
TOWN OF SOUTHEAST PLANNING BOARD AGENDA

January 30, 2017

CIVIC CENTER, 1360 Route 22

7:30 p.m.

PUBLIC HEARINGS:

REGULAR SESSION:

- 1 ROOT AVENUE SUBDIVISION, Root Avenue** – Review of Request for Release of Performance Bond
- 2 BREWSTER HILL GENERAL STORE, 563 Route 312** – Review of Application for Final Site Plan Approval
- 3 ACE ENDICO, 80, 81 & 71 International Blvd.** – Review of Application for Amended Site Plan
- 4 BREWSTER CORPORATE PARK, Old Route 22** – Review of Request for Extension of Site Plan Approval
- 5 BREWSTER FORD, 1024 Route 22** – Review of Application for Final Site Plan Approval
- 6 RED ROOSTER, 1566 Route 22** – Review of Application for Site Plan Amendment and Conditional Use Permit
- 7 PROPOSED LOCAL LAW REGARDING DEFINITION OF "RECREATION" IN TOWN CODE** – Discuss Report and Recommendation to Town Board on Proposed Local Law
- 8 PROPOSED LOCAL LAW REGARDING DEFINITION OF "MINOR SUBDIVISION" IN TOWN CODE** – Discuss Report and Recommendation to Town Board on Proposed Local Law

Approve Meeting Minutes from January 9, 2017

January 25, 2017

VAD

Agenda Subject to Change

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

January 31, 2017

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

RE: ROOT AVENUE SUBDIVISION, Root Avenue, Tax Map ID 55.-1-39

Dear Boardmembers:

At the 1/30/17 regular meeting of the Town of Southeast Planning Board, a motion was made to positively refer the above referenced application to the Town Board for the release of the Performance Bond currently being held.

<u>PROJECT</u>	<u>AMOUNT</u>
ROOT AVENUE SUBDIVISION	\$282,200.00

The Planning Board further resolved that the applicant must meet all of the conditions stated in the attached memorandum from the Town Engineer prior to release of the bond. Also, the following bonds be posted as a condition of the release of the Performance Bond:

<u>BOND TYPE</u>	<u>DURATION</u>	<u>AMOUNT</u>
PERFORMANCE GUARANTEE	4 YEARS	\$22,500.00
MAINTENANCE GURANTEE	10 YEARS	\$ 4,500.00
LOT 1 -- EROSION & SEDIMENT CONTROL		\$15,000.00
LOT 2 -- EROSION & SEDIMENT CONTROL		\$ 7,700.00
LOT 3 -- EROSION & SEDIMENT CONTROL		\$ 8,700.00
LOT 4 -- EROSION & SEDIMENT CONTROL		\$ 9,000.00
LOT 5 -- EROSION & SEDIMENT CONTROL		\$ 8,000.00

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

Sincerely,

Thomas LaPerch /rad
Thomas LaPerch, Chairman
Southeast Planning Board

Attachment

cc: Town Attorney
Town Clerk
Town Engineer
Building Inspector
Insite Engineering
Planning Board File



January 23, 2017

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

Re: Root Avenue Subdivision
Root Avenue
Request for Release of Performance Bond
NLJA #0001-0724

Dear Mr. LaPerch:

As requested, we have made recent inspections and reviewed the following items received at our office through January 19, 2017:

- Item 1: Set of 4 drawings entitled "Root Avenue Subdivision, Overall Wetland Permit Plan, Root Avenue, Town of Southeast, Putnam County, New York", scales as noted, dated 12-28-16, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C.
- Item 2: Drawing entitled "Partial As-Built Of Property, Prepared For Cafo Boga, As shown on Final Subdivision Plat For Root Avenue Subdivision, Filed Map No. 3078, 3078A-E Filed 8/15/2008, Situate In Town of Southeast, Putnam Co., N.Y.", scale 1"=40', dated December 13, 2016, prepared by Terry Bergendorff Collins.
- Item 3: Report entitled Root Avenue Subdivision, Stormwater Pollution Prevention Plan (SWPPP) Amendment, Prepared for Pomona Development, LLC, Town of Southeast, New York" dated September, 14, 2016, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C.
- Item 4: Letter to the Town of Southeast Planning Board from Jeffrey J. Contelmo, P.E., dated January 12, 2017.

Based on our recent site inspections and review of the plans and reports referenced above, we can confirm that the subdivision common improvements are substantially complete and generally in accordance with the original plans subject to any approved field changes. As noted in the letter from the Applicant's Engineer (Item 4 referenced above), this project originally received Planning Board Subdivision Approval in 2007. As further outlined in that letter, the infrastructure design has undergone several changes since that time, due primarily to field identified site issues and regulatory changes and constraints.

Common improvements include those site improvements which are associated with, and support, multiple lots. For this project, that would include the common driveway and common storm drainage and stormwater control measures. While the project includes 5 new lots, under the final



Jacobson

Mr. Thomas LaPerch, Chairman
Town of Southeast Planning Board
Re: Root Avenue Subdivision
Root Avenue
Request for Release of Performance Bond
NLJA #0001-0724

January 23, 2017

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configuration, only Lots 1, 2 and 5 have common improvements. Lots 3 and 4 have separate driveways and stormwater management systems.

The Applicant is now requesting release of the performance bond for the project which we understand was originally posted in the amount of \$282,000. Since the common improvements are substantially complete, we have no objection to the release of the performance bond subject to the following conditions:

1. Submission of final As-Built Drawings in accordance with the requirements of §123-23 of the Subdivision Regulations.
2. Submission of final executed easements and maintenance agreements associated with the common driveway and common stormwater improvements on Lots 2, 3, and 5. While Lots 1 and 4 require no agreements or easements across lots, a stormwater maintenance agreement is required for each lot.
3. In accordance with §123-48D and §119-13 posting of a 4-year performance guarantee and 10-year maintenance guarantee for the common stormwater management system. We recommend a 4-year performance guarantee in an amount equal to 10% of the construction cost of common stormwater improvements or \$22,500. We recommend a 10-year maintenance guarantee based on the annual system maintenance cost as detailed in the Operation and Maintenance Plan or \$4,500.
4. Posting of erosion and sediment control and restoration bonds for individual lots which have not yet been developed. We have estimated that these bonds should be in the following amounts:

Lot 1 – \$15,000
Lot 2 – \$7,700
Lot 3 – \$8,700
Lot 4 – \$9,000
Lot 5 – \$8,000

It should be noted that these bond amounts include the cost of wetland plantings as required in the project approvals.

The above noted conditions should be met before the final release of the performance bond.



Jacobson

Mr. Thomas LaPerch, Chairman
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Should you have any questions, please do not hesitate to contact me.

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, P.C.

Thomas H. Fenton, P.E.

THF:thf

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



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

January 31, 2017

TO: Architectural Review Board

FROM: Thomas LaPerch, Chairman
Southeast Planning Board

RE: BREWSTER HILL GENERAL STORE
563 Route 312
Tax Map ID 45.12-1-23

At the regular meeting of the Town of Southeast Planning Board on 1/30/17, a motion was made to refer the above referenced Minor Project to your Board for review and recommendation to the Planning Board. The Planning Board classified this as a Type II Action under the New York State Environmental Quality Review Act (SEQRA) process on 10/24/16. The applicant will be sending your Board a copy of the proposed plans to aid you in your review.

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

Very truly yours,


Thomas LaPerch, Chairman
Southeast Planning Board

cc: Town Counsel
Town Clerk
Hogan & Rossi

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

INTRODUCED BY: *T. LaPerch*

DATE: January 30, 2017

SECONDED BY: *D. Armstrong*

WHEREAS, the Planning Board of the Town of Southeast is in receipt of an application for Site Plan Amendment, and other supporting documents for a project entitled **ACE ENDICO**; and

WHEREAS, the proposed project is located at 71, 80 and 81 International Blvd. in the OP-2 Zoning District in the Town of Southeast and identified as Tax Map IDs 45.-1.31-3, 45.-1-29, and 45.-1-31.2 ; and

WHEREAS, the applicant seeks amended site plan approval to amend the phasing of construction for Terravest Lots 3 and 4, and to construct new parking areas and a sidewalk for Ace Endico; 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 Type I 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>absent</u>	M. Hecht, Boardmember	<u>absent</u>
E. Larca, Boardmember	<u>yes</u>		

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

T. LaPerch

T. LaPerch, Chairman
Southeast Planning Board

**TOWN OF SOUTHEAST
RESOLUTION
EXTENSION OF FINAL APPROVAL**

INTRODUCED BY: *T. LaPerch*

DATE: January 30, 2017

SECONDED BY: *Rush*

WHEREAS, the Planning Board of the Town of Southeast has previously granted Final Approval by resolution dated 3/7/16, for a certain Project Development Plan known as **BREWSTER CORPORATE PARK**, located on Old Route 22 in the OP-2 Zone, also known and designated as Tax Map Number 35.-2-4; and,

WHEREAS, the Planning Board is in receipt of a letter from the owner or their representative requesting an extension of the Final Approval for an additional period of one (1) year so that the applicant will be able to maintain Amended Site Plan Approval; and,

WHEREAS, the Planning Board of the Town of Southeast is disposed by the Zoning Ordinance of the Town of Southeast to grant or deny such extension of Final Approval,

NOW, THEREFORE, be it

RESOLVED, that an extension of the Final Approval for the Project development Plan known as **BREWSTER CORPORATE PARK** is hereby granted for a period of one (1) year, commencing on 3/7/17 and subject to the conditions of said Final Approval.

UPON ROLL CALL VOTE:

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

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

T. LaPerch

T. LaPerch, Chairman
Southeast Planning Board

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

INTRODUCED BY: T. LaPerch

DATE: January 30, 2017

SECONDED BY: Rush

WHEREAS, the Planning Board of the Town of Southeast is in receipt of an application for Site Plan Amendment, and other supporting documents for a project entitled **RED ROOSTER**; and

WHEREAS, the proposed project is located at 1566 Route 22 in the SR22 Zoning District in the Town of Southeast and identified as Tax Map ID 46.-2-43; and

WHEREAS, the applicant proposes a 1,966 sf addition and new 1,500 sf deck to the existing Red Rooster restaurant and adding a shed to replace two existing car ports; 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>absent</u>	M. Hecht, Boardmember	<u>absent</u>
E. Larca, Boardmember	<u>abstain</u>		

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

T. LaPerch, Chairman
Southeast Planning Board

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

January 31, 2017

Hon. Tony Hay, Supervisor
Town of Southeast
1360 Route 22
Brewster, NY 10509

Re: Local Law to Amend the Definition of Recreation

Dear Mr. Hay:

The Town of Southeast Planning Board (Planning Board) is in receipt of the Town Board's referral of the proposed local law to amend the definition of "Recreation" and "Recreation, small scale." The Planning Board supports the proposed amendment as written, and pursuant to § 138-92 of the Town Code recommends adoption. We thank you for your consideration.

Sincerely,


Thomas LaPerch, Chairman
Town of Southeast Planning Board

Attachment

cc: Town Board
Town Clerk
Town Attorney

Town of Southeast, Putnam County, NY

Local Law No. __ of 2017

A LOCAL LAW entitled: “A Local Law to Amend Chapter 138 of the Town Code, ‘Zoning’.”

Be it enacted by the Town Board of the Town of Southeast, Putnam County, New York, as follows:

SECTION 1. LEGISLATIVE INTENT

The Town Board of the Town of Southeast proposes to amend the definition of “Recreation” to better define the appropriate types of recreational uses and businesses for residential areas within the Town.

SECTION 2. AMENDMENTS TO ARTICLE I, “GENERAL PROVISIONS; DEFINITIONS”

Section 138-4.B, “Definitions” is hereby amended, in part, to amend the following definitions:

RECREATION

Recreation uses include: golf courses and driving ranges; dance, gymnastics, and martial arts studios; indoor health and exercise facilities; tennis, racquetball, pickleball, and squash courts (indoor and outdoor); swimming pools, spas, and splash pads (indoor and outdoor); ice skating rinks; indoor soccer facilities; indoor rock climbing gym; and similar recreational facilities. In all zoning districts recreation uses shall exclude: automotive or go-cart tracks; shooting ranges; amusement parks; and any use of archery equipment, guns, weaponry, or similar equipment that may be used to simulate combat, including equipment that has the capacity to propel a projectile or emit a light and/or laser. In residential zoning districts, recreation uses shall also exclude: bowling alleys; billiard parlors; pool halls; and facilities intended primarily for spectator activities, such as but not limited to, stadia and arenas, and any of the above permitted uses with spectator seating for more than 25 people. Golf courses, dance studios, indoor health and exercise facilities, tennis courts (indoor and outdoor), indoor swimming pools, racquetball, squash and the like, excluding facilities intended primarily for spectator activities, such as, but not limited to, stadia and arenas, shooting ranges and amusement parks, automotive tracks and other similar uses or structures maintained for the amusement, patronage or recreation of the public.

RECREATION, SMALL-SCALE

A business occupying less than 15,000 square feet which, for compensation, offers indoor recreational activities such as dance studios, martial arts studios, arts and crafts studios, musical or theatrical instruction, children’s gyms and play centers, and other places of public or private entertainment. Activity facilities shall not include facilities intended primarily for spectator activities, such as, but not limited to stadia and arenas, automotive or go-cart tracks, bowling alleys, billiard parlors, pool halls, amusement parks amusement games (i.e. video games, skeeball, or similar), or any use of archery equipment, guns, weaponry or similar equipment that may be used to simulate combat, including equipment that has the capacity to propel a projectile or emit a light and/or laser.

SECTION 3. VALIDITY

The invalidity of any word, section, clause, paragraph, sentence, part, provision of this Local Law shall not affect the validity of any other part of this Local Law that shall be given effect without such invalid part or parts.

SECTION 4. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

DRAFT

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

January 31, 2017


Hon. Tony Hay, Supervisor
Town of Southeast
1360 Route 22
Brewster, NY 10509

Re: **Local Law to Amend the Definition of Minor Subdivision**

Dear Mr. Hay:

The Town of Southeast Planning Board (Planning Board) is in receipt of the Town Board's referral of the proposed local law to amend the definition of "Minor Subdivision." The Planning Board supports the proposed amendment as written, and pursuant to § 138-92 of the Town Code recommends adoption. We thank you for your consideration.

Sincerely,


Thomas LaPerch, Chairman
Town of Southeast Planning Board

Attachment

cc: Town Board
Town Clerk
Town Attorney

Town of Southeast, Putnam County, NY

Local Law No. __ of 2017

A LOCAL LAW entitled: "A Local Law to Amend Chapter 123 of the Town Code, 'Subdivision of Land'."

Be it enacted by the Town Board of the Town of Southeast, Putnam County, New York, as follows:

SECTION 1. LEGISLATIVE INTENT

The Town Board of the Town of Southeast proposes to amend the definition of "Minor Subdivision" to exclude those subdivisions which, due to their proximity to natural resources and/or area of disturbance, may result in impacts to wetlands and/or require additional engineering considerations with respect to erosion and sediment control and stormwater management. As such, these subdivisions should be required to go through preliminary review.

SECTION 2. AMENDMENTS TO ARTICLE II, "DEFINITIONS OF TERMS"

Section 123-6, "Definitions" is hereby amended, in part, to amend the following definition:

MINOR SUBDIVISION

Any subdivision containing not more than four lots fronting on an existing street; not involving any new street or road or the extension of municipal facilities; not adversely affecting the development of the remainder of the parcel or adjoining property; not involving more than one acre of disturbance; not requiring a Town of Southeast Freshwater Wetlands Permit, except a for an activity of minor significance as specified in §78-4H; and not in conflict with any provision or portion of the Comprehensive or Master Plan, Official Map, if such exists, or Chapter 138, Zoning, or this chapter. A proposed subdivision or resubdivision shall only be classified as a "minor subdivision" if the sketch plan incorporates all of the tract from which lots are proposed to be divided.

SECTION 3. VALIDITY

The invalidity of any word, section, clause, paragraph, sentence, part, provision of this Local Law shall not affect the validity of any other part of this Local Law that shall be given effect without such invalid part or parts.

SECTION 4. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.