; and erosion and sediment control measures. The proposed project would remedy existing violations on the property (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, issued a Negative Declaration on or about 5/11/20, indicating that no negative environmental impact would exist;

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

Drawing No. & Title; submitted by	Original Date; Last Revised
Memorandum to Joseph Paravati of Putnam County Health Department from John E. Folchetti, PE, Re Water Usage	1/29/20
Email from Michael Budzinski, PE of Putnam County Health Department to Lisa Seymour, Re Seating	7/5/17
Master Site Plan Narrative, prepared by J. Robert Folchetti & Associates	September 2020
Spec Sheet for Salisbury 1 Light Post Light Black by Kichler	undated
Full Environmental Assessment Form, prepared by J. Robert Folchetti & Associates	2/21/18
G 1 of 2, Site Plan Approval Proposed Conditions, prepared by J. Robert Folchetti & Associates	September 2020
G 2 of 2, Site Plan Approval Proposed Conditions, prepared by J. Robert Folchetti & Associates	September 2020
G 1 of 11, Drawing Index, Legend, Symbols and General Notes, prepared by J. Robert Folchetti & Associates	September 2020
G 2 of 11, Existing Conditions and Boundary Survey, prepared by J. Robert Folchetti & Associates	September 2020
G 3 of 11, Photographic Map, prepared by J. Robert Folchetti & Associates	September 2020
G 4 of 11, Existing Conditions and Removals, prepared by J. Robert Folchetti & Associates	September 2020
G 5 of 11, Proposed Conditions, prepared by J. Robert Folchetti & Associates	September 2020
G 6 of 11, Seating Plan, prepared by J. Robert Folchetti & Associates	September 2020
G 7 of 11, Valet Parking Plan, prepared by J. Robert Folchetti & Associates	September 2020
G 8 of 11, Lighting Plan, prepared by J. Robert Folchetti & Associates	September 2020
G 9 of 11, Driveway Plan and Profile-I, prepared by J. Robert Folchetti & Associates	September 2020

Drawing No. & Title; submitted by	Original Date; Last Revised
G 10 of 11, Driveway Plan and Profile-II, prepared by J. Robert Folchetti & Associates	September 2020
G 11 of 11, Details, prepared by J. Robert Folchetti & Associates	September 2020
Two (2) Color Renderings of Elevations, no preparer	No date
A-1, Proposed Rear Patio, prepared by JR Miller Design Services	1/14/19
Front Elevation Rendering, prepared by JR Miller Design Services	No date
Side Elevation Rendering, prepared by JR Miller Design Services	No date
A-2, Proposed Storage Building, prepared by JR Miller Design Services	4/3/18
A-13 Residence, prepared by JR Miller Design Services-----	4/2/18
Residence Front Elevation Rendering, prepared by JR Miller Design Services	No date
Memorandum to Planning Department from NYC Department of Environmental Protection	5/14/20

; 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 8/31/20 from the Architectural Review Board recommending approval of the architecture Proposed Action; and

WHEREAS, the Planning Board is in receipt of a resolution dated 7/20/20 from the Zoning Board of Appeals approving the required variances of 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 Las Mananitas 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
- 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. Armstrong, Boardmember yes
 M. Hecht, Boardmember yes
 L. Eckardt, Boardmember yes

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

The resolution was passed by a vote of 7 to 0, with 0 absent.

T. LaPerch
 T. LaPerch, Chairman
 Southeast Planning Board

Town of Southeast

Planning Board
One Main Street
Brewster, NY 10509

September 24, 2020

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

RE: **LAS MANANITAS**, 1250 Route 22, TAX MAP ID 57.-2-40

Dear Boardmembers:

At the 2/11/19 regular meeting of the Town of Southeast Planning Board, a motion was made to refer the above referenced project to the Town Board for the establishment of a Performance Bond for Erosion & Sediment Control and site stabilization.

PROJECT	BOND AMOUNT
LAS MANANITAS	\$16,000.00

The Town Engineer's memo is attached for your consideration and includes the estimate for all site improvements, which totals \$206,000.00. Inspection Fees, based on the total cost of site improvements, in the amount of \$8,240.00, 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
Jr Folchetti & Associates
Planning Board File



September 25, 2020

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

Re: Las Mananitas
1250 Route 22
Bond Estimate
NLJ #0001-0937

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 \$206,000.

Based on the current "Town of Southeast, Planning Board Fee Schedule" and the above referenced Opinion of Probable Construction Costs, the required inspection fee to be collected for the project is 4% of Site Development Costs or \$8,240.

We have also prepared a performance bond estimate for erosion & sediment controls and site restoration. The required Erosion & Sediment Control / Restoration Bond based on the attached estimate is \$16,000.

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

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, P.C.

A handwritten signature in black ink, appearing to read 'J.M. Dillon'.

Joseph M. Dillon, P.E.

JMD:jmd

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

Nathan L. Jacobson & Associates, Inc.
Nathan L. Jacobson & Associates, P.C. (NY)
86 Main Street P.O. Box 337 Chester, Connecticut 06412-0337
Tel 860.526.9591 Fax 860.526.5416

Consulting Civil and Environmental Engineers Since 1972

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

OPINION OF PROBABLE CONSTRUCTION COSTS
 Performance Bond

Project: Las Mananitas
 1250 Route 22
 Southeast, New York

Done by: JMD
 Date: 9/25/2020

Project No.: 0001-0937

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	ROCK EXCAVATION	\$32.40	C.Y.	1110	\$35,964.00
2	ROUGH GRADE SUBGRADE	\$1.35	S.Y.	1017	\$1,372.95
3	PROCESSED AGGREGATE BASE	\$50.16	C.Y.	555	\$27,838.80
4	FINE GRADE & ROLL BASE	\$2.52	S.Y.	1017	\$2,562.84
5	BITUMINOUS CONCRETE BINDER	\$102.33	TON	146	\$14,940.18
6	BITUMINOUS CONCRETE TOP	\$104.33	TON	88	\$9,181.04
7	CONCRETE PAVERS	\$16.07	S.F.	3460	\$55,602.20
8	FURNISH AND SPREAD TOPSOIL TO 6"	\$6.88	S.Y.	1832	\$12,604.16
9	HYDROSEED (FERT. & MULCH)	\$0.57	S.Y.	1832	\$1,044.24
10	SIGNS	\$305.00	EACH	3	\$915.00
11	SILT FENCE	\$5.00	L.F.	490	\$2,450.00
12	STONE RETAINING WALL	\$118.00	S.F.	340	\$40,120.00
13	PARKING STALL LINE PAINTING	\$10.91	EACH	93	\$1,014.63
14	PAVEMENT MARKING - HANDICAP SYMBOL	\$63.78	EACH	3	\$191.34
Subtotal:					\$205,801.38

SAY \$206,000.00

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

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

Project: Las Mananitas
1250 Route 22
Southeast, New York

Done by: JMD
Date: 9/25/2020

Project No.: 0001-0937

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	FURNISH AND SPREAD TOPSOIL TO 6"	\$6.88	S.Y.	1832	\$12,604.16
2	HYDROSEED (FERT. & MULCH)	\$0.57	S.Y.	1832	\$1,044.24
3	SILT FENCE	\$5.00	L.F.	490	\$2,450.00
				Subtotal:	\$16,098.40
				SAY	\$16,000.00

Town of Southeast

Planning Board
One Main Street
Brewster, NY 10509

September 28, 2020

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

RE: LAKEVIEW PLAZA WALL, 1505-1515 Route 22, Tax Map ID 57.-2-40

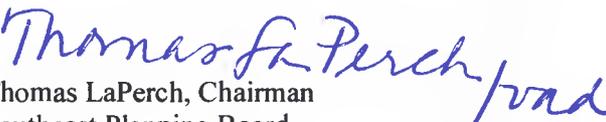
Dear Boardmembers:

At the 9/28/20 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>
LAKEVIEW PLAZA WALL	\$70,500.00

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

Sincerely,


Thomas LaPerch, Chairman
Southeast Planning Board

cc: Town Attorney
Town Clerk
Town Engineer
Building Inspector
UB Brewster, LLC
Planning Board File



September 24, 2020

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

Re: Lakeview Plaza
1505-1515 Route 22,
Tax Map ID 46.-1-1.-1
Request for Bond Release
NLJ #0001-0471

Dear Mr. LaPerch:

As requested, we have made recent inspections at the above referenced project and determined that the site improvements have been satisfactorily completed and are generally in accordance with the approved plans. In addition, The Applicant's Engineer has provided an As-Built plan and certification verifying completion of the improvements.

It is our understanding that the erosion control/site restoration bond currently held for this project is in the amount of \$70,500. In that all site improvements are now completed and the supporting documentation from the Applicant's Consultants has been provided, we have no objection to release of this bond. This project does not have post development stormwater practices and therefore does not require stormwater maintenance bonds or easements.

Should you have any questions, please feel free to contact me.

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, P.C.

A handwritten signature in black ink, appearing to read 'Thomas H. Fenton', written over a horizontal line.

Thomas H. Fenton, P.E.

THF:thf

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

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

INTRODUCED BY: LaPerch DATE: September 28, 2020
SECONDED BY: Cyprus

WHEREAS, an application is being made by **JOSEPH & LISA CHARBONNEAU** for a Subdivision to transfer 1.393 acres of land from Lot 56.-1-34 (120 Prospect Hill Road) to Lot 56.-1-28.1 (25 Independent Way) in the Town of Southeast, New York. Lot 56.-1-28.1, Zoned OP-2, would increase in size to 5.982 acres, Lot 56.1-34, Zoned R-40, would decrease in size to 4.77 acres. Both lots would conform to the respective Zoning Districts. No structures or development is proposed on either lot; and

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

1. Short Environmental Assessment Form (EAF), prepared by Anthony Ascencao, dated 9/2/20
2. Memorandum to Secretary Desidero from Law Offices of Joseph J. Tock, dated 9/4/20
3. Lot Line Adjustment prepared for Joseph & Lisa Charbonneau and Independent Way, LLC between Tax Lots 56.-1-34 & 56.-1-28.1, prepared by Terry Bergendorff Collins, dated 8/25/2020
4. Proposed Metes and Bounds Description, prepared by Terry Bergendorff Collins, dated 8/25/2020

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>yes</u>	E. Cyprus, Boardmember	<u>yes</u>
M. Hecht, Boardmember	<u>yes</u>	J. King, Boardmember	<u>yes</u>
L. Eckardt, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 7 to 0, with 0 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

TOWN OF SOUTHEAST, NY
RESOLUTION
FINAL PLAT APPROVAL

INTRODUCED BY: *LaPerch*

DATE: *9.28.2020*

SECONDED BY: *Cyprus*

WHEREAS, JOSEPH & LISA CHARBONNEAU as the Applicant/Owner of certain properties located at 120 Prospect Hill Road in the Town of Southeast and known and designated as Tax Map Number 56.-1-34 has submitted an application for Final Plat approval to transfer 1.393 acres of land from Lot 56.-1-34 (120 Prospect Hill Road) to Lot 56.-1-28.1 (25 Independent Way) in the Town of Southeast, New York. Lot 56.-1-28.1, Zoned OP-2, would increase in size to 5.982 acres, Lot 56.1-34, Zoned R-40, would decrease in size to 4.77 acres; and,

WHEREAS, both lots would conform to the dimensional requirements of their respective Zoning Districts; and,

WHEREAS, no structures or development is proposed on either lot; and,

WHEREAS, the Applicant submitted an application for Lot Line Adjustment, dated 9/2/20; and,

WHEREAS, the Southeast Planning Board (the "Planning Board") is in receipt of the following drawings, prepared by Surveyor Terry Bergendorff Collins, related to the subdivision application:

Drawing No. & Title	Original Date: Last
Lot Line Adjustment prepared for Joseph & Lisa Charbonneau and Independent Way, LLC between Tax Lots 56.-1-34 & 56.-1-28.1, prepared by Terry Bergendorff Collins	8/25/2020

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

WHEREAS, per Part 617.5(c)(16) of the State Environmental Quality Review Act (SEQRA), the proposed lot line adjustment is a Type II Action and would not result in any significant adverse impacts; 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>yes</u>	E. Cyprus, Boardmember	<u>yes</u>
M. Hecht, Boardmember	<u>yes</u>	J. King, Boardmember	<u>yes</u>
L. Eckardt, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 7 to 0, with 0 absent.

T. LaPerch
 T. LaPerch, Chairman
 Southeast Planning Board