
TOWN OF SOUTHEAST PLANNING BOARD AGENDA

May 9, 2016

CIVIC CENTER, 1360 Route 22

7:30 p.m.

PUBLIC HEARINGS:

REGULAR SESSION:

- 1. FARM TO MARKET ROAD SUBDIVISION, Farm to Market Road** – Review of Application for Final Approval of Subdivision
- 2. SANTUCCI RESIDENCE, 5 Shady Lane** – Review of Special Permit Request
- 3. Approve Meeting Minutes from April 11, 2016**
- 4. Approve Meeting Minutes from April 25, 2016**

May 6, 2016

VAD/CC

Agenda Subject to Change

TOWN OF SOUTHEAST

APPLICATION SUMMARY SHEET

Proj. Name: Farm to Market Subdivision **S/B/L:** 45.-2-21 and 22 **Zone:** R-160

Description: Proposed 11 lot subdivision (10 building lots, one common lot).

Engineer: Peder Scott

SEQR ACTIONS COMPLETED:

TYPE OF ACTION: Unlisted

- Intent to Declare Lead Agency Date:
- Declare Lead Agency Date:
- EAF Submitted Date:
- Determination of Significance by Board Date(s):

MAJOR/MINOR PROJECT: Major Subdivision

Date Classified: Waiver of Public Hearing (Minor Project Only)? Y N

**LOCAL AND AGENCY REVIEW
REQUIRED?**

REFERRAL DATE

STATUS/DATE OF LETTER

Yes No

- Town Board
- Town of Southeast ARB
- Wetland Permit
- Historic Sites Commission
- Town Highway Department
- MS4 Permit
- County Planning Department (GML)
- County Highway Department
- County Health Department
- NYSDEC
- NYCDEP
- NYSDOT
- Army Corps of Engineers
- NY State Historic Preservation Office

VARIANCES OR BOARD WAIVER (IF APPLICABLE) Y N

Variance or Waiver Request:

Date Granted or Denied, and any conditions:

PLANNING BOARD ACTIONS:

Date	Discussion/Decisions/Resolutions
3/10/14	Sketch Plan Review; Discuss Town Consultant Comments
9/8/14	Discussion
11/24/14	Declared Intent to be Lead Agency (Unlisted, Coordinated); Set PH
1/12/15	Declared Lead Agency; opened & continued PH
2/23/15	Continued PH
3/23/15	Opened & continued PH
5/11/15	Open and continued PH to June 8, 2015
6/8/15	Closed PH
7/27/15	Negative Declaration, Preliminary Plat Approval, & Referral to Town Board (280-a)
2/8/16	Extension of Preliminary Plat approval
5/9/16	

RECOMMENDED ACTION FOR MEETING:

- 1) Consider Final Conditional Subdivision Approval

**TOWN OF SOUTHEAST, NY
RESOLUTION
FARM TO MARKET ROAD
FINAL CONDITIONAL SUBDIVISION PLAT AND
WETLAND PERMIT APPROVAL**

INTRODUCED BY: *LaPerch* DATE: *5.9.16*

SECONDED BY: *Armstrong*

WHEREAS, Mainspring Realty, LLC, as the Applicant/Owner of certain properties located Farm to Market Road in the Town of Southeast and known and designated as Tax Map Number 45.-2-21 and 45.-2-22 (the "Project Site") has submitted an application for Preliminary Subdivision Plat Approval for a proposed eleven (11) lot subdivision comprising ten (10) buildable lots and one (1) common lot on lands totaling 114.99 acres in the R-160 Zoning District of the Town of Southeast (the "Proposed Project"); and,

WHEREAS, the Proposed Project would be accessible from Farm to Market Road and Field and Forrest Court;

WHEREAS, the Project Site is located in the Town of Southeast Ridgeline Overlay District and contains New York State Department of Environmental Conservation (NYSDEC), Army Corps of Engineers (ACOE), and Town of Southeast regulated wetlands and wetland buffer areas; and

WHEREAS, the Applicant received Preliminary Plat approval on July 27, 2015; and,

WHEREAS, the Applicant received an extension of Preliminary Plat approval on February 8, 2016; and

WHEREAS, the Applicant submitted an application for Final Plat approval on 4/4/16; and

WHEREAS, the Southeast Planning Board (the "Planning Board") is in receipt of the following drawings, prepared by P. W. Scott Engineering and Architecture, P.C., related to the subdivision application:

Drawing No. & Title		Original Date: Last
CS	Cover Sheet	11/3/14: 4/11/16
SY2	Site Development Plan	7/21/14: 4/11/16
SY2A	Site Development Plan	7/21/14: 4/11/16
SY2B	Site Development Plan	7/21/14: 4/11/16
SY2C	Site Development Plan	7/21/14: 4/11/16
SY3A	Erosion Control Notes	11/3/14: 4/11/16
SY3B	Sequence of Construction	11/3/14: 4/11/16
SY3C	Construction Specifications	11/3/14: 4/11/16
SY4	Erosion Control Plan (150 Scale)	7/21/14: 4/11/16
SY4A	Erosion Control Plan	7/21/14: 4/11/16
SY4B	Erosion Control Plan	7/21/14: 4/11/16
SY4C	Erosion Control Plan	7/21/14: 4/11/16
SY5	Erosion Control Details	8/1/14: 4/11/16
SY6	Site Details	9/5/11: 4/11/16
SY6A	Field & Forest Court Profile	1/15/15: 4/11/16

SY7A	Common Area - Wetland Basin A	8/5/11; 4/11/16
SY7B	Common Area - Infiltration Basin B	9/3/14; 4/11/16
SY7C	Storm Water Treatment - Lot #1	9/3/14; 4/11/16
SY7D	Storm Water Treatment - Lot #2	9/3/14; 4/11/16
SY7E	Deleted	NA
SY7F	Storm Water Treatment - Lots #3 & 4	9/3/14; 4/11/16
SY7G	Storm Water Treatment - Lot #5	9/3/14; 4/11/16
SY7H	Storm Water Treatment - Lot #6	9/3/14; 4/11/16
SY8A	Tree Preservation & Site Disturbance Plan	7/21/14; 4/11/16
SY8B	Tree Preservation & Site Disturbance Plan	7/21/14; 4/11/16
SY8C	Tree Preservation & Site Disturbance Plan	7/21/14; 4/11/16
SY8D	Lot #6 Buffer Mitigation Plan	7/21/14; 4/11/16
SY8E	Basin A Wetland Buffer Mitigation Plan	7/21/14; 4/11/16
D1	Pre-development Overlay	1/29/14; 4/11/16
D2	Post-development Overlay	1/29/14; 4/11/16
D3	Swale Overlay	1/29/14; 4/11/16

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

Drawing No. & Title		Original Date: Last
Sheet 1	Final Subdivision Plat prepared for Farm to Market Subdivision	8/24/15; 3/15/16
Sheet 2	Final Subdivision Plat prepared for Farm to Market Subdivision	8/24/15; 3/15/16
Sheet 3	Final Subdivision Plat prepared for Farm to Market Subdivision	8/24/15; 3/15/16

WHEREAS, the Planning Board is in receipt of the following documents related to the subdivision application:

1. Phase IA Archeological Assessment, prepared by Historical Perspectives
2. Farm To Market Road Subdivision, Revised Phase 1B Archaeological Field Reconnaissance Survey, prepare by CITY/SCAPE, dated September 2014 and last revised December 2014;
3. Threatened and Endangered Species Habitat Suitability Assessment and Wetland Report, prepared by Michael Nowicki, dated May 27, 2014;
4. Wetland Delineation Report, prepared by Michael Nowicki, dated September 8, 2014;
5. Wetland Buffer Mitigation Report, prepared by Michael Nowicki, dated January 12, 2015;
6. Wetland Buffer Monitoring and Maintenance Plan, prepared by Michael Nowicki, dated January 12, 2015;
7. Drainage Report, prepared by P.W. Scott, Engineering & Architecture, P.C., dated January 15, 2015, and last revised June 3, 2015;
8. Stormwater Pollution Prevention Plan, prepared by P.W. Scott, Engineering & Architecture, P.C., dated March 3, 2015 and last revised January 1, 2016; and,

; 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, pursuant to §123-13.D, the Planning Board referred the complete application to the Putnam County Division of Planning and Development on March 24, 2015, for its review under §239-n of Article 12-B of the General Municipal Law; and,

WHEREAS, the Putnam County Division of Planning and Development approved the Proposed Project as submitted on April 14, 2015; and,

WHEREAS, all of the modifications referred to above shall have the effect of (1) improving overall design and layout of the subdivision; and/or (2) further minimizing any potential environmental impacts; and

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

1. Letter from Tim Lloyd, Ph.D, RPA, NYS Parks, Recreation, and Historic Preservation, RE: Section 106 Review, dated September 3, 2015.
2. Letter from Alexis Hawley, Putnam County Department of Highways and Facilities, dated July 1, 2015, conceptual approval subject to permits.
3. NYSDEC Article 24 Freshwater Wetlands Permit, issued October 23, 2015.
4. NYCDEP Stomrwater Pollution Prevention Plan approval, issued March 20, 2016.

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;

NOW, THEREFORE, BE IT RESOLVED, that after reviewing the maps, plans and submissions of the Applicant, together with the Memorandum of the Wetlands Consultant dated June 2, 2015, and e-mail dated May 9, 2016, (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 BIT IT FURTHER 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 Conditional Subdivision 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. Prior to submission of the Final Plat for the signature of the duly authorized officer of the Planning Board, the Applicant shall obtain approval for drainage improvements along Farm to Market Road from the Putnam County Highway Department in conformance with the requirements of Putnam County Highway Department as noted in the July 1, 2015 letter from Alexis Hawley.
8. 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.
9. 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.
10. 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.
11. 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.

Financial & Legal Considerations

1. Prior to submission of the Final Plat for the signature of the duly authorized officer of the Planning Board, the Applicant shall pay a recreation fee in the amount of \$60,000 based upon a \$7,500 per lot fee as set by the Town Board of the Town of Southeast.
2. Prior to submission of the Final Plat for the signature of the duly authorized officer of the Planning Board, the Applicant shall comply with all provisions of §123-13.H(1) with respect to establishment of a Performance Bond.
3. Prior to submission of the Final Plat for the signature of the duly authorized officer of the Planning Board, a note shall be added that clearly states that no further subdivision for the creation of any new lots shall be permitted.
4. 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.
5. Immediately following filing of the Final Plat, and no later than issuance of the first certificate of occupancy for any constructed residence, the Applicant shall submit a plan for ownership, construction, operation and maintenance of all proposed drainage improvements in a form satisfactory to the Town Attorney and Town Highway Superintendent and in satisfaction of §123-48.D(2).
6. The “Common Lot” is an unbuildable lot and no residential structures shall be permitted on said parcel in perpetuity.

Construction Activity

1. At least ten (10) days prior to commencing construction of any required improvements, the Applicant shall notify the Planning Board and the Town Engineer, in writing, of the time when it proposes to commence construction of such improvements so that the Planning Board may cause an inspection to be made to ensure that all Town specifications and requirements shall be met during the construction of required improvements (§123-19). The Applicant shall provide a general construction phasing schedule to the Planning Board and Town Engineer and shall update that schedule, and provide copies to the Planning Board and Town Engineer, throughout the construction process, as necessary. 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.
2. The Town of Southeast Planning Board 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 (§123-54).

3. 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 (see §123-13.K and §123-17).
4. The Applicant shall retain the services of a professional engineer throughout the construction process who shall 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 shall certify, 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 (§123-21).
5. 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.
6. The Applicant shall submit a Notice of Intent (NOI) to comply with the New York State Department of Environmental Conservation General Permit for Construction Activity (GP-0-15-002). A copy of the completed NOI shall be maintained at the on-site construction office, and a copy shall be submitted to the Southeast Planning Board.
7. All sediment and erosion control measures or Best Management Practices indicated on the approved plans and/or required for compliance with GP-0-15-002 shall be installed at the commencement of grading activities and shall be inspected on a weekly basis (or following any storm event) to ensure proper function. All construction activities shall adhere to the provisions for sediment and erosion control contained in the New York State Department of Environmental Conservation's *New York Standards and Specifications for Erosion and Sediment Control*.
8. In accordance with the provisions of GP-0-15-002, clearing of land shall be limited to five (5) acre phasing, unless specifically waived by NYSDEC approval of the NOI.
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. All wetlands shall be protected by silt fencing and demarked with signs indicating "Protected Area." There shall be no disturbance of any kind within a wetland or its controlled area except as specifically provided in the Wetland Permit granted by the Town Board and subject to all conditions contained in that approval.
13. All wetland controlled areas shall be flagged every 100 feet and demarked with signs indicating "Protected Area." There shall be no storage of construction vehicles, construction equipment, or construction materials within any wetland controlled area. Disturbance within the

wetland controlled area shall be limited to the minimum amount of clearing and grading to construct any improvements shown on approved plans and as permitted by the Wetland Permit granted by the Town Board and subject to all conditions contained in that approval.

14. 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.

15. All disturbed areas shall be stabilized if left in a disturbed state for more than 48 hours. Should disturbed areas remain disturbed for periods longer than one month, more permanent stabilization measures shall be installed.

16. A Notice of Termination in accordance with GP-0-15-002 for the project will not be issued until all stormwater measures in the Stormwater Pollution Prevention Plan are completed and all sites are fully stabilized.

Vegetation

1. All wetland mitigation plantings, stormwater management plantings, and 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.

2. 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.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman

yes

D. Rush, Vice Chairman

yes

P. Wissel, Boardmember

yes

D. Armstrong, Boardmember

yes

E. Cyprus, Boardmember

absent

M. Hecht, Boardmember

absent

P. Jonke, Boardmember

yes

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

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

**Mainspring Realty, LLC
322 West Lyon Farm Drive
Greenwich, CT. 06831**

(O) 203-531-5903 (C)203-550-5958

(F) 203-531-6635

May 5, 2016

Victoria Desidero

Secretary, Planning Board Town Southeast

1 Main Street

Brewster, N.Y. 10509

Re: Farm to Market Subdivision Application

Dear Ms. Desidero:

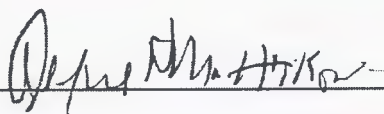
I am enclosing material relating to the granting of permit with respect to the above-named application from the Putnam County Department of Highways and Facilities.

As required by them, we prepared a Declaration of Required Improvements and Maintenance, a copy of which has previously been provided to the Planning Board, but is enclosed as well.

As a condition of their approval, the department wanted their signature. as well as that of the County Supervisor. appended to the Declaration, after it was executed by the applicant. Thereafter, three copies, executed by the applicant, were provided to the department, and as you will note from the enclosed e-mail from Alexis Hawley of that department, they are awaiting the signature of the County Supervisor, at which time a fully executed copy will be recorded in the Putnam County Clerk's Office, and proof of such recording provided to the Planning Board.

Please forward a copy of this communication and attachments to the appropriate parties.

Thank you.



A handwritten signature in cursive script, reading "Alfred H. Mattikow", is written over a horizontal line.

Alfred H. Mattikow

Alfred Mattikow

From: Alexis Hawley <Alexis.Hawley@putnamcountyny.gov>
Sent: Wednesday, May 04, 2016 11:24 AM
To: Alfred Mattikow
Subject: RE: Farm to Market Subdivision

Mr. Mattikow:

The Declaration is at the County Executive's Office for signature. It will be sent back to me upon execution and I will notify you when I receive it.

I apologize for the delay in getting back to you.

Alexis M. Hawley
Assistant Supervisor of Planning & Design

Putnam County Department of Highways & Facilities
842 Fair Street
Carmel, N.Y. 10512
845-878-6331 ext. 40111

From: Alfred Mattikow [<mailto:ahmattikow@optonline.net>]
Sent: Wednesday, May 04, 2016 11:14 AM
To: Alexis Hawley
Subject: Farm to Market Subdivision

Ms. Hawley:

May I have an update as to when the County will execute the Declaration of Required Improvements and Maintenance.

Thank you.

Alfred Mattikow

ALFRED H. MATTIKOW
322 West Lyon Farm Drive
Greenwich, CT. 06831
(T) 203-531-6632 (Cell) 203-550-5958
(FAX) 203-531-6635

ahmattikow@optonline.net

April 19, 2016

Mark Rosa, P.E.

Putnam County Department of Highways and Facilities

842 Fair Street

Carmel, N.Y. 10512

Re: Farm to Market Subdivision

County Road #62, Town of Southeast

Dear Mr. Rosa:

I am contacting you directly as per the request of Alexis Hawley, who apparently is away this week.

I am enclosing three copies of the Declaration of Required Improvements and Maintenance with respect to the above-named subdivision, executed by Mainspring Realty, LLC. Please have the County execute two of the copies and return them to me.

If there are any questions in this matter, please contact me.

Thank you.

Very truly yours,

Alfred H. Mattikow

Encl.

Alfred Mattikow

From: Alfred Mattikow <ahmattikow@optonline.net>
Sent: Friday, April 15, 2016 1:46 PM
To: 'Alexis Hawley'
Subject: Agreement
Attachments: Scan0128.pdf

Ms. Hawley:

The attached in the final draft of the agreement containing the County's signature, as it will be executed.

Alfred Mattikow

DECLARATION OF REQUIRED IMPROVEMENTS AND MAINTENANCE

Declaration made as of this _____ day of _____, 2016, by Mainspring Realty, LLC, a Limited Liability Company, organized and existing pursuant to the laws of the State of New York, and having an office at 322 West Lyon Farm Drive, Greenwich, Connecticut, 06831, (hereinafter referred to as "Declarant")

WITNESSETH

WHEREAS, MAINSPRING REALTY, LLC, is the owner of real property (hereinafter referred to as the "Premises") located at 83-85 Farm to Market Road, Town of Southeast, Putnam County, New York which premises are shown and designated on the Tax Assessment Map of the Town of Southeast, as Section 45, Block 2, Lots 21 and 22, (hereafter the "Premises") did on the _____ day of _____, 2016 execute a Declaration of Covenants, Restrictions and Maintenance Obligations (hereafter the "Primary Declaration") pertaining to a proposed residential subdivision of the Premises, said subdivision to be known as "Farm to Market Subdivision" (hereafter the "Subdivision"), and

WHEREAS, such Declaration, which provides certain obligations to various agencies, including the New York City Department of Environmental Protection and the Town of Southeast, provided, among other items, that the Declarant adhere to specified maintenance obligations regarding the stormwater management system to be created in the Subdivision as well as the maintenance of a number of swales which will be a portion of some of the individual lots in the Subdivision; and

WHEREAS, by reason of the fact that the subject property has frontage on Farm to Market Road, a Putnam County highway, the Putnam County Department of Highways and Facilities (hereafter "PCDOH"), has requested assurances from the Declarant with respect to the construction and maintenance of swales in front of those lots in the subdivision which have frontage on Farm to Market Road as well as the maintenance and possible future repair or replacement of certain drainage pipes presently located on an existing private driveway, known as Field and Forest Court, which driveway intersects with said Farm to Market Road; and

WHEREAS the Declarant is willing to comply with said request of the PCDOH,

NOW, THEREFORE, Declarant for itself, and its successors and assigns and/or any future owners of the Premises, declares that the Premises shall be held, transferred, sold, conveyed and occupied subject to the covenants and restrictions hereinafter set forth, which collectively shall be referred to from time to time as the "DOH Covenants", it being understood that the language contained in this Declaration may duplicate some of the language in the Primary Declaration. Such DOH Covenants are as follows:

1. The Declarant shall construct the swales and install the driveway pipes and driveway openings in front of lots numbered "1", "2", "3" and "4" of the Subdivision, said lots having frontage on Farm to Market Road, a Putnam County Highway, and shall in connection therewith provide for any utility relocations that may be required as a result thereof.

2. The Declarant, or its successors and assigns shall assume a continuing full maintenance responsibility for the aforementioned swales and of any piping located in such swales as same exists within the boundaries of the aforementioned lots "1", "2", "3" and "4.", the County being responsible for such maintenance as to those portions of the swales that are within the boundaries of County owned property.
3. The Declarant, and its successors and assigns shall be responsible for the replacement of the twenty-four inch pipe located between the manhole located on Field and Forest Court at or near its intersection with Farm to Market Road, as shown on the attached sketch entitled "FMA".
4. The Declarant, or its successors and assigns shall be responsible for the replacement of the two stub pipes located on Field and Forest Court at or near its intersection with Farm to Market Road, as shown on the attached sketch entitled "FMB", such replacement to take place contemporaneously with the construction of the required improvement of the stormwater drainage system in the Subdivision.
5. The Declarant, or its successors and assigns shall be responsible for the future repair, replacement, and maintenance of the drainage piping located on Field and Forest Court at or near its intersection with Farm to Market Road, as shown on the attached sketch entitled "FMC".
6. The Declarant, or its successors and assigns shall extend the existing twelve inch drainage pipe and connect it to the existing catch basin, known as "MH EX4" said catch basin being located on lands belonging to the Brewster Central School District. This obligation of Declarant is contingent on Putnam County, or an agency thereof, being able, at its own cost and expense to obtain from permission from the aforementioned School District for such work to take place.
7. This Declaration shall be governed by, and construed in accordance with the Laws of the State of New York.
8. This Declaration shall run with the land and be binding upon and inure to the benefit of the County of Putnam and Declarant's heirs, successors, and assigns.
9. This Declaration may be modified only in writing in such form as is required to record a modification hereto in the Office of the Putnam County Clerk. This Declaration may not be changed or modified without the prior written approval of the PCDOH.
10. Should any term of provision of this Declaration be declared to be void, invalid, illegal or unenforceable, for any reason, by the adjudication or other tribunal having jurisdiction over the subject matter hereof, such judgment shall in no way affect the other provisions hereof which are hereby declared to be severable and which shall remain in full force and effect. This Declaration is intended to and shall be recorded in the Putnam County Clerk's Office.

IN WITNESS WHEREOF, the party hereinabove named as Declarant has hereunto set its hands and seals as of the day and year first above written.

Managing Member, Mainspring Realty, LLC

The undersigned, Putnam County Department of Highways and Facilities, hereby acknowledges the above declaration and agrees to be bound by the terms thereof.

Fred Pena, PE, Commissioner of Highways & Facilities
County of Putnam

MaryEllen Odell, County Executive County of Putnam

STATE OF NEW YORK)

) SS.:

COUNTY OF PUTNAM)

On the _____ day of April, 2016 before me the undersigned personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or person upon behalf of which the individual acted, executed the instrument.

Notary Public

Fred Pena
COMMISSIONER



John Tully
DEPUTY COMMISSIONER

DEPARTMENT OF
HIGHWAYS & FACILITIES

October 13, 2015

Mr. Alfred Mattikow
Mainspring Realty LLC
322 West Lyon Farm Drive
Greenwich, CT 06831

RE: Farm to Market Road Subdivision
County Road #62, Town of Southeast

Dear Mr. Mattikow:

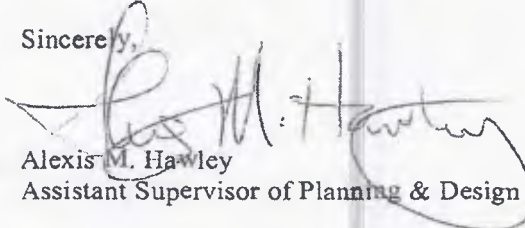
Enclosed please find a copy of a Memorandum from the County Law Department dated October 8, 2015 noting comments and required revisions in regard to the proposed Declaration for the above referenced project.

Please review the comments and requirements. Once you make the required revisions and sign the Declaration, you can then return the document to my attention for execution. Upon execution, we will return the Declaration to you for recording. You will have to record the Declaration with the Putnam County Clerk's Office and provide us with a record of the recording (including receipt from the Clerk noting the liber and page number of the recording).

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

Thank you.

Sincerely,


Alexis M. Hawley
Assistant Supervisor of Planning & Design

encl.

cc: Fred Pena, P.E., Commissioner
Mark Rosa, P.E., Supervisor of Planning & Design
Andrew Negro, Esq., Deputy County Attorney

842 FAIR STREET - CARMEL, NEW YORK 10512
Tel. No.: 845-878-6331 Fax No.: 845-878-3260



Jacobson

May 5, 2016

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

Re: Farm to Market Road Subdivision
83-85 Farm to Market Road
Review for Final Approval
NLJ #0001-0958

Dear Mr. LaPerch:

As requested, we have reviewed the following information for the subject project received at our office through May 3, 2015 by electronic file download:

- Item 1: Report entitled "Stormwater Pollution Prevention Plan, Farm to Market Subdivision, Town of Southeast, NY" dated March 3, 2015 and revised January 1, 2016, prepared by Peder W. Scott, P.E, R.A.
- Item 2: Set of three drawings entitled "Final Subdivision Plat prepared for Farm to Market Subdivision situate in Town of Southeast, Putnam Co., N.Y.", scale" 1"= 100", dated August 24, 2015, prepared by Terry Bergendorff Collins.
- Item 3: Set of thirty (30) drawings entitled "Farm to Market Subdivision, Field & Forest Court, Southeast, New York" including sheets, CS, SY2, SY2A, SY2B, SY2C, SY3A, SY3B, SY3C, SY4, SY4A, SY4B, SY4C, SY5, SY6, SY6A, SY7A, SY7B, SY7C, SY7D, SY7F, SY7G, SY7H, SY8A, SY8B, SY8C, SY8D, SY8E, D1, D2 & D3, scales as noted, dated 11/03/14 and last revised 04/11/16, prepared by P. W. Scott, Engineering & Architecture, P.C.
- Item 4: Set of eight (8) drawings entitled "Integrated Site Plan, 83-85 Farm to Market Road, Town of Southeast, N.Y." including sheets, SP1, SP2a, SP2b, SP2c, SP2d, SP2e, SP2f & SP2g, scales as noted, dated 08/20/15 and last revised 04/11/16, prepared by P. W. Scott, Engineering & Architecture, P.C.
- Item 5: Letter to Mr. Tom LaPerch and Members of the Town of Southeast Planning Board from Peder Scott, P.E., R.A., dated March 30, 2016.
- Item 6: Letter to Mr. Tom LaPerch and Members of the Town of Southeast Planning Board from Peder Scott, P.E., R.A., dated April 13, 2016.



Jacobson

Mr. Thomas LaPerch, Chairman
Re: Farm to Market Road Subdivision
83-85 Farm to Market Road
Review for Final Approval
NLJ #0001-0958

May 5, 2016

Page 2

Item 7: Town of Southeast Application for Final Subdivision Approval, dated 4/4/16, accompanied by Bond Estimate, SHPO approval, Covenant Documentation, NYSDEC Approval, NYCDEP Approval, Putnam County Department of Highways & Facilities Approval & Permanent Easement Documents.

We have the following comments:

1. The title of sheet one of the submitted subdivision plat reads "Final Submission Plat". This title should be corrected to read "Final Subdivision Plat" as it does on Sheets 2 and 3.
2. The Applicant's engineer has submitted a letter to Mr. Tom LaPerch and Members of the Town of Southeast Planning Board dated March 16, 2016, inquiring about a lot line adjustment between Lots 1 and 6 to accommodate equestrian facilities on Lot 1. The submitted Final Subdivision does not reflect this lot line adjustment.

Subject to the resolution of the above noted items, the submitted satisfies the Final Plat submission requirements of §123-31 of the Southeast Zoning Code. Therefore, we would have no objection to the granting of final subdivision approval by the Planning Board.

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

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, P.C.

Joseph M. Dillon, P.E.

JMD:jmd

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

P.W. Scott

pwscott2@comcast.net

Engineering & Architecture, P.C.

www.pwscott.com

3871 Route 6

(845) 278-2110

Brewster, NY 10509

FAX (845) 278-2166

May 9, 2016

Mr. Tom LaPerch, Chairman and Members of the Town of Southeast Planning Board
Town of Southeast Planning Board
18 Baltic Place
Brewster, NY 10509
tlaperch@hlcommercialgroup.com

Re: Farm to Market Subdivision
Response to Joseph Dillon's Review Letter of May 5, 2016

Dear Mr. LaPerch and Members of the Board,

The following is in response to the comments on page two of Mr. Dillon's review memo of May 5, 2016.
Numbers correspond to items on page two of said letter.

1. The surveyor has adjusted the plan title.
2. The lot line amendment shall be re-addressed after subdivision approval should the Lot #1 purchase move forward.

This concludes our response.

With regards,

Peder Scott

Peder Scott, P.E., R.A.
President

ARCHITECTURE * ENGINEERING * SITE PLANNING

S:\Open Projects\Farm To Market Subdivision\Correspondence\LaPerch ltr re Review of 5.5.16.doc

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

INTRODUCED BY: LaPerch DATE: May 9, 2016
SECONDED BY: Armstrong

WHEREAS, an application is being made by **DENNIS & KIMBERLY SANTUCCI** to place fill and re-grade portions of the yard at a single-family residential property located at 5 Shady Lane, in the Town of Southeast, New York; and

WHEREAS, the property is identified as Tax Map Number 47.-3-9 and is located in the R-60 Zoning District; and

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

1. Letter from Ronald Gainer, PE, PLLC, to Hon. Thomas LaPerch, Chairman and Members of the Town of Southeast Planning Board, dated May 6, 2015, with attachments.

NOW, THEREFORE BE IT RESOLVED, that the Town of Southeast Planning Board finds that the Proposed Action is a Type II Action under the State Environmental Quality Review Act (SEQRA) pursuant to §617.5(c)(6), and no further environmental review is required.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
P. Wissel, Boardmember	<u>recused</u>	D. Armstrong, Boardmember	<u>yes</u>
E. Cyprus, Boardmember	<u>absent</u>	M. Hecht, Boardmember	<u>absent</u>
P. Jonke, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 4 to 0, with 2 absent. & 1 recused.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board



RONALD J. GAINER, P.E., PLLC
31 Baldwin Road, Patterson, NY 12563
Mailing Address: PO Box 417, Pawling, NY 12564
office 845-878-6507 cell 845-527-1432

May 6, 2016

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

RE: Dennis/Kimberly Santucci
5 Shady Lane
Town of Southeast; TM 47.-3-9

Dear Chairman LaPerch and Planning Board members:

Consistent with the outcome of our discussions at the May 5, 2016 field meeting at the above referenced site, conducted with various representatives of the Town, we are submitting this letter to request a Special Permit to place fill and re-grade our property in the following general areas:

1. In the 10' wide area between the stone wall along the Santucci property frontage and the landscaped berm in place, to bring the grade level with the stone wall;
2. In the area between the existing landscaped berm, shed and SSTS, to fill and grade as necessary to establish a harmonious grade, to blend the fill that is required pursuant to the original septic system approval issued by the Putnam County Department of Health (PCDOH);
3. An area to the rear of the residence, to generally make grades flatter and more uniform, to enhance the homeowner's enjoyment and use of this area.

It must be understood that, separate from this application, filling/grading will be done over the area of the SSTS to bring it into compliance with the original septic system approval issued by the Putnam County Department of Health (PCDOH) in 2005. Further, this specific work does not require any permitting from the Town or PCDOH, based upon prior correspondence obtained from both agencies last year.

We have attempted to represent the above described areas on the enclosed sketch, which utilizes a portion of the original "Landscaped Berm" plan prepared by Harry M. Nichols, PE, on which the Town granted the property owner permission to construct the berm now in place.

It is understood that, should the Planning Board act favorably on the application, that all prior disputes regarding filling and grading shall be resolved and the Stop Work Order shall be lifted. However, the submittal herein is not intended to waive any right to claim that the prior work was lawfully performed.

Mr. Thomas LaPerch, Planning Board Chairman and Planning Board Members
May 6, 2016
Page 2

RE: Dennis/Kimberly Santucci - 5 Shady Lane; Town of Southeast; TM 47.-3-9

Thank you very much. Should you have any questions on the information contained herein, please do not hesitate to contact me.

Sincerely,



RONALD J. GAINER, P.E.

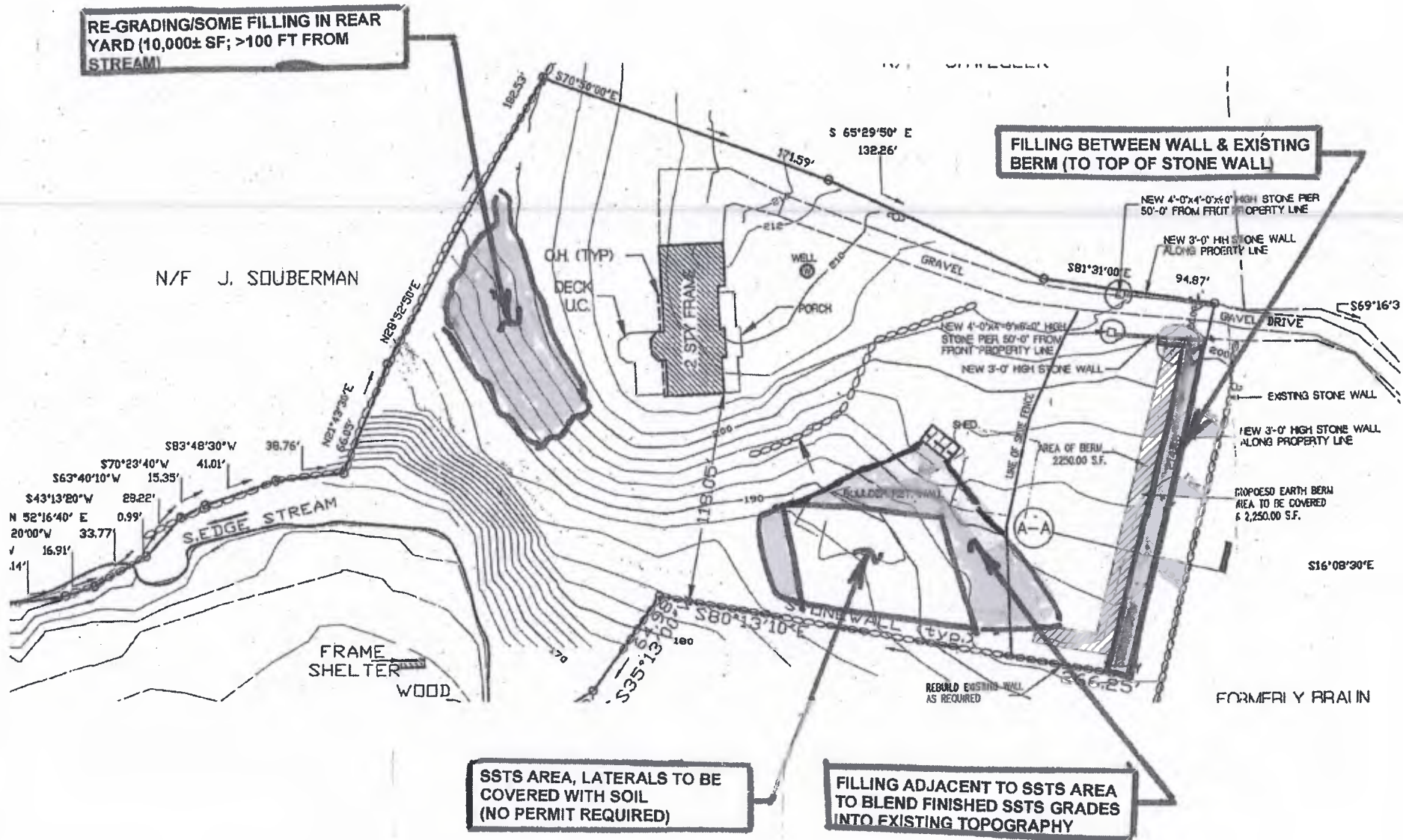
RJG/
Enclosure

cc: Dennis Santucci, Owner
Michael Liguori, Esq.



Ronald J. Gainer, P.E., PLLC

SANTUCCI RESIDENCE 5 SHADY LANE





Jacobson

April 6, 2016

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

Re: Santucci Property
5 Shady Lane
Referral for Special Permit
Town Code Chapter 69 - Excavations and Grading
NLJ #0001-0972

Dear Mr. LaPerch:

As requested, we have reviewed the following information received for the subject project at our office through March 28, 2015:

- Item 1: Email from Michael T. Liguori dated March 28, 2016.
- Item 2: Drawing entitled, "Site Plan, Proposed Landscape Berm, 5 Shady Lane Southeast, NY", scale 1"=50', dated 4/18/2014 and revised 4/23/2014, prepared by Harry W. Nichols, Jr., P.E.
- Item 3: Drawing entitled "Topographical Map prepared for Tomasz & Zofia Bober situate in Town of Southeast, Putnam Co. N.Y., scale 1"=30', dated August 18, 2015, prepared by Robert H. Bergendorff, L.S.
- Item 4: Drawing entitled Topographic Sketch prepared for Dennis Santucci being 5 Shady Lane situate in, Town of Southeast", scale 1"=30' dated May 28, 2015, prepared by Terry Bergendorff Collins, L.S.
- Item 5: Correspondence including letters, emails, photographs and partial plans compiled from the Town of Southeast Building Department files for distribution to the Planning Board members.

The subject project has been referred to the Planning Board by the Building Inspector in accordance with §69-14 of the Town of Southeast Zoning Code which states in part "All exemptions listed in §69-13 shall be under the jurisdiction of the Building Inspector or any other agent designated by the Planning Board. Any individual serving in one or more of these capacities has the authority and responsibility of stopping questionable projects and referring them to the Planning Board."

To fully understand the nature, history, and conformance or non-conformance of the proposed activity with applicable sections of the Town Code, we will summarize these elements below along with providing our conclusions.

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



Jacobson

Mr. Thomas LaPerch, Chairman
Re: Santucci Property
5 Shady Lane
Referral for Special Permit
Town Code Chapter 69 - Excavations and Grading
NLJ #0001-0972

April 6, 2016

Page 2

It should be noted that a review of the relevant materials in the Building Department file included correspondence concerning activities and/or violations related to other improvements or modifications to this site. It is our understanding that the scope of this review is limited specifically to fill placed along the front property line in conjunction with the construction of a landscape berm on the property. As such our comments below are limited to that activity.

Project History

1. On March 26, 2014 the Town of Southeast Building Inspector issued a Stop Work Order to the property owner, citing that fill material in excess of 100 cubic yards was imported and installed on the property, and directing the property owner to submit an application for a special permit to the Planning Board.
2. On June 24, 2014, the Town of Southeast Building Inspector issued a letter to the property owner rescinding the Stop Work Order subject to three conditions. Condition #1 was that the illegally filled area shall be restored to original grade with the exception of the proposed landscape berm. Condition #3 was that all work shall comply with the work proposed and approved for Building Permit 24434 and the proposed landscape berm delineated on the 4/23/14 Site Plan (Item 2 referenced above).
3. On January 5, 2015, in a response to a request for a renewal permit, the Building Inspector indicated that Conditions #1 and #3 of the removal of the June 24, 2014 Stop Work Order had not been met, that the site was not in compliance with the approved Landscape Berm Plan and directing the property owner to bring the site into compliance with that Plan.
4. On January 28, 2015, the Building Inspector issued a Stop Work Order noting that the property remains in violation of §69-12 of the Town Code and requesting additional information including an updated topographical survey of the front yard area including a calculation of the total fill added to this area.
5. On August 26, 2015, the Applicant's Engineer, Ronald J. Gainer, submitted a letter which purported to calculate the volume of fill placed for the landscape berm. The calculations utilize spot elevations from the May 2015 Topographic Sketch (Item 4 referenced above) as a baseline for original grades. The analysis indicates some additional material needed to be removed.



Jacobson

Mr. Thomas LaPerch, Chairman

Re: Santucci Property
5 Shady Lane
Referral for Special Permit
Town Code Chapter 69 - Excavations and Grading
NLJ #0001-0972

April 6, 2016

Page 3

6. On September 18, 2015, the Building Inspector issued a letter which acknowledges receipt of the letter from the Applicant's Engineer which stated that additional material will be removed and that the work will be brought into compliance with the approved plan.
7. On October 16, 2015 the Building Inspector issued a Stop Work Order noting that, based on recent inspections, the site grading had not been brought into conformance with the approved plan and directing the Applicant to apply to the Planning Board for a Special Permit as stipulated in §69-14 of the Town Code.
8. On December 7, 2015, the Applicant's Engineer submitted a letter to the Building Inspector, indicating that based on spot elevations he had taken in comparison to the May 2015 Topographic Sketch, he felt that the constructed berm conformed to the original plan.
9. On February 10, 2016, the Building Inspector issued a letter to the property owner indicating that it is questionable as to whether the project complies with Chapter 69 of the Town Code and referring the project to the Planning Board for their review and determination.

Conformance with Approved Plan and Applicable Sections of the Town Code

§69-12 of the Town Code requires that no contours of any land within the Town of Southeast shall be altered by the excavation, removal or relocation of earth, loam, topsoil, gravel, clay, stone or minerals or by the depositing of any material, natural or otherwise, except as provided in the article.

§69-13A list projects which are exempt from Chapter 69 which includes bona fide landscaping not involving the removal, depositing or relocation of more than 100 yards per acre. §69-13B notes that exemptions shall not adversely affect adjacent property and shall meet certain conditions, one of which is that elevations at property lines shall not be changed, and that changes in elevation 10 feet from the property line shall not exceed two feet.

As has been acknowledged by the Applicant's Engineer, this project does include relocation of over 100 cubic yards of fill, and it is our opinion that the project has changed the grade at a property line and appears to have changed the grade by more than two feet within 10 feet of the property line. As such, the project would not be eligible for an exemption to Chapter 69.

Therefore the only means by which by the project would not need a Special Permit under Chapter 69 is if compliance to the original approved plan can be established. In our opinion that compliance has not been established for the following reasons:



Jacobson

Mr. Thomas LaPerch, Chairman
Re: Santucci Property
5 Shady Lane
Referral for Special Permit
Town Code Chapter 69 - Excavations and Grading
NLJ #0001-0972

April 6, 2016
Page 4

1. In our February 19, 2016 letter to you, we asked for an as-built plan showing the current topography on the site. Such a plan has not been submitted. The most recent site topography of the area in question is depicted on the May 15, 2016 Topographic Sketch (Item 4 referenced above).
2. The approved Landscape Berm Plan was prepared by Harry W. Nichols P.E., and uses for existing conditions topography, contours from the 2005 Robert Bergendorff Survey (Item 3 referenced above). A copy of the approved Landscape Berm Section is shown on that plan and included herein as Attachment 1. This Section shows a 10' wide and 2' high berm located a distance of 10' from the property line. No as-built plan has yet been submitted demonstrating conformance with that Plan or Section.
3. We overlaid a cross-section taken from the May 15 2016 Topographic Sketch on the approved Landscape Berm Section and have included this as Attachment 2. This shows a significant difference in the grades of the constructed and proposed berm.
4. Among the ancillary drawings we reviewed from the Building Department File was a drawing accompanying the August 26, 2015 Gainer letter which includes cross section graphs at various locations through the constructed berm. What is relevant about this is that the sections show an abrupt change in grade rising over 2' feet at the property line and extending into the property. This grade is identified as "assume old ground". Based on all information we have reviewed there was not a 2 foot or more change in grade at the property line prior to construction of the wall and landscape berm. We have included a partial copy of these Sections as Attachment 3.
5. We have attached a photograph which we understand shows a view along the driveway after the unauthorized fill had started to be placed but before any approvals were obtained and before the wall was constructed (Attachment 4). This photo appears to show that there was no change in grade at the property line (red topped stakes) prior to the project. We have asked the property owner, through his attorney, for permission to take a current photo for comparison purposes but have not yet been granted permission to do that.

Conclusions

Based on the above, it is our opinion that the filling and grading activities on this site are subject to the Special Permit requirements of Chapter 69 of the Town Code. A review under this Chapter must then consider the requirements of §69-15E which details conditions of approval. Among these



Jacobson

Mr. Thomas LaPerch, Chairman
Re: Santucci Property
5 Shady Lane
Referral for Special Permit
Town Code Chapter 69 - Excavations and Grading
NLJ #0001-0972

April 6, 2016

Page 5

conditions is the requirement that no change in contour shall be made within 25 feet of the property line, which the subject activity is not in compliance with. However, §69-15F, as variance of conditions, allows the Planning Board to vary or alter certain conditions under Subsection E if, in its opinion, such variance or alteration is in harmony with the original application and the purpose and intent of the permit granted.

It is our opinion then, that the Applicant has two options going forward:

1. Bring the activity into compliance with the original approved Landscape Berm Plan (Item 2 referenced above).
2. Seek a Special Permit under Chapter 69 of the Town Code, identifying any aspects of §69-15E that the activity does not comply with and seeking Planning Board variances to those items in accordance with §69-15F of the Town Code.

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

Very truly yours,

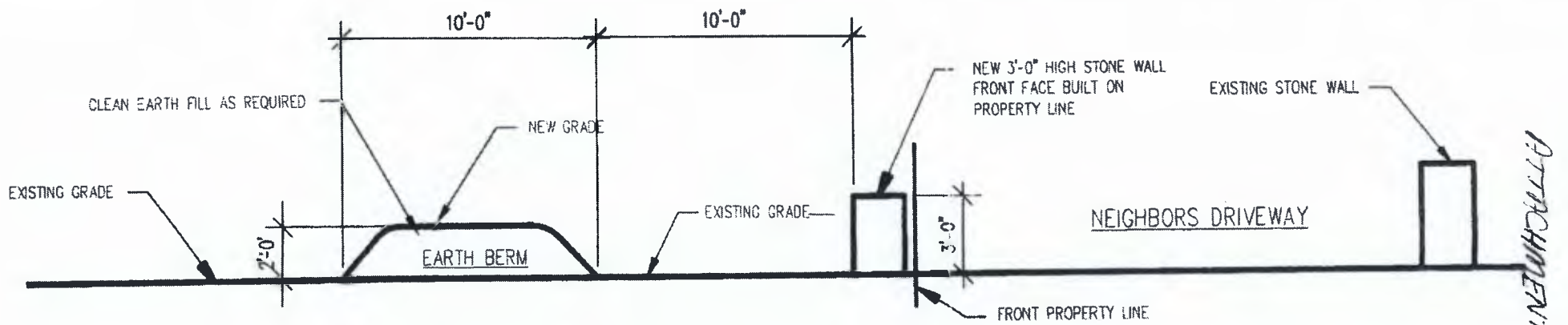
NATHAN L. JACOBSON & ASSOCIATES, P.C.

Thomas H. Fenton, P.E.

THF:thf

cc: T. Hay
M. Levine
S. Coleman
M. Bruen
M. Stancati
A. Ley
J. DePaola
M. Liguori

MILLTOWN



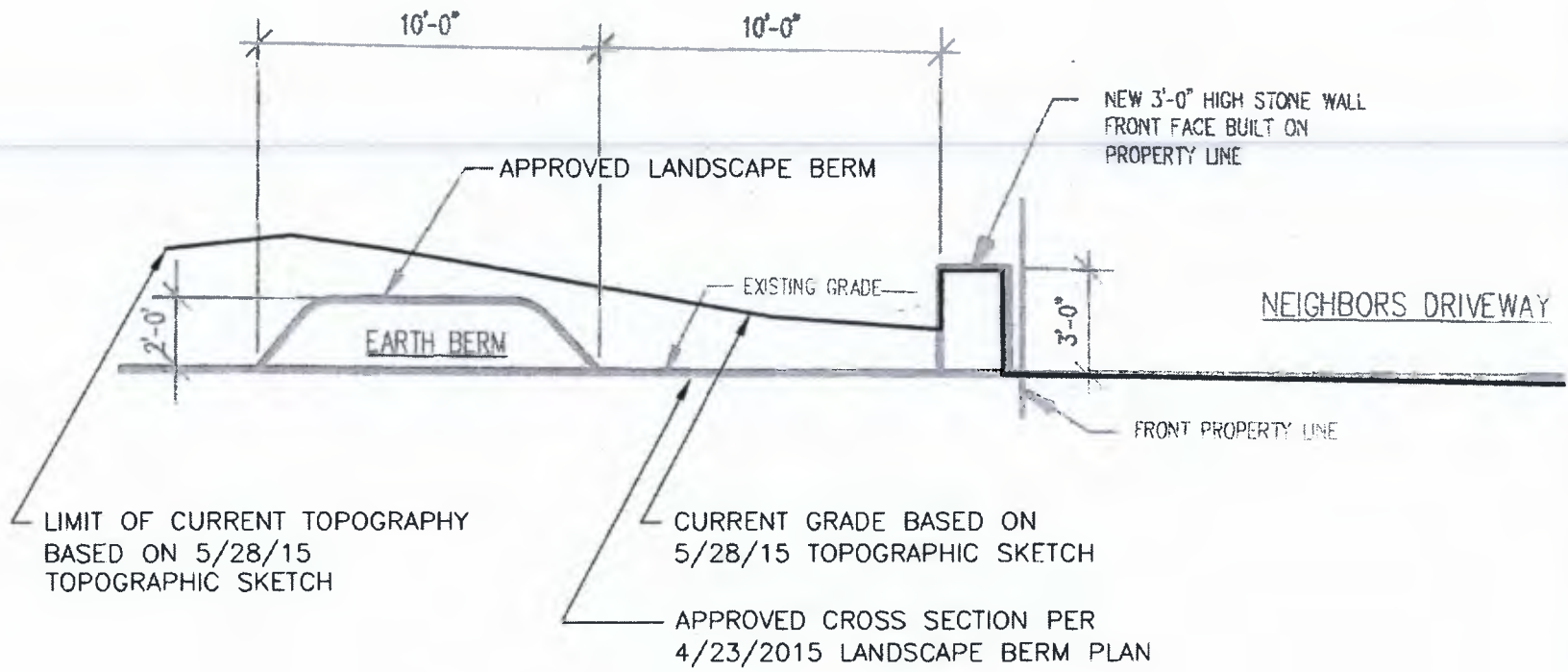
SECTION THROUGH LSNDSCAPE BERM

A-A

N.T.S

ATTACHMENT 1

\\ACTIVE.LDORR001\B27266\A-Bertha.dwg, SECTION A-A, 4/23/15 2:57:57 PM, CONICA MINNELLA CS&AS\B27266\A03_11



SECTION A-A


(LOCATION AS SHOWN ON
4/23/2015 APPROVED PLAN)

CROSS SECTION
LANDSCAPE BERM - SANTUCCI PROPERTY
5 SHADY LANE, BREWSTER, NY

PROJECT No. 00010972

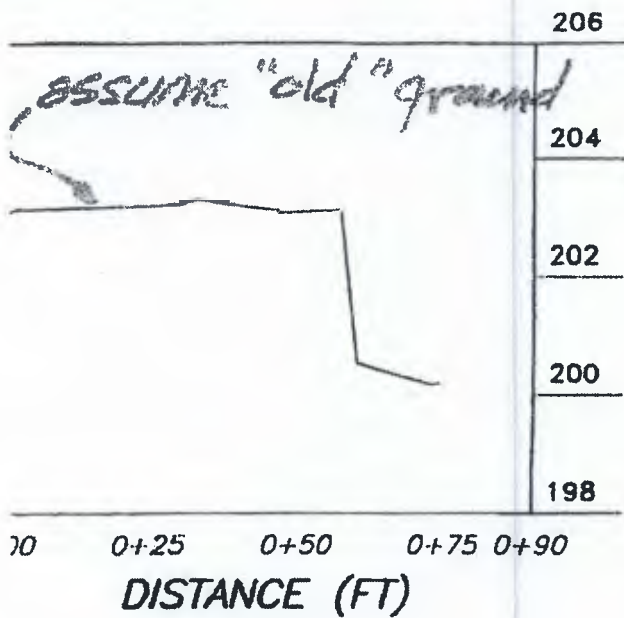
APRIL 2016

SCALE: 1"=5'

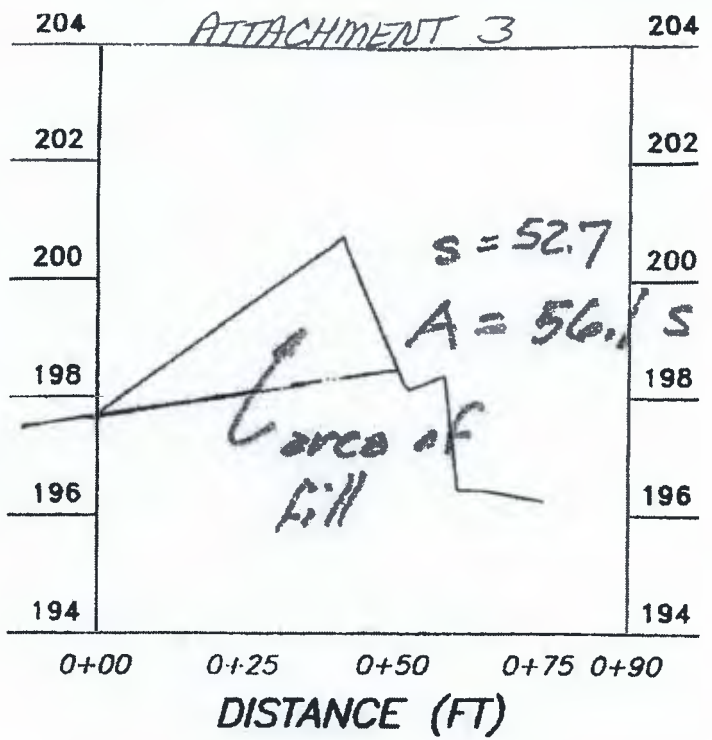
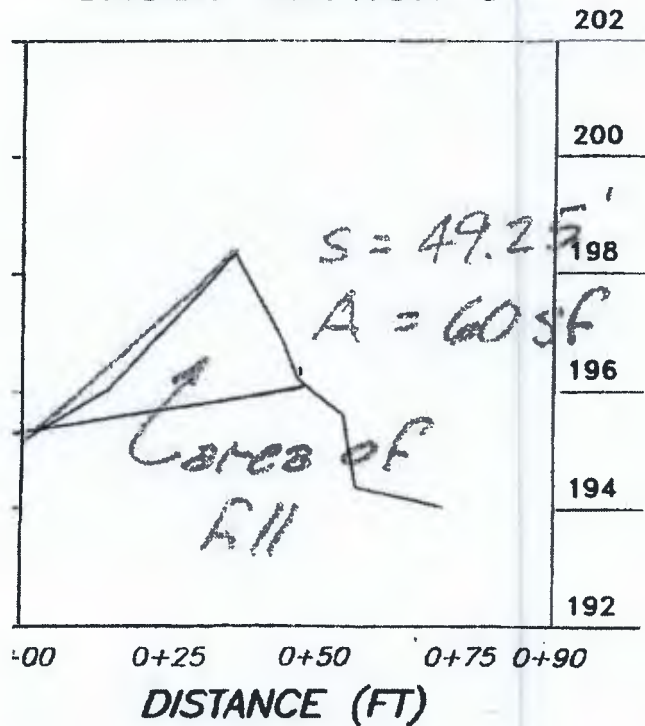


Nathan L. Jacobson & Associates, P.C.
 88 Main Street, P.O. Box 33
 Chester, Connecticut 06412-0033
 Tel: (950) 624-6966 Fax: (950) 526-5476
 www.nla.com
 Jacobson Construction Engineers & Architects

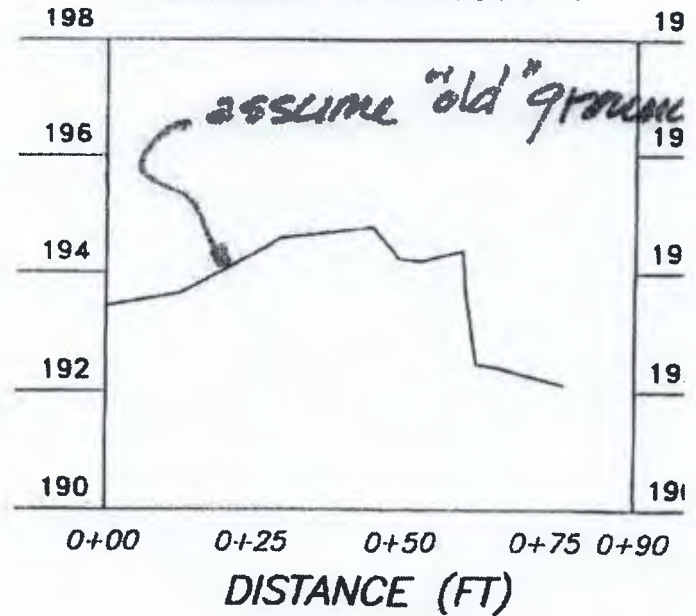
ATTACHMENT 2



CROSS SECTION 3



CROSS SECTION 4



CROSS SECTION GRAPHS
 HORIZONTAL SCALE: 1' = 30'
 VERTICAL SCALE: 1" = ~~30~~ 3'

ATTACHMENT 4



8.26.2014



Jacobson

April 8, 2016

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

Re: Santucci Property
5 Shady Lane
Referral for Special Permit
Town Code Chapter 69 - Excavations and Grading
Supplemental Letter
NLJ #0001-0972

Dear Mr. LaPerch:

This letter is intended to supplement our April 6, 2016 letter report to you in which we provided comments regarding the above referenced referral. It has been brought to our attention that we did not acknowledge receipt of the following item in our report:

Item 1: Letter from Ronald J. Gainer, P.E., PLCC, to Mr. Thomas LaPerch, Chairman Town of Southeast Planning Board, dated March 3, 2016.

We did receive and review this letter. However, we determined that the information provided in the letter was not significantly relevant to our review and therefore we did not specifically comment on it in our report.

The letter referenced above primarily discusses the various plans showing topography and/or elevations on the site and seeks to establish as a basis for pre-existing topography on the site four spot elevations taken at trees or tree stumps in May of 2015.

In our report we acknowledged that the basis for determination of conformance of this activity with the Building Department approval is the April 23, 2014 approved Landscape Berm Plan, prepared by Harry W. Nichols, P.E. Since this plan is dated and shows the existing contours on the site at that time, it does provide a basis for the existing topography on the site prior to the start of the activity. Given this, we feel it is appropriate to use the approved Landscape Berm Plan as the basis for this review for both existing and proposed conditions. It does not seem reasonable that isolated spot elevations, taken over a year after regrading of the site had been ongoing, should supersede the existing conditions topography shown on the approved plan prior to the start of the activity.

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



Jacobson

Mr. Thomas LaPerch, Chairman
Re: Santucci Property
5 Shady Lane
Referral for Special Permit
Town Code Chapter 69 - Excavations and Grading
Supplemental Letter
NLJ #0001-0972

April 8, 2016
Page 2

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

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, P.C.

Thomas H. Fenton, P.E.

THF:thf

cc: T. Hay
M. Levine
S. Coleman
M. Bruen
M. Stancati
A. Ley
J. DePaola
M. Liguori