
TOWN OF SOUTHEAST PLANNING BOARD AGENDA

December 12, 2016

CIVIC CENTER, 1360 Route 22

7:30 p.m.

PUBLIC HEARINGS:

- 1 SALMONS DAILY BROOK ESTATES, LOT 49** – Continued Public Hearing to Review Application for a Wetland Permit -- **NO NEW INFORMATION AVAILABLE. APPLICANT WILL NOT BE PRESENT TO ANSWER QUESTIONS. PUBLIC HEARING WILL BE CLOSED AND RE-SET AT A LATER DATE. NO ACTIONS WILL BE TAKEN ON THIS APPLICATION WITHOUT A NEW PUBLIC HEARING.**

REGULAR SESSION:

- 1 NYSEG DINGLE RIDGE SUBSTATION, 21 Branch Road** – Review of Application for Lot Line Adjustment
- 2 PEACEABLE HILL WATER DISTRICT, 27 Spruce Road** – Review of Application for Final Site Plan Approval
- 3 BRAVCOR, LLC, 65 Fields Lane** – Review of Application for Final Site Plan Approval
- 4 BREWSTER RETAIL OUTLET, 1224 Route 22** – Review of Application for Final Site Plan Approval and Bond Recommendation to Town Board
- 5 VESCIO EQUESTRIAN BARN, 161 Nelson Boulevard** – Re-approval of Final Site Plan with Correction to Approval Resolution
- 6 BREWSTER HONDA SALES CENTER, 898-899 Route 22 in the Village of Brewster** – Review and Comment on Village of Brewster Intent to Declare Lead Agency

Approve Meeting Minutes from November 28, 2016

December 9, 2016

VAD

Agenda Subject to Change

TOWN OF SOUTHEAST

APPLICATION SUMMARY SHEET

Proj. Name: NYSEG Dingle Ridge Substation S/B/L: 68.-2-9 and Zone: SR6
 Lot Line Adjustment 68.-2-8

Description: Lot line adjustment to transfer 0.208 acres from 68.-2-8 to 68.-2-9. No improvements are proposed at this time.

Engineer:

SEQR ACTIONS COMPLETED:

- Intent to Declare Lead Agency
- Declare Lead Agency
- EAF Submitted
- Determination of Significance by Board

TYPE OF ACTION: Unlisted

- Date:
- Date:
- Date:
- Date(s):

MAJOR/MINOR PROJECT: Minor Subdivision

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

AMENDMENT OF PREVIOUS PLANNING BOARD APPROVED PROJECT? Y N

If yes, list alternative names:

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
- E-911 Coordinator
- County Planning Department (GML)
- County Highway Department
- County Health Department
- NYSDEC
- NYCDEP
- NYSDOT
- Army Corps of Engineers
- Referral to Village of Brewster or Towns of Carmel, Patterson, North Salem [**Bold = yes**]

VARIANCES OR BOARD WAIVER (IF APPLICABLE) Y N **TBD**

Variance or Waiver Request:

Date Granted or Denied, and any conditions:

PLANNING BOARD ACTIONS:

Date	Discussion/Decisions/Resolutions
12/12/16	

RECOMMENDED ACTION FOR MEETING:

- 1) Classify as Unlisted Action under SEQRA and TOSE Minor Subdivision
- 2) Consider setting or waiving a Public Hearing

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

INTRODUCED BY: LaPerch

DATE: December 12, 2016

SECONDED BY: Wissel

WHEREAS, the Planning Board of the Town of Southeast is in receipt of an application for a Lot Line Adjustment, and other supporting documents for a project entitled **NYSEG Dingle Ridge Substation**; and

WHEREAS, the proposed project is located at 21 Branch Road in the SR-6 Zoning District in the Town of Southeast and identified as Tax Map IDs 68.-2-8 and 68.-2-9; and

WHEREAS, the applicant proposes a lot line adjustment to transfer 0.208 acres from 68.-2-8 to 68.-2-9 and no improvements are proposed at this time; and

WHEREAS, pursuant to §617.6(b)(3) of the State Environmental Quality Review Act (SEQRA), the aforementioned information must be mailed to all involved agencies notifying them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date that the aforementioned information is mailed to involved agencies, and

NOW, THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Southeast hereby authorizes the mailing to all Involved Agencies of the aforementioned information, together with Notice that the Planning Board of the Town of Southeast intends to declare itself Lead Agency for purposes of SEQRA for this Unlisted and Coordinated Action, unless objection to such designation is received within thirty (30) days.

UPON ROLL CALL VOTE:

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

The resolution was passed by a vote of 6 to 0, with 1 absent.

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



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

Memorandum

To: Town of Southeast Planning Board
From: Ashley Ley, AICP
Date: December 7, 2016
Re: NYSEG Dingle Ridge Substation Lot Line Adjustment
cc: Mary Steblein, PE

AKRF, Inc. has reviewed the following documents and plans:

- Town of Southeast application form and supporting documents
- Boundary Survey Land Acquisition & Right of Way, prepared by Keystone Associates, dated 8/12/16
- Short EAF, dated 11/17/16

PROJECT DESCRIPTION

The applicant proposes to transfer a 0.218 acre portion of lot 68.-2-9 (21 Branch Road) to 68.-2-8 (17 Branch Road). No improvements are proposed at this time. However, the applicant indicates that an application to construct a new substation will be filed in the future. The property is located in the SR6 Zoning District, and Public Utilities are a Special Permit Use in that district.

COMMENTS

1. The EAF incorrectly identifies the tax parcel ID numbers for each property (they are reversed in the description of the proposed action).
2. The Town of Southeast Application form should be revised to indicate both properties involved in the lot line adjustment.
3. The survey should be revised to include a table that shows the existing and proposed dimensions of each parcel, and whether they would comply with the dimensional requirements of the zoning. If the proposed lot line adjustment increases the non-conformity of any lot, an area variance may be required.
4. The survey should more clearly show the existing and proposed lot lines. It is unclear as to which parcel is being transferred since only the easements are identified.



Jacobson

December 7 2016

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

Re: NYSEG Substation
Lot Line Adjustment
21 Branch Road
NLJ #0001-0926

Dear Mr. LaPerch:

As requested, we have reviewed the following information received for the subject project at our office through November 21, 2016:

- Item 1: Town of Southeast Application for Lot Line Adjustment dated 11/17/16 accompanied by Town of Southeast Application Submission Checklist, Surveyors Parcel Descriptions, Aerial Photograph and Short Environmental Assessment Form.
- Item 2: Drawing entitled "Boundary Survey Land Acquisition & Right of Way, Dingle Ridge Substation Brewster" dated 08/20/16, scale 1"= 30', prepared by Avangrid Engineering.

The subject application proposes a lot line adjustment to convey 0.218 Acres from N/F George Tremblay to the New York State Electric and Gas (NYSEG) parcel to the west. The lot line adjustment is the first step in a process to ultimately rebuild the NYSEG electrical substation on this site. Future applications are made for Site Plan and Special Permit. As such, we would have no objection, from an engineering standpoint, to the proposed lot line adjustment.

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. Levine M. Stancati
S. Coleman A. Ley
W. Stephens, Jr. M. Steblein

TOWN OF SOUTHEAST

APPLICATION SUMMARY SHEET

Proj. Name: Peaceable Hill Water District

S/B/L: 56.20-2-12, **Zone:** R-20
56.16-1-
32-34

Description: Site Plan and Wetland Permit application for proposed water supply and treatment facility.

Engineer: Chazen

<p>SEQR ACTIONS COMPLETED:</p> <p><input checked="" type="checkbox"/> Intent to Declare Lead Agency</p> <p><input type="checkbox"/> Declare Lead Agency</p> <p><input type="checkbox"/> EAF Submitted</p> <p><input type="checkbox"/> Determination of Significance by Board</p> <p>MAJOR/MINOR PROJECT: Major Project</p> <p>Date Classified: _____ Waiver of Public Hearing (Minor Project Only)? <input type="checkbox"/> Y <input type="checkbox"/> N</p> <p>LOCAL AND AGENCY REVIEW REQUIRED?</p> <p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Town Board</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Town of Southeast ARB</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Wetland Permit</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Historic Sites Commission</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Town Highway Department</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> MS4 Permit</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> County Planning Department (GML)</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> County Highway Department</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> County Health Department</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> NYSDEC</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> NYCDEP</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> NYS DOT</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Army Corps of Engineers</p>	<p>TYPE OF ACTION: Unlisted/Coordinated</p> <p>Date: _____</p> <p>Date: _____</p> <p>Date: _____</p> <p>Date(s): _____</p>
<p>VARIANCES OR BOARD WAIVER (IF APPLICABLE) <input type="checkbox"/> Y <input type="checkbox"/> N</p> <p>Variance or Waiver Request: _____</p> <p>Date Granted or Denied, and any conditions: _____</p>	

PLANNING BOARD ACTIONS:	
Date	Discussion/Decisions/Resolutions
1/13/14	Granted Minor Wetland Permit for well testing (Type 2 Action)
2/23/15	1) Declare Intent to be Lead Agency (Unlisted/Coordinated); 2) Classify as Major Project; 3) set public hearing
3/23/15	Declared Lead Agency; continued public hearing to 4/13/15
4/13/15	Continued public hearing to 4/24/15
4/27/15	1) Opened/Closed PH; 2) Negative Declaration; 3) Referred to ARB
12/12/16	

<p>RECOMMENDED ACTION FOR MEETING:</p> <p>1) Consider Final Site Plan Approval</p>

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

INTRODUCED BY:

LaPerch

DATE: December 12, 2016

SECONDED BY:

Armstrong

WHEREAS, PEACEABLE HILL WATER DISTRICT as the Applicant/Owner of certain properties located at 27 Spruce Road in the R-20 Zoning District in Town of Southeast and known and designated as Tax Map Number 56.20-2-12 has submitted an application for Site Plan approval for a proposed Site Plan and Wetland Permit application for proposed water supply and treatment facility (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 4/27/15, 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 Chairman LaPerch from NYC DEP	5/1/15
Memorandum to Secretary Desidero from NYS DEC	3/30/15
Memorandum to Chairman LaPerch from NYC DEP	3/19/15
Memorandum to Chairman LaPerch and Wetland Inspector Stephen Coleman from The Chazen Companies	1/21/15
Full Environmental Assessment Form, prepared by The Chazen Companies	1/21/15
Statement of Use, prepared by The Chazen Companies	1/21/15
Preliminary Engineer's Report, prepared by The Chazen Companies	12/15/14; 1/20/15
SWPPP, prepared by The Chazen Companies	1/21/15
T1, Title Sheet, prepared by The Chazen Companies	01/21/15; 07/08/16
NL1, Notes & Legend, prepared by The Chazen Companies	01/21/15; 03/25/16
CC1, Code Compliance & Special Inspections, prepared by The Chazen Companies	01/21/15; 03/25/16
Partial Topographic Survey of Property, prepared by Terry Bergendorff Collins	1/16/13; 12/15/15
SP2, Site Layout & Utility Plan, prepared by The Chazen Companies	01/21/15; 03/25/16
SP3, Off-Site Improvements Plan, prepared by The Chazen Companies	01/21/15; 07/08/16
SP4, Grading, Erosion & Sediment Control Plan, prepared by The Chazen Companies	01/21/15; 07/01/16
SP5, Maintenance & Protection of Traffic, prepared by The Chazen Companies	01/21/15; 03/25/16
SP6, Landscaping Plan, prepared by The Chazen Companies	01/21/15; 03/25/16
SD1, Storage Tank Details, prepared by The Chazen Companies	01/21/15; 07/08/16
SD2, Storage Tank & Well Details, prepared by The Chazen Companies	01/21/15; 07/08/16
SD3 and SD4, Site/Water Details, prepared by The Chazen Companies	01/21/15; 03/25/16
SD5, Erosion & Sediment Control Details, prepared by The Chazen Companies	01/21/15; 03/25/16
B1 - B7, Water Treatment Building Plans, prepared by The Chazen Companies	01/21/15; 07/08/16
H1, HVAC Plans & Details, prepared by The Chazen Companies	01/21/15; 03/25/16
E1 - E8, Electrical Plans and Details, prepared by The Chazen Companies	01/21/15; 03/25/16

Drawing No. & Title; submitted by	Original Date; Last Revised
IO1, Process & Instrumentation Diagrams Water Storage & Distribution, prepared by The Chazen Companies	01/21/15; 03/27/16
IO2, Process & Instrumentation Diagrams Chemical Feed & Miscellaneous, prepared by The Chazen Companies	01/21/15; 03/27/16
IO3, Network Block Diagram & Miscellaneous Control Panel Details, prepared by The Chazen Companies	01/21/15; 03/27/16

; 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 5/28/15 from the Architectural Review Board recommending approval of the architecture Proposed Action; and

WHEREAS, the Planning Board is in receipt of a resolution dated 6/4/15 from the Town Board approving the architecture of the Proposed Action; and

WHEREAS, the Town of Southeast Wetlands Consultant issued a report and recommendation dated 2/4/15 in connection with the Proposed Action, as depicted on drawings dated 1/21/15 and prepared by The Chazen Companies; and

NOW THEREFORE BE IT RESOLVED, that pursuant to the authority vested in the Planning Board by Chapter 138, "Zoning," and Chapter 78, "Freshwater Wetlands" 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 Peaceable Hill Water District including all stormwater and wastewater treatment systems and conveyance systems.

6. The Applicant is granted approval based on generic review by the Architectural Review Board of building design and elevations and will have to seek a second review if modifications to the approved design are made. The Proposed Action shall be constructed in accordance with the approved plans and drawings for the specific tenant as reviewed by the Architectural Review Board and approved by the Town Board.

7. Pursuant to §138-41.E(4), the applicant shall provide to the Town of Southeast Planning Board one full set of final full-sized plans and five copies of the filed plans on eleven-inch by seventeen-inch, or similar, paper, with a graphic scale indicated (to allow for scale measurements of photo-reduced drawings), for distribution to the Town Engineer, the Planning Board, the Town Clerk, the Building Inspector, and the Town Planner. This final plan set shall include the final architectural plans recommended by the Architectural Review Board and approved by the Town Board. Each of these sets shall be bound, and shall contain a signature box on the Index or Title Page for the Planning Board Chairman's Signature. No Building Permits shall be issued until these plan sets have been submitted to the Planning Board Secretary and signed by the Planning Board Chairman.

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

Financial & Legal Considerations

1. 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.

2. Any and all outstanding 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. This resolution supersedes all construction, design, approvals, conditions, restrictions, and requirements of the previously approved site plan, and building permits. The inclusion of certain previously adopted conditions in this resolution shall not be deemed as an affirmation of past approvals or conditions not recited herein.

Construction Activity

1. At least ten (10) days prior to commencing construction of any required improvements, the Applicant shall notify the Building Inspector and the Town Engineer, in writing, of the time when it proposes to commence construction of such improvements so that the Building Inspector may cause an inspection to be made to ensure that all Town specifications and requirements shall be met during the construction of required improvements.

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) 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
- b) The MS4 Acceptance and proof of mailing of Notice of Intent (NOI) shall be completed and on file with MS4 Administr

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.

14. The Town Wetland Inspector determined in a letter dated 2/4/15 that the Project Site is potentially located within or near record(s) of northern long-eared bats (*Myotis septentrionalis*), a species listed as threatened in New York State. To avoid impacts to this species and the requirements of an Article 11, Title 5, Section 535 of the Environmental Conservation Law, Threatened and Endangered Species, an Article 11 "Take" Permit, the removal of any trees greater than 4-inches diameter at breast height (DBH) associated with this Project shall occur during the Northern Long-eared Bat's hibernation period. This period begins November 1 and ends March 31 (of any given year). If tree cutting cannot occur during the above time frames, the applicant shall contact the NYSDEC to determine if a Take Permit is required and shall copy the Town of Southeast Building Inspector and Planning Board Secretary on all correspondence.

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>
P. Wissel, Boardmember	<u>yes</u>
E. Cyprus, Boardmember	<u>yes</u>
P. Jonke, Boardmember	<u>yes</u>

D. Rush, Vice Chairman	<u>yes</u>
D. Armstrong, Boardmember	<u>yes</u>
M. Hecht, Boardmember	<u>absent</u>

The resolution was passed by a vote of 6 to 0, with 1 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board



Jacobson

December 8, 2016

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

Re: Peaceable Hill Water District
Water Supply and Treatment Facility
27 Spruce Road
Final Site Plan Review
NLJ #0001-0967

Dear Mr. LaPerch:

As requested, we have reviewed the following information received for the subject project at our office through December 7, 2016:

- Item 1: Letter to Victoria Desidero from Pierre Brissette, dated December 5, 2016.
- Item 2: Set of thirty three (33) drawings entitled "Peaceable Hill Water District, Water Supply & Treatment Facility, Town of Southeast, Putnam County, New York" dated January 21, 2015, last revised 07/08/16, scale as noted, prepared by The Chazen Companies.
- Item 3: Town of Southeast Application for Final Site Plan Approval accompanied by Town Board Report and ARB Application Review.

The set of drawings has essentially remained the same from the previous submission with minor revisions coming as a result of comments from the New York State Department of Health and Putnam County Department of Health. As such, we would have no objection should the Planning Board choose to grant final site plan approval for the subject application.

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.

cc: T. Hay
M. Levine
S. Coleman
W. Stephens, Jr.

M. Bruen
M. Stancati
A. Ley
The Chazen Companies

TOWN OF SOUTHEAST

APPLICATION SUMMARY SHEET

Proj. Name: Bravcor

S/B/L: 78.-2-15

Zone: OP-1

Description: The application is to construct a two-story, 117,192 square foot building, comprising 97,192 square feet of warehouse and 12,000 square feet of retail/office use. The project would be located on a 9.4 acre parcel on Fields Lane, in the OP-1 Zoning District. Access is proposed from the existing drive for the Brewster Ice Arena. This project was approved by the Planning Board in March 2016 and is currently under construction. The Applicant is seeking amended site plan approval to add a loading dock with three bays to the rear of the building where parking and garage doors had previously been proposed. *[NOTE: prior to Bravcor, the Planning Board previously granted site plan approval for an 80,000 square foot building with a comparable amount of impervious surface at this site for a project known as Dykes Lumber and later McNamara].*

SEQR ACTIONS COMPLETED:

- Intent to Declare Lead Agency
- Declare Lead Agency
- EAF Submitted
- Determination of Significance by Board

TYPE OF ACTION: Unlisted

- Date:
- Date:
- Date:
- Date(s):

MAJOR/MINOR PROJECT: Major Project

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

AMENDMENT OF PREVIOUS PLANNING BOARD APPROVED PROJECT? Y N

If yes, list alternative names: Dykes Lumber, McNamara

LOCAL AND AGENCY REVIEW STATUS REQUIRED?

Yes No

- Town Board *(Amended application requires new approval)*
- Town of Southeast ARB *(Amended application requires new approval)*
- Wetland Permit *(Approved under previous application – new approval NOT required)*
- Historic Sites Commission
- Town Highway Department *(Amended application should be referred for comment)*
- MS4 Permit *(Amended application requires new approval)*
- E-911
- County Planning Department (GML)
- County Highway Department
- County Health Department *(Amended application should be referred for comment)*
- NYSDEC *(Amended application should be referred for comment)*
- NYCDEP *(Amended application should be referred for comment)*
- NYSDOT
- Army Corps of Engineers

VARIANCES OR BOARD WAIVER (IF APPLICABLE) Y N

Variance or Waiver Request: Requires side yard variance

Date Granted or Denied, and any conditions:

PLANNING BOARD ACTIONS:

Date	Discussion/Decisions/Resolutions
6/22/15	(1) Affirmed Lead Agency for an Unlisted/Coordinated Action under SEQRA (circulate new plans & Short EAF to Involved Agencies & Putnam County Land Trust); (2) Classified the proposed project as a Town of Southeast "Major Project"; and (3) Set the Public Hearing
7/27/15	Opened and Closed Public Hearing
10/26/15	Adopted Negative Declaration; Referred site plan to ARB for Major Project Review
3/7/16	Final Site Plan Approval and recommended establishment of performance bond
7/11/16	(1) Affirm Lead Agency and circulate new EAF to involved and interested agencies; (2) Set public hearing
8/8/16	(1) Open & Close Public Hearing; (2) Consider Negative Declaration; and (3) Refer to ARB & ZBA
12/12/16	

RECOMMENDED ACTION FOR MEETING:

(1) Consider Final Amended Site Plan Approval.

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

INTRODUCED BY: Rush DATE: December 12, 2016
 SECONDED BY: Cyrus

WHEREAS, BRAVCOR, LLC as the Applicant/Owner of certain properties located 65 Fields Lane in the OP-1 Zoning District in Town of Southeast and known and designated as Tax Map Number 78.-2-15 has submitted an application to amend their site plan to add a loading dock with three bays near the rear of the building where parking and garage doors had previously been proposed (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 8/8/16, 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
E-1, Existing Conditions Plan, prepared by Bibbo Associates	4/18/08; 6/15/16
P-1, Layout Plan, prepared by Bibbo Associates	4/18/08; 8/8/16
GU-1, Grading & Utilities Plan, prepared by Bibbo Associates	4/18/08; 6/15/16
EC-1, Sediment & Erosion Control Plan, prepared by Bibbo Associates	4/18/08; 6/15/16
EC-2, Erosion Control Maintenance Plan, prepared by Bibbo Associates	4/18/08; 6/15/16
EC-3, Erosion Control Details, prepared by Bibbo Associates	4/18/08; 6/15/16
EP-1, Entrance Plan & Land Trust Visitor Parking, prepared by Bibbo Associates	4/18/08; 6/15/16
D-1, Drainage System Profiles, prepared by Bibbo Associates	4/18/08; 6/15/16
D-2, Drainage System Details, prepared by Bibbo Associates	4/18/08; 6/15/16
RP-1, Driveway Profiles & Misc. Details, prepared by Bibbo Associates	4/18/08; 6/15/16
LP-1, Landscape Plan, prepared by Bibbo Associates	4/18/08; 6/15/16
LT-1, Lighting Plan, prepared by Bibbo Associates	4/18/08; 6/15/16
A-01, Building Elevations, prepared by JFM Architecture	9/9/15; 8/9/16

; 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 8/24/16 from the Architectural Review Board recommending approval of the architecture Proposed Action; and

WHEREAS, the Planning Board is in receipt of a resolution dated 12/1/16 from the Town Board approving the architecture 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 Brewster Retail Outlet including all stormwater and wastewater treatment systems and conveyance systems.
6. The Applicant is granted approval based on generic review by the Architectural Review Board of building design and elevations and will have to seek a second review if modifications to the approved design are made. The Proposed Action shall be constructed in accordance with the approved plans and drawings for the specific tenant as reviewed by the Architectural Review Board and approved by the Town Board.
7. Pursuant to §138-41.E(4), the applicant shall provide to the Town of Southeast Planning Board one full set of final full-sized plans and five copies of the filed plans on eleven-inch by seventeen-inch, or similar, paper, with a graphic scale indicated (to allow for scale measurements of photo-reduced drawings), for distribution to the Town Engineer, the Planning Board, the Town Clerk, the Building Inspector, and the Town Planner. This final plan set shall include the final architectural plans recommended by the Architectural Review Board and approved by the Town Board. Each of these sets shall be bound, and shall contain a signature box on the Index or Title Page for the Planning Board Chairman's Signature. No Building Permits shall be issued until these plan sets have been submitted to the Planning Board Secretary and signed by the Planning Board Chairman.
8. The Applicants shall submit two (2) sets of as-built plans to the Town of Southeast Building Department and one (1) full size set to the Planning Board after final construction is completed. The as-built plans must show all buildings and site improvements, the impervious surfaces, landscaping, and final design specifications for all stormwater management facilities. The plans must be certified by a professional engineer.

Financial & Legal Considerations

1. The Applicant shall maintain 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 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) Escrow Account shall be in good standing;
- b) In accordance with item #7 under "General Conditions" above, approved/signed plans shall be on file with the Planning Board and the Building Department; and

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.

14. The NYSDEC has determined in a letter dated 7/22/15 that the Project Site is located within or near record(s) of northern long-eared bats (*Myotis septentrionalis*), a species listed as threatened in New York State. To avoid impacts to this species and the requirements of an Article 11, Title 5, Section 535 of the Environmental Conservation Law, Threatened and Endangered Species, an Article 11 "Take" Permit, the removal of any trees greater than 4-inches diameter at breast height (DBH) associated with this Project shall occur during the Northern Long-eared Bat's hibernation period. This period begins October 31 and ends March 31 (of any given year). If tree cutting cannot occur during the above time frames, the applicant shall contact the NYSDEC to determine if a Take Permit is required and shall copy the Town of Southeast Building Inspector and Planning Board Secretary on all correspondence.

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>recused</u>
P. Wissel, Boardmember	<u>yes</u>
E. Cyprus, Boardmember	<u>yes</u>
P. Jonke, Boardmember	<u>yes</u>

D. Rush, Vice Chairman	<u>yes</u>
D. Armstrong, Boardmember	<u>yes</u>
M. Hecht, Boardmember	<u>absent</u>

The resolution was passed by a vote of 5 to 0, with 1 absent. 1 recused

D. Rush
D. Rush, Acting Chairman
Southeast Planning Board



Jacobson

December 8, 2016

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

Re: Bravcor LLC
65 Fields Lane
Final Amended Site Plan
NLJ #0001-0880

Dear Mr. LaPerch:

As requested, we have reviewed the following information received for the subject project at our office through November 14, 2016:

- Item 1: Letter to Southeast Planning Board, from Joseph J. Buschynski, dated November 9, 2016.
- Item 2: Town of Southeast Application for Final Site Plan Approval dated 11-08-16.
- Item 3: Bound set of Set of twelve (12) drawings entitled "Amended Site Plan, Bravcor, LLC, Fields Lane, Town of Southeast, Putnam County, NY", scales as noted, latest revision date shown 6-15-16, prepared by Bibbo Associates, LLP.

The submitted information satisfies the final plan requirements of Section 138-41 of the Southeast Code. As such, we would have no objection should the Planning Board choose to grant final site plan approval for the subject application.

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. Levine M. Stancati
S. Coleman W. Stephens, Jr.
A. Ley J. Buschynski

TOWN OF SOUTHEAST

APPLICATION SUMMARY SHEET

Proj. Name: Brewster Retail Outlet

S/B/L: 57.-2-42

Zone: RC

Description: Renovation of existing gas station/service center to gas station/convenience store. Applicant proposes to expand the parking area and related improvements, and a new canopy. The Project Site is pre-existing non-conforming and will require several area variances, a determination by the Planning Board under 138-11.D, and Site Plan Approval.

Engineer: Folchetti

SEQR ACTIONS COMPLETED:

- Intent to Declare Lead Agency
- Declare Lead Agency
- EAF Submitted
- Determination of Significance by Board

TYPE OF ACTION: Unlisted

- Date:
- Date:
- Date:
- Date(s):

MAJOR/MINOR PROJECT: Major Project

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

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
3/21/16	Declared Intent to be Lead Agency for Unlisted/Coordinated Action; classified as Major Project; set Public Hearing
4/25/16	1) Declared Lead Agency; 2) Opened/Closed Public Hearing; 3) Negative Declaration; 4) Referred to ARB & ZBA
12/12/16	

RECOMMENDED ACTION FOR MEETING:

1) Consider Final Site Plan approval (including determination of "limited change" per §138-11.D)

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

INTRODUCED BY: *Rush* DATE: December 12, 2016
 SECONDED BY: *Jonke*

WHEREAS, BREWSTER RETAIL CENTER as the Applicant/Owner of certain properties located at 1224 Route 22 in the RC Zoning District in Town of Southeast and known and designated as Tax Map Number 57.-2-42 has submitted an application for Site Plan approval for a proposed renovation of an existing gas station/service center to gas station/convenience store with an expanded the parking area and related improvements, and a new canopy (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 4/25/16, 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
Site Plan Narrative, prepared by J.R. Folchetti & Associates	February 2016; December 2016
NYC DEP Memorandum to Chairman LaPerch	4/21/16
NYS DEC Memorandum to Chairman LaPerch	4/19/16
NYC DEP Memorandum to John Folchetti	5/26/16
Project Site Location Plan, prepared by J.R. Folchetti & Associates	March 2016; 9/27/16
G-1, Existing Site Plan, prepared by J.R. Folchetti & Associates	March 2016; 9/27/16
G-2, Site Plan Aerial View, prepared by J.R. Folchetti & Associates	March 2016; 9/27/16
G-3, Proposed Site Plan, prepared by J.R. Folchetti & Associates	March 2016; 9/27/16
G-4, Setbacks Plan, prepared by J.R. Folchetti & Associates	March 2016; 9/27/16
G-5, Profile & Details, prepared by J.R. Folchetti & Associates	March 2016; 9/27/16
G-6, Existing Lighting Plan, prepared by J.R. Folchetti & Associates	March 2016; 9/27/16
G-7, Proposed Lighting Plan, prepared by J.R. Folchetti & Associates	March 2016; 9/27/16
G-8, Proposed Landscaping Plan & Proposed Sign Detail, prepared by J.R. Folchetti & Associates	March 2016; 9/27/16
G-9, Proposed Exterior Elevations, prepared by J.R. Folchetti & Associates	September 2016
G-10, Proposed Model Images, prepared by J.R. Folchetti & Associates	September 2016

; 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 11/16/16 from the Architectural Review Board recommending approval of the architecture Proposed Action; and

WHEREAS, the Planning Board is in receipt of a resolution dated 12/1/16 from the Town Board approving the architecture of the Proposed Action; and

WHEREAS, the Planning Board is in receipt of a report dated 11/28/16 from the Zoning Board of Appeals approving the variances required for the Proposed Action; and

WHEREAS, the applicant proposes to increase the number of gasoline pumps from 3 to 4, which would expand this pre-existing nonconforming use; and

WHEREAS, pursuant to §138-11.D of the Code of the Town of Southeast, to reduce the adverse external affects of such nonconforming uses, the owner of the land, building or structure so used may be permitted to make limited changes to such building, structure or use in conjunction with a site plan review whereby, through landscaped screening and buffer areas, control of noise, smoke, odors, lighting, architectural changes, location and layout of parking areas and access drives or by any other appropriate means, these purposes may be achieved.

WHEREAS, the Planning Board has reviewed the above referenced documents in support of this application;

NOW, THEREFORE BE IT RESOLVED, that the Town of Southeast Planning Board, pursuant to §138-11.D of the Code of the Town of Southeast, finds that the improvements to the subject property constitute a “limited change” whereby the traffic, circulation, and architectural improvements to the Project Site would reduce the adverse external affects of the pre-existing nonconforming use, as well as enable the redevelopment of a blighted property.

NOW THEREFORE BE IT FUTHER RESOLVED, that pursuant to the authority vested in the Planning Board by Chapter 138, “Zoning,” of the Town Code, the Planning Board hereby grants Final Approval for the Proposed Action, as defined above, subject to the following Conditions identified below. (For purposes of compliance, these conditions, and any other conditions identified in the environmental review of the Proposed Action, shall be enforceable by the Town of Southeast in accordance with the Town Code of the Town of Southeast).

General Conditions

1. The Applicant must conform to all the rules, regulations, and ordinances of the Town of Southeast, County of Putnam, and State of New York.
2. The Applicant is hereby bound by any statements offering modifications, improvements, or offerings to the Town of Southeast made by itself or its representatives in relation to approval of the Proposed Project.
3. Prior to issuance of a Building Permit, the applicant will submit to the Planning Board information pertaining to the specific tenant/use and, if necessary, an amended site plan application showing any proposed modifications to the site for the specific tenant/use.
4. Pursuant to §138-85.D , where a proposed use or proposed building or other structure involves the installation, extension, relocation or reconstruction of a sewage disposal or water supply system, no building permit shall be issued until plans for such a system have been approved by the County of Putnam, State of New York, City of New York or any regulatory agency having jurisdiction as required by law. No certificate of occupancy shall be issued until such a system has been completed and approved by such an agency as required by law or until the use or building or structure has been provided with the connections to a previously completed and approved sanitary sewer and public water supply system.
5. The Proposed Action shall be constructed in coordination with the approved site improvements for the Brewster Retail Outlet including all stormwater and wastewater treatment systems and conveyance systems.

6. The Applicant is granted approval based on generic review by the Architectural Review Board of building design and elevations and will have to seek a second review if modifications to the approved design are made. The Proposed Action shall be constructed in accordance with the approved plans and drawings for the specific tenant as reviewed by the Architectural Review Board and approved by the Town Board.

7. Pursuant to §138-41.E(4), the applicant shall provide to the Town of Southeast Planning Board one full set of final full-sized plans and five copies of the filed plans on eleven-inch by seventeen-inch, or similar, paper, with a graphic scale indicated (to allow for scale measurements of photo-reduced drawings), for distribution to the Town Engineer, the Planning Board, the Town Clerk, the Building Inspector, and the Town Planner. This final plan set shall include the final architectural plans recommended by the Architectural Review Board and approved by the Town Board. Each of these sets shall be bound, and shall contain a signature box on the Index or Title Page for the Planning Board Chairman's Signature. No Building Permits shall be issued until these plan sets have been submitted to the Planning Board Secretary and signed by the Planning Board Chairman.

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

Financial & Legal Considerations

1. The Applicant shall post a Performance Bond in an amount determined by the Town Engineer and recommended by the Planning Board for Town Board approval to ensure all site grading, stormwater management, and road improvements will be made in accordance with the approved drawings, Town of Southeast Code and to the satisfaction of the Town Engineer and/or Highway Superintendent. The Performance Bond may also be used to finance necessary work to stabilize the project site should the Applicant abandon the project and the Town is forced to complete necessary improvements. The establishment of the Performance Bond shall be done in a form acceptable to the Town Counsel. The bond amount will be based upon 2016 construction costs. If the construction is not begun during the calendar year 2016, the Applicant must re-apply to the Planning Board for an adjustment of the bond amount to account for escalation of material and labor costs. Upon such request to the Planning Board, the Planning Board shall make a recommendation to the Town Board and the Town Board shall diligently set a new bond amount in accordance with the recommendation of the Town Engineer. The Performance Bond must be paid prior to the start of any work on the site and/or the filing for a Building Permit. The Southeast Planning Board requests that the Southeast Building Inspector withhold the Certificate of Occupancy until the Planning Board or its duly authorized representative has made an inspection of the subject improvements and determined that the Applicant has complied with all the conditions of this approval.

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

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

4. This resolution supersedes all construction, design, approvals, conditions, restrictions, and requirements of the previously approved site plan, and building permits. The inclusion of certain previously adopted conditions in this resolution shall not be deemed as an affirmation of past approvals or conditions not recited herein.

Construction Activity

1. At least ten (10) days prior to commencing construction of any required improvements, the Applicant shall notify the Building Inspector and the Town Engineer, in writing, of the time when it proposes to commence construction of such improvements so that the Building Inspector may cause an inspection to be made to ensure that all Town specifications and requirements shall be met during the construction of required improvements. The Applicant shall provide a general construction phasing schedule to the Building Inspector, Planning Board and Town Engineer and shall update that schedule, and provide copies to the Building Inspector, Planning Board and Town Engineer, throughout the construction process, as necessary.
2. The Town shall require a pre-construction conference between the Town Engineer and Town Highway Superintendent and the owner or owner's representative, general contractor and on-site engineer to review construction phasing plans, inspections schedules, and requirements for complying with all regulations and conditions of this approval prior to commencing construction. The following items shall be completed by the Applicant prior to scheduling a pre-construction conference:
 - a) Performance Bond and Erosion and Sediment (E&S) Control Bond shall be posted with the Town Clerk;
 - b) Inspection Fees shall be paid to the Planning Board;
 - c) Escrow Account shall be in good standing;
 - d) In accordance with item #7 under "General Conditions" above, approved/signed plans shall be on file with the Planning Board and the Building Department; and
 - e) The MS4 Acceptance, proof of mailing of Notice of Intent (NOI), and E&S shall be completed and on file with MS4 Administrator.
3. The Town of Southeast Building Inspector or its designee may make periodic inspections to ensure that all site work and site improvements are being made in conformance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall designate a responsible and competent person to be the on-site construction manager who shall be responsible for ensuring the continued compliance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall ensure that all remedial measures are taken within 72 hours of any notification of deficiencies relating to construction. If appropriate measures are not implemented to the satisfaction of the Town Engineer, a stop work order may be issued by the Town and/or a fine imposed according to Town Code.
4. Should project changes be required that would represent a significant change to the approved plans, the Applicant may be required to seek an amended approval from the Planning Board.
5. The Applicant shall retain the services of a professional engineer and/or a landscape architect (in accordance with the drawings prepared) throughout the construction process who shall periodically observe the construction of all approved improvements, except improvements to Town of Southeast roads and drainage (which shall be inspected by the Town Engineer and/or Highway Superintendent). The Applicant's professional engineer and/or landscape architect shall provide a statement, in writing, that all approved improvements have been constructed substantially as required and approved by the Planning Board or as such requirements have been modified.
6. Prior to commencing any site clearing, grading, or construction activity, the Applicant shall have the boundary of the property staked out by a licensed surveyor.
7. A copy of the completed NOI to comply with the New York State Department of Environmental Conservation (NYSDEC) General Permit for Construction Activity shall be maintained at the on-site construction office.
8. All sediment and erosion control measures or Best Management Practices indicated on the approved plans and/or required for compliance with the NYSDEC General Permit for Construction Activity shall be installed at the commencement of grading activities and shall be inspected on a weekly basis (or following any storm event in excess of one-half inch) to ensure proper function. All construction activities

shall adhere to the provisions for sediment and erosion control contained in the NYSDEC's *New York Standards and Specifications for Erosion and Sediment Control*.

9. The design and construction of all proposed water quantity and water quality best management practices shall adhere to the *New York State Stormwater Management Design Manual*.
10. Any drainage improvements that would affect a Town drainage structure or element or any improvements to Town of Southeast roads shall be made in accordance with the Town Road and Drainage Specifications (Chapter A143 of the Town Code) and shall be made under the direction and supervision of the Highway Superintendent.
11. The Town Highway Superintendent must be notified a minimum of 72 hours in advance of any construction activity affecting the Town drainage system or any Town Road except where emergency repairs are required, in which case the Highway Superintendent must be notified as soon as possible after the affected area has been stabilized.
12. Existing trees, understory vegetation, and ground cover along all property lines shall remain undisturbed to the maximum extent practicable throughout the duration of construction. Should any disturbance be required to construct approved improvements, the area shall be replanted with comparable vegetation as soon as is practicable following completion of construction activity in that area.
13. All disturbed areas shall be stabilized pursuant to NYSDEC regulations. Should disturbed areas remain disturbed for periods longer than one month, more permanent stabilization measures shall be installed.

Landscaping

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

UPON ROLL CALL VOTE:

T. LaPerch, Chairman recused

P. Wissel, Boardmember yes

E. Cyprus, Boardmember yes

P. Jonke, Boardmember yes

D. Rush, Vice Chairman yes

D. Armstrong, Boardmember yes

M. Hecht, Boardmember absent

The resolution was passed by a vote of 5 to 0, with 1 absent. 1 recused.

D. Rush
 D. Rush, Acting Chairman
 Southeast Planning Board

Town of Southeast

Planning Board
One Main Street
Brewster, NY 10509

December 13, 2016

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

RE: **BREWSTER RETAIL OUTLET**, 1224 Route 22, TAX MAP IDTOWN 57.-2-42

Dear Boardmembers:

At the 12/12/16 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.

<u>PROJECT</u>	<u>BOND AMOUNT</u>
BREWSTER RETAIL OUTLET	\$ 3,000.00

The Town Engineer's memo is attached for your consideration and includes the estimate for all site improvements, which totals \$355,000.00. Inspection Fees, based on the total cost of site improvements, in the amount of \$14,200.00, 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,


David Rush, Acting Chairman
Southeast Planning Board

Attachment

cc: Town Attorney
Town Clerk
Town Engineer
Building Inspector
J.R. Folchetti & Associates
Planning Board File



Jacobson

December 8, 2016

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

Re: Brewster Retail Outlet
1224 Route 22
Bond Estimate
NLJ #0001-0988

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 \$355,000.

Based on the current "Town of Southeast, Planning Board Fee Schedule" and the above recommended bond amount, the required inspection fee to be collected for the project is 4% of Site Development Costs or \$14,200.

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 \$3,000.

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. Levine,
W. Stephens, Jr.
M. Bruen
M. Stancati
S. Coleman
A. Ley
J.R. Folchetti

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

OPINION OF PROBABLE CONSTRUCTION COSTS
 Performance Bond

Project: Brewster Retail Outlet
 1224 Route 22
 Southeast, New York

Done by: JMD
 Date: 12/8/2016

Project No.: 0001-0988

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	REMOVE GUIDERAIL	\$18.11	L.F.	128	\$2,318.08
2	STRIP & STOCKPILE TOPSOIL	\$0.49	S.Y.	1100	\$539.00
3	PERVIOUS PAVER SYSTEM (Complete)	\$17.70	S.F.	6350	\$112,395.00
4	SEGMENTIAL RETAINING WALL	\$38.30	S.F.	5664	\$216,931.20
5	GUIDE RAIL	\$25.00	L.F.	360	\$9,000.00
6	SPREAD STOCKPILED TOPSOIL TO 6"	\$1.10	S.Y.	275	\$302.50
7	LANDSCAPING	\$2,400.00	L.S.	1	\$2,400.00
8	HYDROSEED (FERT. & MULCH)	\$0.58	S.Y.	275	\$159.50
9	SITE LIGHTS	\$2,500.00	EACH	1	\$2,500.00
10	SILT FENCE	\$4.13	L.F.	275	\$1,135.75
11	DUMPSTER ENCLOSURE	\$2,280.00	L.S.	1	\$2,280.00
12	PARKING STALL LINE PAINTING	\$10.55	EACH	7	\$73.85
13	PAVEMENT MARKING - HANDICAP SYMBOL	\$62.61	EACH	1	\$62.61
14	PAVEMENT MARKING - DIRECTION ARROWS	\$1.85	S.F.	110	\$203.50
15	CHAIN LINK FENCE	\$20.20	L.F.	240	\$4,848.00
				Subtotal:	\$355,149
				SAY	\$355,000

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

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

Project: Brewster Retail Outlet
1224 Route 22
Southeast, New York

Done by: JMD
Date: 12/8/2016

Project No.: 0001-0988

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	SPREAD STOCKPILED TOPSOIL TO 6"	\$1.10	S.Y.	1100	\$1,210.00
2	HYDROSEED	\$0.58	S.Y.	1100	\$638.00
3	SILT FENCE	\$4.13	L.F.	275	\$1,135.75
				Subtotal:	\$2,984
			SAY		\$3,000

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

INTRODUCED BY:

LaPerch

DATE:

September 28, 2015
Amended December 12, 2016

SECONDED BY:

Wince

WHEREAS, VESCIO as the Applicant/Owner of certain properties located at 161 Nelson Blvd. in the R-160 Zoning District in Town of Southeast and known and designated as Tax Map Number 67.-1-3, has submitted an application to construct an equestrian barn including an accessory apartment, horse paddock areas, single family residence, private well and subsurface sewage treatment system (ssts), driveway and associated stormwater management practices that requires a Wetland Permit, and Special Permit and Site Plan approval for an equestrian center on a 68.5-acre site. Improvements to Nelson Blvd are also proposed for site access (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 about 6/8/15, 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 Chairman LaPerch from Insite Engineering	9/8/15
Barn Management Plan, prepared by Insite Engineering	9/8/15
WV-1, NYSDEC Wetland Validation Map, prepared by Insite Engineering	5/21/15
OP-1, Overall Plan, prepared by Insite Engineering	4/6/15; 9/8/15
SP-1, Site Plan, prepared by Insite Engineering	4/6/15; 9/8/15
SP-2, Erosion & Sediment Control Plan, prepared by Insite Engineering	4/6/15; 9/8/15
D-1, Details & Notes, prepared by Insite Engineering	4/6/15; 09/8/15
LP-1, Lighting Plan, prepared by Insite Engineering	7/8/15
A-1, prepared by klm architecture, pllc	7/7/15
A-2, prepared by klm architecture, pllc	7/7/15
A-3, prepared by klm architecture, pllc	7/7/15
Statement of Use, prepared by Insite Engineering	5/18/15
Wetland Buffer Monitoring and Maintenance Plan, prepared by Insite Engineering	4/6/15

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 7/23/15 from the Architectural Review Board recommending approval of the architecture Proposed Action; and

WHEREAS, the Planning Board is in receipt of a resolution dated 9/3/15 from the Town Board approving a special permit request to allow for the development of an equestrian center; and

WHEREAS, the Planning Board is in receipt of a report from the Town of Southeast Wetland Inspector dated 9/24/15, recommending wetland permit approval for the Proposed Action subject to minor conditions; and

NOW THEREFORE BE IT RESOLVED, that pursuant to the authority vested in the Planning Board by Chapter 78, "Freshwater Wetlands," and 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 Vescio Equestrian Center 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 shall be subject to approval by the Town Board.
7. Pursuant to §138-41.E(4), the applicant shall provide to the Town of Southeast Planning Board one full set of final full-sized plans and five copies of the filed plans on eleven-inch by seventeen-inch, or similar, paper, with a graphic scale indicated (to allow for scale measurements of photo-reduced drawings), for distribution to the Town Engineer, the Planning Board, the Town Clerk, the Building Inspector, and the Town Planner. This final plan set shall include the final architectural plans recommended by the Architectural Review Board and approved by the Town Board. Each of these sets shall be bound, and shall contain a signature box on the Index or Title Page for the Planning Board Chairman's Signature. No Building Permits shall be issued until these plan sets have been submitted to the Planning Board Secretary and signed by the Planning Board Chairman.
8. The Applicants shall submit two (2) sets of as-built plans to the Town of Southeast Building Department and one (1) full size set to the Planning Board after final construction is completed. The as-built plans must show all buildings and site improvements, the impervious surfaces, landscaping, and final design specifications for all stormwater management facilities. The plans must be certified by a professional engineer.

9. Prior to obtaining a Building Permit, the applicant shall obtain a Town of Southeast Highway Work Permit and substantially complete the proposed road improvements to Nelson Boulevard to the satisfaction of the Town of Southeast Highway Superintendent and Town 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 2015 construction costs. If the construction is not begun during the calendar year 2015, the Applicant must re-apply to the Planning Board for an adjustment of the bond amount to account for escalation of material and labor costs. Upon such request to the Planning Board, the Planning Board shall make a recommendation to the Town Board and the Town Board shall diligently set a new bond amount in accordance with the recommendation of the Town Engineer. The Performance Bond must be paid prior to the start of any work on the site and/or the filing for a Building Permit. The Southeast Planning Board requests that the Southeast Building Inspector withhold the Certificate of Occupancy until the Planning Board or its duly authorized representative has made an inspection of the subject improvements and determined that the Applicant has complied with all the conditions of this approval.

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

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

4. This resolution supersedes all construction, design, approvals, conditions, restrictions, and requirements of the previously approved site plan, and building permits. The inclusion of certain previously adopted conditions in this resolution shall not be deemed as an affirmation of past approvals or conditions not recited herein.

Construction Activity

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

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

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

- e) The MS4 Acceptance, proof of mailing of Notice of Intent (NOI), and E&S shall be completed and on file with MS4 Administrator.
3. The Town of Southeast Building Inspector or its designee may make periodic inspections to ensure that all site work and site improvements are being made in conformance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall designate a responsible and competent person to be the on-site construction manager who shall be responsible for ensuring the continued compliance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall ensure that all remedial measures are taken within 72 hours of any notification of deficiencies relating to construction. If appropriate measures are not implemented to the satisfaction of the Town Engineer, a stop work order may be issued by the Town and/or a fine imposed according to Town Code.
4. Should project changes be required that would represent a significant change to the approved plans, the Applicant may be required to seek an amended approval from the Planning Board.
5. The Applicant shall retain the services of a professional engineer and/or a landscape architect (in accordance with the drawings prepared) throughout the construction process who shall periodically observe the construction of all approved improvements, except improvements to Town of Southeast roads and drainage (which shall be inspected by the Town Engineer and/or Highway Superintendent). The Applicant's professional engineer and/or landscape architect shall provide a statement, in writing, that all approved improvements have been constructed substantially as required and approved by the Planning Board or as such requirements have been modified.
6. Prior to commencing any site clearing, grading, or construction activity, the Applicant shall have the boundary of the property staked out by a licensed surveyor.
7. A copy of the completed NOI to comply with the New York State Department of Environmental Conservation (NYSDEC) General Permit for Construction Activity shall be maintained at the on-site construction office.
8. All sediment and erosion control measures or Best Management Practices indicated on the approved plans and/or required for compliance with the NYSDEC General Permit for Construction Activity shall be installed at the commencement of grading activities and shall be inspected on a weekly basis (or following any storm event in excess of one-half inch) to ensure proper function. All construction activities shall adhere to the provisions for sediment and erosion control contained in the NYSDEC's *New York Standards and Specifications for Erosion and Sediment Control*.
9. The design and construction of all proposed water quantity and water quality best management practices shall adhere to the *New York State Stormwater Management Design Manual*.
10. Any drainage improvements that would affect a Town drainage structure or element or any improvements to Town of Southeast roads shall be made in accordance with the Town Road and Drainage Specifications (Chapter A143 of the Town Code) and shall be made under the direction and supervision of the Highway Superintendent.
11. The Town Highway Superintendent must be notified a minimum of 72 hours in advance of any construction activity affecting the Town drainage system or any Town Road except where emergency repairs are required, in which case the Highway Superintendent must be notified as soon as possible after the affected area has been stabilized.
12. Existing trees, understory vegetation, and ground cover along all property lines shall remain undisturbed to the maximum extent practicable throughout the duration of construction. Should any disturbance be required to construct approved improvements, the area shall be replanted with comparable vegetation as soon as is practicable following completion of construction activity in that area.
13. All disturbed areas shall be stabilized pursuant to NYSDEC regulations. Should disturbed areas remain disturbed for periods longer than one month, more permanent stabilization measures shall be installed.
14. The NYSDEC has determined in a letter dated May 28, 2015, that the Project Site is located within or near record(s) of northern long-eared bats (*Myotis septentrionalis*), a species listed as threatened

in New York State. To avoid impacts to the this species and the requirements of an Article 11, Title 5, Section 535 of the Environmental Conservation Law, Threatened and Endangered Species, an Article 11 "Take" Permit, the removal of any trees greater than 4-inches diameter at breast height (DBH) associated with this Project shall occur during the Northern Long-eared Bat's hibernation period. This period begins October 31 and ends March 31 (of any given year). If tree cutting cannot occur during the above time frames, the applicant shall contact the NYSDEC to determine if a Take Permit is required and shall copy the Town of Southeast Building Inspector and Planning Board Secretary on all correspondence.

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.

Wetland Permit

1. The grading and notes for the proposed stormwater management area includes the proposed seed mixes and references the use of a minimum of 50% of live plants. This note should be added to the site plan and be part of the plant list.
2. The site plan should be revised to include notes describing how existing invasive plants will be removed, and how soil will be properly prepared for seeding and planting.

UPON ROLL CALL VOTE:

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

The resolution was passed by a vote of 6 to 0, with 1 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board