
TOWN OF SOUTHEAST PLANNING BOARD AGENDA

February 26, 2018

CIVIC CENTER, 1360 Route 22

7:30 p.m.

PUBLIC HEARINGS:

1. **SBW EMPOWERMENT, 10 Bridge Lane, Tax Map ID 56.9-1-22** – Public Hearing to Review of an Application for Conditional Use Permit

REGULAR SESSION:

1. **ACU LED, LLC, 1535 Route 22, Tax Map ID 46.-1-2** – Review of an Application for Final Site Plan Approval
2. **GRACE ASSEMBLY OF GOD, 510 Rte. 312, Tax Map ID 45.12-1-9** – Review of a Request for Extension of Site Plan Approval
3. **BREWSTER FORD BUILDING ADDITION, 1024 Route 22, Tax Map ID 68.5-2-32** – Review of a Request for Extension of Site Plan Approval
4. **Approve Meeting Minutes from February 12, 2018**

February 20, 2018

VAD

Agenda Subject to Change

FOR MORE INFORMATION ON MAJOR PROJECTS UNDER PLANNING BOARD REVIEW, CLICK ON THE LINK BELOW:

<http://www.southeast-ny.gov/322/Major-Planning-Board-Projects#>

**TOWN OF SOUTHEAST, NY
PLANNING BOARD RESOLUTION FOR A CONDITIONAL USE PERMIT
FOR SBW EMPOWERMENT**

INTRODUCED BY: La Perch DATE: February 26, 2018
SECONDED BY: Hecht

WHEREAS, an application is being made for a conditional use permit for a home occupation on a property located at 10 Bridge Lane, in the Town of Southeast, New York; and

WHEREAS, the property is identified as Tax Map Number 56.9-1-22, and is located in the R-40 Zoning District; and

WHEREAS, the Town of Southeast Planning Board pursuant to the State Environmental Quality Review Act (SEQRA) determined on January 22, 2018, that the Proposed Action is a Type II Action under SEQRA and no further environmental review is required; and

WHEREAS, the Planning Board is in receipt of the following documents in support of this application:

1. Planning Board Application for Conditional Use Permit, dated 9/23/17
2. Memorandum to Planning Board Secretary Desidero from SBW Empowerment, dated 11/26/17
3. Business Plan: SBW Empowerment, LLC, undated
4. Survey of Property prepared for Charles McDougall & Carol Weber, Situate in Town of Southeast, Putnam Co., NY, prepared by Terry Bergendorff Collins, dated 7/24/99

WHEREAS, the Planning Board has determined on the basis of its own review, and the review of comments received from its consultants, that the information submitted by the applicant is in substantial compliance with Chapter 138, "Zoning," of the Town of Southeast Code; 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 Conditional Use Permit Approval for a Personal Service and Office Use, as described above, subject to the following Conditions identified below. (For purposes of compliance, these conditions shall be enforceable by the Town of Southeast in accordance with the Town Code of the Town of Southeast).

1. The Code Enforcement Officer shall have right of entry for inspection, with reasonable notice, to determine compliance with the conditions of this permit.
2. No more than 10 cars associated with the business use, including clients and staff, may be on the property at any time.

- 3. The hours of operation of shall be limited to:
 - a. Monday and Friday 9 am to 5pm
 - b. Tuesday, Wednesday, and Thursday 9 am to 8 pm
 - c. Saturday and Sunday 10 am to 4 pm

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>absent</u>
E. Cyprus, Boardmember	<u>yes</u>	M. Hecht, Boardmember	<u>yes</u>
E. Larca, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 6 to 0, with 1 ^{absent} ~~abstentions~~


 T. LaPerch, Chairman
 Southeast Planning Board

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

INTRODUCED BY: La Perch DATE: February 26, 2018
 SECONDED BY: Cyprus

WHEREAS, ACU LED, LLC as the Applicant/Owner of certain properties located 1535 Route 22 in the SR-22 Zoning District in Town of Southeast and known and designated as Tax Map Number 46.-1-2 has submitted an application for Site Plan and Conditional Use Permit approval for a proposal to convert an existing two-story house to a mixed-use office and residential building, with an office on the first floor and apartment above. The existing driveway and parking area would be re-surfaced and expanded to accommodate 11 parking spaces (including one handicapped parking space). A new handicap ramp, sidewalk, garbage enclosure, and bio-retention basin are also proposed. No changes are proposed to the existing 1 story garage. (the “Proposed Project”); and,

WHEREAS, the Town of Southeast Planning Board, acting as Lead Agency for the purposes of the State Environmental Quality Review Act (SEQRA), and conducting a coordinated environmental review, classified this as a Type II Action on or about 12/11/17, 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
Statement of Use, prepared by Acu Led, LLC	11/14/17; 12/12/17
Septic Capacity Review, prepared by PW Scott, P.E.	12/12/17
Sequence of Construction, prepared by PW Scott, P.E.	undated
SY1, Parking Site Plan, prepared by PW Scott, P.E.	11/18/17
SY2, Site Details, prepared by PW Scott, P.E.	11/18/17; 12/11/17
SY3, Site Details, prepared by PW Scott, P.E.	11/18/17; 12/11/17
FIGURES, prepared by PW Scott, P.E.	undated
Stormwater Management Bio-Retention Analysis	11/20/17

; 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 1/26/18 from the Architectural Review Board recommending approval of the architecture Proposed Action; and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the authority vested in the Planning Board by Chapter 138, “Zoning,” of the Town Code, the Planning Board hereby grants Conditional Use Permit Approval for a Personal Service and Office Use, as described 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).

1. The Code Enforcement Officer shall have right of entry for inspection, with reasonable notice, to determine compliance with the conditions of this permit.

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

General Conditions

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

Financial & Legal Considerations

1. The Applicant shall post a Performance Bond in an amount determined by the Town Engineer and recommended by the Planning Board for Town Board approval to ensure all site grading, stormwater management, and road improvements will be made in accordance with the approved drawings, Town of Southeast Code and to the satisfaction of the Town Engineer and/or Highway Superintendent. The Performance Bond may also be used to finance necessary work to stabilize the project site should the Applicant abandon the project and the Town is forced to complete necessary improvements. The establishment of the Performance Bond shall be done in a form acceptable to the Town Counsel. The bond amount will be based upon 2018 construction costs. If the construction is not begun during the calendar year 2018, the Applicant must re-apply to the Planning Board for an adjustment of the bond amount to account for escalation of material and labor costs. Upon such request to the Planning Board, the Planning Board shall make a recommendation to the Town Board and the Town Board shall diligently set a new bond amount in accordance with the recommendation of the Town Engineer. The Performance Bond must be paid prior to the start of any work on the site and/or the filing for a Building Permit. The Southeast Planning Board requests that the Southeast Building Inspector withhold the Certificate of Occupancy until the Planning Board or its duly authorized representative has made an inspection of the subject improvements and determined that the Applicant has complied with all the conditions of this approval.
2. No certificate of occupancy for the structures depicted on the project development plan/site plan shall be issued or occupancy permitted unless and until the site improvements associated with the development shall be fully completed by the developer or substantially completed to the satisfaction of the building inspector and a valid performance bond is posted, in an amount equal to the amount necessary to fully complete the outstanding site improvements, to ensure faithful completion thereof within a reasonable period of time not to exceed six months.
3. Any and all outstanding inspection, engineering, or planning consulting fees shall be paid to the Town prior to the issuance of a Certificate of Occupancy for any improved lot.
4. All construction, design, approvals, conditions, restrictions, and requirements of the previously approved site plan, and building permits shall still be applicable except and only to the extent that same are modified herein. The inclusion of certain previously adopted conditions in this resolution shall not be deemed as a waiver of past conditions not recited herein.

Construction Activity

1. At least ten (10) days prior to commencing construction of any required improvements, the Applicant shall notify the Building Inspector and the Town Engineer, in writing, of the time when it proposes to commence construction of such improvements so that the Building Inspector may cause an inspection to be made to ensure that all Town specifications and requirements shall be met during the construction of required improvements. The Applicant shall provide a general construction phasing schedule to the Building Inspector, Planning Board and Town Engineer and shall update that schedule, and provide copies to the Building Inspector, Planning Board and Town Engineer, throughout the construction process, as necessary.
2. The Town shall require a pre-construction conference between the Town Engineer and Town Highway Superintendent and the owner or owner's representative, general contractor and on-site engineer to review construction phasing plans, inspections schedules, and requirements for complying with all regulations and conditions of this approval prior to commencing construction. The following items shall be completed by the Applicant prior to scheduling a pre-construction conference:
 - a) Performance Bond and Erosion and Sediment (E&S) Control Bond shall be posted with the Town Clerk;
 - b) Inspection Fees shall be paid to the Planning Board;
 - c) Escrow Account shall be in good standing;
 - d) In accordance with item #7 under "General Conditions" above, approved/signed plans shall be on file with the Planning Board and the Building Department; and
 - e) The MS4 Acceptance, proof of mailing of Notice of Intent (NOI), and E&S shall be completed and on file with MS4 Administrator.

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

13. All disturbed areas shall be stabilized pursuant to NYSDEC regulations. Should disturbed areas remain disturbed for periods longer than one month, more permanent stabilization measures shall be installed.

Landscaping

1. Prior to planting according to the approved landscape plan, the Applicant shall stake the location of all proposed landscaping and allow for a site inspection by the Planning Board or its designees to ensure that the proposed landscaping will provide the maximum screening benefit and/or that the proposed landscaping is suitable for the visual setting and overall appearance of the project site.

2. All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season. Landscaping shall be maintained for the life of the facility. In the event that said landscaping is not maintained to the satisfaction of the Building Inspector or Code Enforcement Officer (CEO), the Building Inspector or CEO shall notify the applicant in writing of the violation. If the required landscaping maintenance is not performed within 30 days to the satisfaction of the Building Inspector or CEO, the Town shall correct the violation and be reimbursed for Town costs by the applicant.

3. The Applicant shall provide an on-site and qualified arborist or landscape architect to supervise construction activity within 100 feet of any tree designated to be preserved on the approved plans. The arborist or landscape architect shall ensure that the tree protection measures indicated on the approved plans are in place and properly maintained throughout construction activity.

4. After final construction is complete, and prior to the issuance of a Certificate of Occupancy, the Applicant shall submit an as-built landscaping plan to the Town of Southeast Building Department. The as-built plan shall identify any discrepancies between the approved plan and the installed landscaping. The plans must be certified by a professional landscape architect, architect, or engineer.

UPON ROLL CALL VOTE:

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

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

February 27, 2018

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

RE: **ACU LED, LLC**, 1535 Route 22, TAX MAP ID 46.-1-2

Dear Boardmembers:

At the 2/26/18 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>
ACU LED, LLC	\$ 8,500.00

The Town Engineer's memo is attached for your consideration and includes the estimate for all site improvements, which totals \$37,800.00. Inspection Fees, based on the total cost of site improvements, in the amount of \$1,512.00, must be remitted to the Planning Board Secretary prior to filing for a Building Permit. If you have any questions, please do not hesitate to contact the Planning Board.

Sincerely,


Thomas LaPerch, Chairman
Southeast Planning Board

Attachment

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



Jacobson

February 26, 2018

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

Re: Acu-Led, LLC
1535 Route 223
Bond Estimate
NLJ #0001-1011

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 \$37,800.

Based on the current "Town of Southeast, Planning Board Fee Schedule" and the above referenced Opinion of Probable Construction Costs, the required inspection fee to be collected for the project is 4% of Site Development Costs or \$1,512.

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 \$8,500.

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. Stancati
M. Levine, S. Coleman
W. Stephens, Jr. A. Ley
M. Bruen P.W. Scott

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

Consulting Civil and Environmental Engineers Since 1972

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

2018 OPINION OF PROBABLE CONSTRUCTION COSTS
 Performance Bond

Project: Acu-Led, LLC
 1535 Route 22
 Southeast, New York

Done by: JMD
 Date: 2/26/2018

Project No.: 0001-1011

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	STRIP & STOCKPILE TOPSOIL	\$0.48	S.Y.	1892	\$908.16
2	SWALE (Drainage)	\$16.98	L.F.	180	\$3,056.40
3	OUTLET STRUCTURE	\$500.00	EACH	1	\$500.00
4	12" Ø HDPEP	\$34.00	L.F.	31	\$1,054.00
5	12" HDPE FLARED END SECTION	\$351.00	EACH	1	\$351.00
6	6" Ø PVC	\$33.57	L.F.	100	\$3,357.00
7	ROUGH GRADE SUBGRADE - PARKING LOTS	\$1.20	S.Y.	290	\$348.00
8	ITEM 4 - PROCESSED AGGREGATE BASE	\$49.24	C.Y.	85	\$4,185.40
9	FINE GRADE & ROLL BASE - PARKING LOTS	\$2.23	S.Y.	290	\$646.70
10	BITUMINOUS CONCRETE	\$96.85	TON	43	\$4,164.55
11	BITUMINOUS CONC. LIP CURB	\$5.04	L.F.	182	\$917.28
12	MODIFIED RIP RAP	\$66.40	C.Y.	6	\$398.40
13	SPREAD STOCKPILED TOPSOIL TO 6"	\$1.10	S.Y.	1604	\$1,764.40
14	F. GRADE, FERT, LIME, SEED & MULCH (BASIN)	\$4.06	S.Y.	444	\$1,802.64
15	HYDROSEED (FERT. & MULCH)	\$0.57	S.Y.	1160	\$661.20
16	SCREENING TREES (WHITE PINES)	\$535.00	EACH	11	\$5,885.00
17	SIGNS	\$243.00	EACH	6	\$1,458.00
18	LANDSCAPING	\$2,135.00	L.S.	1	\$2,135.00
19	SILT FENCE	\$4.13	L.F.	260	\$1,073.80
20	CONSTRCUCTION FENCE	\$8.64	L.F.	166	\$1,434.24
21	CONSTRUCTION ENTRANCE	\$1,237.00	EACH	1	\$1,237.00
22	SAW CUT Existing Bit. Pavement (3" depth)	\$1.81	L.F.	146	\$264.26
23	PARKING STALL LINE PAINTING	\$9.44	EACH	12	\$113.28
24	PAVEMENT MARKING - HANDICAP SYMBOL	\$63.67	EACH	1	\$63.67
Total:					\$37,779.38

SAY \$37,800.00

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

2018 OPINION OF PROBABLE CONSTRUCTION COSTS
 Erosion & Sediment Control and Site Restoration Bond

Project: Acu-Led, LLC
 1535 Route 22
 Southeast, New York

Done by: JMD
 Date: 2/26/2018

Project No.: 0001-1011

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	TEMPORARY SWALE (Drainage)	\$16.98	L.F.	180	\$3,056.40
2	SPREAD STOCKPILED TOPSOIL TO 6"	\$1.10	S.Y.	1892	\$2,081.20
3	HYDROSEED (FERT. & MULCH)	\$0.57	S.Y.	1892	\$1,078.44
4	SILT FENCE	\$4.13	L.F.	260	\$1,073.80
5	CONSTRUCTION ENTRANCE	\$1,237.00	EACH	1	\$1,237.00
				Total:	\$8,526.84

SAY \$8,500.00

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

INTRODUCED BY: *LaPerch*

DATE: February 26, 2018

SECONDED BY: *Rush*

WHEREAS, the Planning Board of the Town of Southeast has previously granted Final Approval by resolution dated 4/27/15, for a certain Project Development Plan known as **GRACE ASSEMBLY OF GOD**, located at 510 Rte. 312 in the R-160 Zone, also known and designated as Tax Map Number 45.12-1-9 and,

WHEREAS, the Planning Board of previously granted a One Year Extension of Final Approval by resolution dated 4/25/16; and

WHEREAS, the Planning Board is in receipt of a letter from the owner or their representative requesting the second and third (final) extension of the Final Approval commencing 4/27/17 and expiring 4/27/19 so that the applicant will be able to maintain Amended Site Plan Approval, which had expired; 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; and

WHEREAS, the Planning Board has examined its prior approval and the existing conditions of the site, and finds that requiring the Grace Assembly of God, a religious institution, to submit a new application for site plan approval would be a substantial burden on that institution; and

NOW, THEREFORE, be it RESOLVED, that an extension of the Final Approval for the Project development Plan known as GRACE ASSEMBLY OF GOD is hereby granted for a period of time that expires on 4/27/19 and subject to the conditions of said Final Approval.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman *yes*
P. Wissel, Boardmember *yes*
E. Cyprus, Boardmember *yes.*
E. Larca, Boardmember *yes*

D. Rush, Vice Chairman *yes*
D. Armstrong, Boardmember *absent*
M. Hecht, Boardmember *yes*

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

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

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

INTRODUCED BY: *T. LaPerch*

DATE: February 26, 2018

SECONDED BY: *Rush*

WHEREAS, the Planning Board of the Town of Southeast has previously granted Final Approval by resolution dated 2/13/17, for a certain Project Development Plan known as **BRESTER FORD**, located at 1024 Route 22 in the NB-1 Zone, also known and designated as Tax Map Number 68.5-2-32; 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 **BRESTER FORD** is hereby granted for a period of one (1) year, commencing on 2/13/18 and subject to the conditions of said Final Approval.

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>absent</u>
E. Cyprus, Boardmember	<u>yes</u>	M. Hecht, Boardmember	<u>yes</u>
E. Larca, 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

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
February 12, 2018**

Present: Chairman Tom LaPerch; Boardmembers Dan Armstrong, Eric Cyprus, Eric Larca, and Phil Wissel; Town Planner Ashley Ley; Town Attorney Willis Stephens; Absent & Excused: Vice Chairman David Rush; Boardmember Michael Hecht; Secretary Victoria Desidero

PUBLIC HEARINGS:

REGULAR SESSION:

1. **BREWSTER CORPORATE PARK, Old Route 22** – This was a review of a Request for a One Year Extension of Site Plan Approval. Terri Hahn of LADA appeared before the Board. Ms. Hahn said the only new item is the updated Health Department Approval which she provided to the Board for their records. Chairman LaPerch asked the Board if they had any questions and there were none. Town Planner Ashley Ley said there were no issues and informed the Board that this is the second of three possible extensions. Ms. Hahn asked if the start date would be the March date and Ms. Ley said yes it goes to March 7, 2019. The motion to Grant a One Year Extension of Site Plan Approval was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 5 to 0 with 2 absent.

2. **BAKER FARM SUBDIVISION, 50 & 66 Enoch Crosby Road** – This was a continued review of a Subdivision Application. Paul Lynch of Putnam Engineering appeared before the Board. Mr. Lynch said this is a 4-lot subdivision on Enoch Crosby Road and is basically 30.9 acres which will be subdivided into four lots. He explained that the dark gray area around the perimeter of the plan will be permanent Open Space. There is a strip of land that will be sold to the Azzaretti's, he said, and another strip of land will be deeded to the Croft's due to a driveway issue with setbacks for property lines which this will address. He said the properties will have individual septic and wells and range in size from 3.97 to 16.8 acres. Chairman LaPerch asked the Board if there were any questions. Boardmember Armstrong said will there be some kind of filing putting restrictions on the Open Space? Mr. Lynch said there will and it will be deed restricted as per the New York City DEP (Department of Environmental Protection) and they will sign off on the actual deed. Chairman LaPerch asked Ms. Ley if there is anything else on this. Ms. Ley said no, SEQRA was completed two years ago and, actually affirmed a few years after that, so there haven't been any changes since this was last before the Board. She said they had gone to the Town Board and received a 280-a approval in 2015. The resolution that is before the Board tonight, she said, is for approval of the Preliminary Plat so if that is approved they will then need to file for their Final Subdivision Plat Approval. Ms. Ley recommended that another Public Hearing be held after they submit for Final approval because so much time has passed. Chairman LaPerch asked Ms. Ley what the difference was between Preliminary and Final Subdivision Approval. Ms. Ley said most of the subdivisions before the Board recently have been Minor Subdivisions where it is four lots or less, involving a significantly smaller area of disturbance, and this is a Major Subdivision because of its size. She said when you have a Major Subdivision you typically go through Sketch to Preliminary and then to Final. The Preliminary Approval is not binding on the Final, she said, but it basically is an affirmation that the lot layout shown meets Zoning, generally meets the requirements of stormwater and septic and allows them to go forward and get their approvals from the Health Department and other agencies. Boardmember Cyprus said in this case the DEC as well? She said correct. The motion to Grant Preliminary Subdivision Approval was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed by a roll call vote of 5 to 0 with 2 absent.

3. **McDONALDS, 1618-1624 Route 22** – This was a review of an Application for Final Approval of a Site Plan Amendment. Alan Roscoe of Core States Group appeared before the Board. Mr. Roscoe recapped the application for the Board noting that scope of the project was changed during

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their time before the Planning Board but they now have a final scope with changing out the menu boards and ordering equipment, consistent with the program materials. He said the site work will consist of ADA spaces, resurfacing and re-strengthening and the building will be re-done on the interior and exterior. He said we met with ARB (Architectural Review Board) for signage, for the building, and the site plan and gotten approvals all are underway. He said we are here tonight seeking Final Site Plan Approval. He continued: we've received Engineering comments, County comments, DOT (Department of Transportation) comments and, aside from some housekeeping, like changing the word 'Preliminary' to 'Final' and a couple other notations I think we are at the final point. Chairman LaPerch polled the Board for questions and there were none. Chairman LaPerch asked Ms. Ley about any changes needed. Ms. Ley said there is a Building Permit already for the interior improvements. Once he has approval from the Planning Board for the site improvements, she said, he will either need to pull a separate Building Permit for that work or have his existing Permit amended to include that work. Mr. Roscoe said understood. The motion to Grant Final Site Plan Approval was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Recommend a Performance Bond for Landscaping to the Town Board was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor.

The motion to approve the Meeting Minutes of January 22, 2018 as written was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor.

Chairman LaPerch said I will do a quick recap on the Staff Review Meeting: Mr. Mallon came in for the property where Arborscape was and a property he just purchased on Route 22 with his partner and they will be applying for Site Plan Approvals for both. He said they are going to clear up the violation on the one property south on (Route) 22 and submit a Site Plan for a 4,000 sq. ft. extension on the existing property at the end of Doansburg Road. Who else, he said? Boardmember Larca said the property on Deans Corner Road? Chairman LaPerch said yes, we had a preliminary discussion with Mr. Alfredo who bought the property about a concept he is proposing. Chairman LaPerch said Las Mananitas Owner Luis (Sanchez) came in to discuss a land lease to acquire additional land to correct the parking violation that we believe will solve the issue. Ms. Ley put a couple conditions that, he said, that the Town would like to see as part of it. Chairman LaPerch said there was an update from John Folchetti impromptu as he is the engineer of record for the County's sewer study and he gave us an update on what the County is doing and what the Danbury discussions are about with flow rates and things like that, so more of a technical update. Boardmember Wissel said Victoria (Desidero) had sent the Notice of Violation on Bull & Barrel and asked if that was in the Board's purview. Chairman LaPerch said great question: (Building Inspector) Michael Levine didn't think it was. Town Attorney Will Stephens said it really has nothing to do with the Planning Board per se, but what they're proposing is an event there that may violate the Zoning Code and it may violate their occupancy allowance. He said they've sold 400 tickets and they only have a maximum capacity (inaudible, multiple people talking). Mr. Stephens said my recommendation was to send the letter putting them on notice and letting them know that if they hold that event and an inspection is done, they may be shut down, which is within our (inaudible) powers. Boardmember Armstrong said isn't there a safety issue as well and Mr. Stephens said the occupancy is the safety issue. Boardmember Wissel said I love getting those letters because I like to see what's going on. Chairman LaPerch asked Ms. Ley to finish up with the Brewster Honda site visit. Ms. Ley said on Thursday after the Staff Meeting I met the DOT along with the applicant's traffic consultant, their attorney, three members from DOT, one of the gentleman from Brewster Honda, and Anthony Russo from her office. She said we discussed whether or not DOT would be open to ever putting a traffic signal at that location and, in addition, the applicant is interested in having a crosswalk installed in that area. She said DOT basically said that they would not consider a traffic light at that location so, from that perspective, it didn't seem necessary to go forward with the Warrant

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Study and it was my recommendation that the Town release the funds that are being held in escrow, as well as the funds that were being held for future installation of a light at that location. Boardmember Armstrong said is there an alternative to the light? Boardmember Wissel said was it being held for a light or a traffic study and possible modifications to the intersection? Ms. Ley said the money was being held for a Signal Warrant Study and then for a potential light or... Boardmember Armstrong said so sit was limited to that so something like a pedestrian bridge could not be considered? Ms. Ley said the applicant wants to have a pedestrian crossing in that area and because that area is completely in the Village and the DOT right-of-way, the applicant is pursuing with DOT a crosswalk but that is not something that the Town would be involved with. Boardmember Armstrong said a crosswalk at grade? Ms. Ley said a crosswalk at grade. She continued: DOT's reaction to having a crosswalk at that location was 'you can just use the bridge from the walkway., there already is a bridge there.' Chairman LaPerch said so Ashley (Ley) sent out a memo to everyone with her opinion to release the money. Boardmember Wissel said I thought it started with the study but that the money was geared more toward any possible improvements to that intersection to help alleviate traffic. Ms. Ley said the impact was a Signal Warrant Study. Boardmember Armstrong said I just thought that was one of the alternatives. Boardmember Wissel agreed. She said when the Village was reviewing the Site Plan for the Service Center and the other lot, this Board sent the Village a letter requesting that they look at reconfiguring that intersection because that would have been an opportune time to look at that because it involved those properties and the Village chose not to pursue that. Boardmember Armstrong said it seems to me to be a site waiting for an accident. Chairman LaPerch said they looked for accident reports and there weren't any. Boardmember Armstrong said but with the increased utilization of the sites... Chairman LaPerch said she (Ms. Ley) had the "A" team out there from DOT and they gave their opinion. Boardmember Armstrong said they did not see any increased utilization of the sites? Ms. Ley said they did not see a traffic light as a being solution for that and they said that 'this is a little late to the game to be discussing this and it should have come earlier in the process' as in when the new parking lot and sales center were started. Boardmember Armstrong said so putting it off for a year wasn't a good idea. Boardmember Cyprus said I think she is talking about the other sites. Chairman LaPerch said the Sales Center and the car lot.

The motion to close the meeting was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor.

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