
TOWN OF SOUTHEAST PLANNING BOARD AGENDA

March 9, 2020

CIVIC CENTER, 1360 Route 22

7:30 p.m.

PUBLIC HEARINGS:

- 1. NORTHWOOD TREE CARE, 25 Fields Lane and 465 North Salem Road, Tax Map IDs 72.-2-73 & 71** – Continued Public Hearing to Review an Application for Site Plan, Special Use Permit and Conditional Use Permit
THIS ITEM CONTINUED TO MARCH 23, 2020 AT THE APPLICANT'S REQUEST

REGULAR SESSION:

- 1. ALFACOR, LLC, 291 Deans Corner Road, Tax Map ID 78.-2-25** – Continued Review of an Application for Site Plan and Conditional Use Permit
- 2. RUSH CONDITIONAL USE PERMIT, 81 Allview Avenue, Tax Map ID 67.12-1-25** – Review of Application for Conditional Use Permit for Horse Boarding
- 3. DREW REALTY / SITEONE, 160 & 170 Fields Lane, Tax Map IDs 78.-2-4 & 5** – Continued Review of an Application for Subdivision, Site Plan, Conditional Use Permit and Wetland Permit
- 4. BREWSTER RETAIL OUTLET, 1224 Route 22, Tax Map ID 57.-2-42** – Review of an Application for Final Approval of Site Plan Amendment

**March 5, 2020/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
RESOLUTION
EXCAVATIONS AND GRADING SPECIAL PERMIT APPROVAL**

INTRODUCED BY:

LaPerch
King

DATE: March 9, 2020

SECONDED BY:

WHEREAS, ALFACOR, LLC as the Applicant/Owner of certain properties located at 291 Dens Corner Road in the OP-1 Zoning District in Town of Southeast and known and designated as Tax Map Number 78.-2-25 has submitted an application for an excavation and grading Special Permit, pursuant to Chapter 69 of the Code of the Town of Southeast, as the applicant was issued a violation for placing approximately 4,362 cubic yards of fill on an approximately 31.5 acre lot located at 291 Deans Corner Road (Tax ID 78.-2-25) without a permit; and proposes to import and additional 1,500 cubic yards of fill. The total area of soil disturbance is approximately 0.9 acres. The Applicant requires a Special Permit under Chapter 69, Excavation and Grading, to remedy the violation (“Proposed Action”); 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 2/10/20 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 Bibbo Associates | 1/28/20 |
| Memorandum to Chairman LaPerch from Bibbo Associates with Photos of fill area, no preparer | 1/21/20 |
| Memorandum to Chairman LaPerch from Bibbo Associates | 1/7/20 |
| Stormwater Pollution Prevention Plan, prepared by Bibbo Associates | 1/6/20 |
| ECP, Imported Fill Erosion & Sediment Control Plan, prepared by Bibbo Associates | 12/31/19 |

; 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 69, “Excavations and Grading,” (specifically Article II thereof) of the Town of Southeast Code; and,

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

NOW, THEREFORE, BE IT RESOLVED, that after reviewing the maps, plans and submissions of the Applicant, the Planning Board of the Town of Southeast hereby GRANTS a Special Permit to conduct excavation and grading activities as shown on the proposed plan on file with the Planning Board and Building Department subject to the conditions and mitigations set forth on said plans.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman yes
 D. Armstrong, Boardmember yes
 M. Hecht, Boardmember yes
 L. Eckardt, Boardmember absent

D. Rush, Vice Chairman yes
 E. Cyprus, Boardmember yes
 J. King, Boardmember yes

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

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

**TOWN OF SOUTHEAST, NY
PLANNING BOARD RESOLUTION
CLASSIFY AS TYPE II ACTION
AND TOWN OF SOUTHEAST MINOR PROJECT**

INTRODUCED BY: LaPerch DATE: March 9, 2020
SECONDED BY: Armstrong

WHEREAS, an application is being made by **CARINA and DAVID RUSH** for a Conditional Use Permit to board up to four horses for compensation within an existing barn on a 17.25-acre residential property located at 81 Allview Avenue, in the Town of Southeast, New York; and

WHEREAS, the property is identified as Tax Map Number 67.12-1-25, and is located in the R-160 Zoning District; and

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

1. Addendum to Survey of Property prepared for Carina Rush by Terry Bergendorff Collins, dated 11/7/19
2. Letter of Intent for Rush Residence Horse Barn Conditional Use Permit, prepared by Carina Rush, dated 2/15/20
3. Aerial of Property, no preparer, undated

NOW, THEREFORE BE IT RESOLVED, that the Town of Southeast Planning Board, pursuant to the State Environmental Quality Review Act (SEQRA), reviewed the Short EAF, and pursuant to §617.5(c)(9), finds that the Proposed Action is a Type II Action under SEQRA, and no further environmental review is required; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Town of Southeast Planning Board, finds the Proposed Action to be a Town of Southeast Minor Project as defined in Town Code Section 138-4, Definitions.

UPON ROLL CALL VOTE:

| | | | |
|---------------------------|---------------|------------------------|----------------|
| T. LaPerch, Chairman | <u>yes</u> | D. Rush, Vice Chairman | <u>recused</u> |
| D. Armstrong, Boardmember | <u>yes</u> | E. Cyprus, Boardmember | <u>yes</u> |
| M. Hecht, Boardmember | <u>yes</u> | J. King, Boardmember | <u>yes</u> |
| L. Eckardt, Boardmember | <u>absent</u> | | |

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

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

**TOWN OF SOUTHEAST, NY
PLANNING BOARD RESOLUTION FOR A CONDITIONAL USE PERMIT
FOR RUSH HORSE BARN**

INTRODUCED BY: LaPerch DATE: March 9, 2020
SECONDED BY: Cyprus

WHEREAS, an application is being made by **CARINA and DAVID RUSH** for a Conditional Use Permit to board up to four horses for compensation within an existing barn on a 17.25-acre residential property located at 81 Allview Avenue, in the Town of Southeast, New York; and

WHEREAS, the property is identified as Tax Map Number 68.-2-48.1, and is located in the SR-6 Zoning District; and

WHEREAS, the Town of Southeast Planning Board, pursuant to the State Environmental Quality Review Act (SEQRA), pursuant to §617.5(c)(7), finds 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. Addendum to Survey of Property prepared for Carina Rush by Terry Bergendorff Collins, dated 11/7/19
2. Letter of Intent for Rush Residence Horse Barn Conditional Use Permit, prepared by Carina Rush, dated 2/15/20
3. Aerial of Property, no preparer, undated

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 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).

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

UPON ROLL CALL VOTE:

T. LaPerch, Chairman yes
D. Armstrong, Boardmember yes
M. Hecht, Boardmember yes
L. Eckardt, Boardmember absent

D. Rush, Vice Chairman recused
E. Cyprus, Boardmember yes
J. King, Boardmember yes

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

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

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

INTRODUCED BY: LaPerch DATE: March 9, 2020
 SECONDED BY: King

WHEREAS, BREWSTER RETAIL OUTLET as the Applicant/Owner of certain properties located 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 to amend the site plan approved in 2016. To meet the NYCDEP redevelopment requirements for a SWPPP, the applicant proposes to reduce the impervious surface area by 25% and to install drainage improvements at the existing gas station/convenience store currently undergoing renovations. The proposed project would replace 3,230 sq. ft. of asphalt with pervious pavement and install new runoff leaders and conveyance piping from the roof and canopy to a level spreader. In addition, the Applicant proposes to modify the curb cuts to meet current NYSDOT standards. No other changes to the previously approved site plan are 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 12/9/19, 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 John Folchetti, P.E., from NYC Department of Environmental Protection | March 2, 2020 |
| Sheet 1. of 5 Existing Conditions, prepared by JR Folchetti & Associates | September 2019 |
| Sheet 2 of 5, 2016 Approved Site Plan, prepared by JR Folchetti & Associates | March 2016 |
| Sheet 3 of 5, Post Remediation Conditions, prepared by JR Folchetti & Associates | September 2019 |
| Sheet 4 or 5, Amended Site Plan, prepared by JR Folchetti & Associates | September 2019 |
| Sheet 5, Erosion & Sediment Control Plan, prepared by JR Folchetti & Associates | September 2019 |
| Sheet 5 of, Profile & Details, prepared by JR Folchetti & Associates | March 2016 |
| Sheet 8 of, Landscaping Plan and Proposed Sign Detail, prepared by JR Folchetti & Associates | March 2016 |
| Sheet 9 of, Proposed Exterior Elevations, prepared by JR Folchetti & Associates | September 2016 |
| Sheet 10 of, Proposed Model Images, prepared by JR Folchetti & Associates | September 2016 |
| Stormwater Pollution Prevention Plan, prepared by JR Folchetti & Associates | Nov. 2019; Feb. 2020 |
| Memorandum to John Folchetti, P.E., from NYC Department of Environmental Protection | March 4, 2020 |
| Memorandum to Chairman LaPerch from NYS Department of Environmental Conservation | November 13, 2019 |
| Memorandum from John Folchetti to Jason Coppola of NYC Department of Environmental Protection | November 6, 2019 |

; 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 November 16, 2016 from the Architectural Review Board recommending approval of the architecture for the Proposed Action, and no changes are proposed to the previously reviewed and approved structure; 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 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 2020 construction costs. If the construction is not begun during the calendar year 2020, 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> |
| D. Armstrong, Boardmember | <u>yes</u> | E. Cyprus, Boardmember | <u>yes</u> |
| M. Hecht, Boardmember | <u>yes</u> | J. King, Boardmember | <u>yes</u> |
| L. Eckardt, 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