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**TOWN OF SOUTHEAST PLANNING BOARD AGENDA**

**August 12, 2019**

**CIVIC CENTER, 1360 Route 22**

**7:30 p.m.**

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**PUBLIC HEARINGS:**

- 1. MAFFEI WETLAND PERMIT, 57 Milltown Road, Tax Map ID 57.-1-21** – Continued Public Hearing to Review an Application for a Wetland Permit
- 2. ROOT AVENUE SUBDIVISION AMENDED WETLAND PERMIT, Root Avenue, Tax Map IDs 55.-1-39.3, 39.4 & 39.5** – Public Hearing to Review of an Application to Amend a Wetland Permit Due to Proposed Changes on Lot 2

**REGULAR SESSION:**

- 1. RUFFIAN, LLC, 3834 Danbury Road, TM ID 69.-1-9** – Consider Request for Release of Performance Bond for Erosion & Sediment Control
- 2. Approve Meeting Minutes from July 8, 2019**
- 3. Approve Meeting Minutes from July 22, 2019**

**August 8, 2019/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#>

State Environmental Quality Review  
**NEGATIVE DECLARATION**  
 Notice of Determination of Non-Significance

Date: August 12, 2019

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Southeast Planning Board as Lead Agency has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

**Name of Action:**           **Root Avenue Subdivision Amended Wetland Permit**

**SEQR Status:** Type 1             
                           Unlisted           

**Conditioned Negative Declaration:**    Yes  
     No

**Description of Action:**

The proposed project involves an amendment to a Town of Southeast wetland permit for a 6-Lot Subdivision filed in 2008. A wetland permit for the development of Lots 1, 2, and 5 was obtained in 2014, and an amended wetland permit for Lot 5 (to accommodate a relocated house and stormwater management practices) was granted in 2016. The Applicant now seeks to amend the wetland permit to adjust the proposed retaining walls within the wetland-controlled area on Lot 2.

**Location:**           54 Root Avenue, Tax Map ID 55.-1-39.2

**Reasons Supporting This Determination:**

The following materials have been reviewed:

- Memorandum to Chairman LaPerch from Insite Engineering, dated 7/22/19
- Revisions to Wetland Controlled Area Disturbance, prepared by Insite Engineering, dated 6/24/19; last revised 7/22/19
- SP-1.1, Enlarged Wetland Permit Plan, prepared by Insite Engineering, dated 6/27/14; last revised 7/22/19

**WHEREAS**, the Planning Board previously conducted a Coordinated Review on the wetland permit for Lots 1, 2, and 5, an Unlisted Action, and issued a Negative Declaration on or about September 8, 2014 date; and

**WHEREAS**, the Applicant proposes to modify the area of disturbance within the wetland buffer, and pursuant to §617.6 of the State Environmental Quality Review Act (SEQRA), the Planning Board affirmed its status as Lead Agency on 7/8/19; and

**WHEREAS**, the Planning Board held a publically noticed meeting on 8/12/19, at which time members of the public were given the opportunity to comment on the proposed project; and

**WHEREAS**, the Planning Board has thoroughly analyzed the information concerning relevant areas of environmental concern both submitted by the applicant and gather by the Planning Board through its consultants and the public; and

**WHEREAS**, in addition to the factors considered above, the Planning Board considered the following guidance from the State Environmental Quality Review Act and its implementing regulations and determined that the Proposed Action would:

- (i) Not result in "a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;" (§617.7(c)(1)(i))
- (ii) Not result in "the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;" (§617.7(c)(1)(iii))
- (iii) Not result in "the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;" (§617.7(c)(1)(iii))
- (iv) Not result in "the creation of a material conflict with a community's current plans or goals as officially approved or adopted;" (§617.7(c)(1)(iv))
- (v) Not result in "the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;" (§617.7(c)(1)(v))
- (vi) Not result in "a major change in the use of either the quantity or type of energy;" (§617.7(c)(1)(vi))
- (vii) Not result in "the creation of a hazard to human health;" (§617.7(c)(1)(vii))
- (viii) Not result in "a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;" (§617.7(c)(1)(viii))
- (ix) Not result in "the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;" (§617.7(c)(1)(ix))
- (x) Not result in "the creation of a material demand for other actions that would result in one of the above consequences;" (§617.7(c)(1)(x))
- (xi) Not result in "changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or (§617.7(c)(1)(xi))

**NOW, THEREFORE BE IT RESOLVED** that the Planning Board of the Town of Southeast, acting as Lead Agency, and having considered the potential impacts to the wetland and adjacent areas, has determined that the proposed action will not have a significant effect on the environment and a Draft Environmental Impact Statement will not need to be prepared.

**For Further Information:**

Contact Person: Victoria Desidero  
 Address: Town of Southeast Planning Department  
 One Main Street  
 Brewster, NY 10509  
 Telephone Number: (845) 279-7736

**A Copy of this Notice has been filed with:**

<b>INVOLVED/INTERESTED AGENCY</b>	
Putnam County Department of Health 1 Geneva Road Brewster, New York 10509	Town Clerk 1360 Route 22 Brewster, NY 10509
New York City Department of Environmental Protection Bureau of Water Supply	Highway Superintendent 10 Palmer Road Brewster, NY 10509

465 Columbus Avenue  
Valhalla, New York 10595-1336

UPON ROLL CALL VOTE:

T. LaPerch, Chairman yes  
D. Armstrong, Boardmember yes  
M. Hecht, Boardmember absent  
J. King, Boardmember absent

D. Rush, Vice Chairman absent  
E. Cyprus, Boardmember yes  
J. Gress, Boardmember yes

The resolution was passed by a vote of 4 to 0, with 3 absent.

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

**TOWN OF SOUTHEAST, NY  
RESOLUTION  
WETLAND PERMIT APPROVAL**

INTRODUCED BY:

LaPerch

DATE: August 12, 2019

SECONDED BY:

Cyprus

**WHEREAS, ROOT AVENUE SUBDIVISION/POMONA DEVELOPMENT** as the Applicant/Owner of certain properties located on Root Avenue in the R-60 Zoning District in Town of Southeast and known and designated as Tax Map Number 55.1-39.2 has submitted an application to amend an existing wetland permit granted in 2014 to adjust the proposed retaining walls within the wetland controlled area on Lot 2 of a previously approved Subdivision ("Proposed Action"); and,

**WHEREAS,** the Town of Southeast Wetlands Consultant issued a report and recommendation dated 8/7/19 in connection with the Proposed Action, as depicted on drawings dated 7/22/19 and prepared by Insite Engineering; 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 8/12/19, indicating that no negative environmental impact would exist; and

**WHEREAS,** the Planning Board finds that there is sufficient reason in the record to support the grant of a wetlands permit in connection with said application; and

**NOW, THEREFORE, BE IT RESOLVED,** that after reviewing the maps, plans and submissions of the Applicant, together with the Report and Recommendation of the Wetlands Consultant dated 8/7/19 (the "Report") which is incorporated herein by reference, the Planning Board of the Town of Southeast hereby GRANTS a permit to allow a portions of the proposed activity to occur within the regulated wetland/wetland buffer area as shown on the proposed plan on file with the Planning Board and Building Department subject to the conditions and mitigations set forth in the Report.

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman

yes

D. Rush, Vice Chairman

absent

D. Armstrong, Boardmember

yes

E. Cyprus, Boardmember

yes

M. Hecht, Boardmember

absent

J. Gress, Boardmember

yes

J. King, Boardmember

absent

The resolution was passed by a vote of 4 to 0, with 3 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board

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

August 12, 2019

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

RE: RUFFIAN, LLC, 3834 Danbury Road, Tax Map ID 69.-1-9

Dear Boardmembers:

At the 8/12/19 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>
RUFFIAN, LLC	\$20,300.00

The Planning Board further resolved that the following maintenance bonds be posted as a condition of the release of the Performance Bond:

<u>BOND TYPE</u>	<u>DURATION</u>	<u>AMOUNT</u>
LANDSCAPE	2 YEARS	\$5,000.00
STORMWATER MAINTENANCE	4 YEARS	\$2,850.00

The Planning Board further resolved to require an escrow account be established in the amount of \$750.00 to cover the cost of an annual stormwater inspection and report; whereby the Town would undertake an annual inspection if the applicant failed to do so.

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

Sincerely,

  
Thomas LaPerch, Chairman  
Southeast Planning Board

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



Jacobson

August 9, 2019

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

Re: Ruffian LLC  
3834 Danbury Road  
Tax Map ID 69.-1-9  
Request for Bond Release  
NLJ #0001-1032

Dear Mr. LaPerch:

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

It is our understanding that the erosion control/site restoration bond currently held for this project is in the amount of \$20,300. In that all site improvements are now completed and the supporting documentation from the Applicant's Consultants has been provided, we have no objection to release of this bond subject to posting of the following maintenance bonds:

- A four-year guarantee for the stormwater management system in the amount of 10% of the cost from original bond estimate. For this project, the required stormwater maintenance bond is in the amount of \$2,850.
- A two-year maintenance bond to guarantee the viability of all landscape plantings in the amount of 20% of the landscaping cost from the original bond estimate. For this project the required landscaping maintenance bond is \$5,000.

In addition, §119-13 of the Town Code requires that the developer shall fund or otherwise guarantee an inspection and maintenance program for the stormwater management system for a period of no less than ten years. In this regard, we understand that a stormwater maintenance agreement and associated easements have been provided by the Applicant. To guarantee that annual inspections are completed, it is recommended that the Applicant establish an escrow account with the Planning Board in the amount of \$750 to cover the cost of an annual stormwater inspection and report; whereby the Town could undertake an annual inspection if the Applicant failed to do so.

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**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

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Jacobson

Mr. Thomas LaPerch, Chairman  
Re: Ruffian LLC  
3834 Danbury Road  
Tax Map ID 69.-1-9  
Request for Bond Release  
NLJ #0001-1032

August 9, 2019

Page 2

Should you have any questions, please feel free 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. Bruen  
W. Stephens, Jr.  
M. Stancati  
A. Ley  
S. Coleman