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**TOWN OF SOUTHEAST PLANNING BOARD AGENDA**  
**7:30 p.m.**

**June 8, 2020**

Please join from your computer, tablet or smartphone:

*When prompted, please type your full name*

<https://us02web.zoom.us/j/81780916907>

**\*\*\* This meeting will be recorded \*\*\***

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**PUBLIC HEARINGS:**

1. **HOME DEPOT, 80 Independent Way, Tax Map ID 56.-1-23** – Public Hearing to Review Application for Site Plan Amendment, Conditional Use Permit and Special Permit

**THIS PUBLIC HEARING WILL BE OPENED FOR PUBLIC QUESTIONS AND CONTINUED TO JUNE 22, 2020 DUE TO INADEQUATE PUBLIC NOTICE VIA MAILINGS**

**REGULAR SESSION:**

1. **WATCHTOWER DUST COLLECTOR, 1801 Route 22, Tax Map ID 46.-4-23** – Review of an Application for Site Plan Amendment
2. **ROTH NURSERY SUBDIVISION, 291 Foggintown Road, Tax Map ID 46.-3-38.1** – Review of Request for Extension of Preliminary Subdivision Approval
3. **BILL HENRY TREE SERVICE, 47 Prospect Hill Road, Tax Map ID 56.15-1-6** – Review of an Application for Final Site Plan Approval
4. **ALFACOR, LLC, 291 Deans Corner Road, Tax Map ID 78.-2-25** – Continued Review of Application for Site Plan and Conditional Use Permit
5. **STATELINE / RESTAURANT DEPOT, US Route 6/202, Tax Map ID 68.-2-48.1 & 48.2** – Review of Application for Final Subdivision Approval
6. **Initial Discussion of Route 22 Master Plan and Zoning.**
7. **APPROVE MEETING MINUTES OF May 11, 2020 June 4, 2020/VAD**

**Agenda Subject to Change**  
**June 8, 2020/VAD**

**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#>

**\*\*\* ZOOM MEETING INSTRUCTIONS \*\*\***

**New to Zoom?** Please download the free app now so you are ready when the meeting starts:  
<https://zoom.us/download>

**Please join from your computer, tablet or smartphone by clicking on this link:**  
<https://us02web.zoom.us/j/81780916907>

This is the preferred method so you can see the documents and plans being discussed. When prompted, please provide your full name. If you are representing an application, please also provide the name of your firm.

**You can also dial in using your phone:**

***Call-in number:*** +1 929 436 2866 US

Meeting ID: 817 8091 6907

**FROM YOUR SMARTPHONE**

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Additional Zoom FAQs and tutorials:

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

INTRODUCED BY: LaPerch                      DATE: 6.8.2020  
 SECONDED BY: King

**WHEREAS, Watchtower Bible and Tract Society of New York, Inc.** as the Applicant/Owner of certain properties located 1801 Route 22 in the RC Zoning District in Town of Southeast and known and designated as Tax Map Number 46.-4-23 has submitted an application for amended Site Plan Approval to install a dust collection unit, 10' x 12' concrete pad, and bollards, within an existing paved area on the rear side on an existing building (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) classified the Proposed Project as a Type II Action under SEQRA on or about January 13, 2020, indicating that the potential for environmental impacts do not 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
C-101 Site Plan, prepared by Watchtower Bible and Tract Society of New York, Inc.	11/2019	
Letter from Joseph Dillon, PE, Nathan Jacobson & Associates, PC to Chairman LaPerch	6/4/2020	
Letter from Watchtower to Chairman LaPerch	5/5/2020	

; 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 February 26, 2020 from the Architectural Review Board recommending approval of the architecture Proposed Project; 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 pursuant to the authority vested in the Planning Board by Chapter 138, "Zoning," of the Town Code, the Planning Board hereby grants Final Amended Site Plan Approval for the Proposed Project, 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 Project, 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. 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 Project 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.
4. 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.
5. 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.

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman

yes

D. Rush, Vice Chairman

absent

D. Armstrong, Boardmember

absent

E. Cyprus, Boardmember

yes

M. Hecht, Boardmember

absent

J. King, Boardmember

yes

L. Eckardt, Boardmember

yes

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  
RESOLUTION GRANTING EXTENSION OF TIME IN WHICH TO  
SUBMIT FOR FINAL PLAT APPROVAL**

**INTRODUCED BY:** *LaPerch*  
**SECONDED BY:** *King*

**DATE:** June 8, 2020

**WHEREAS**, the Planning Board of the Town of Southeast previously granted conditional approval of the Preliminary Plat by resolution dated 12/10/18 and six-month extensions of approval by resolution dated 6/10/19 and 11/25/2019 for a certain Project Development Plan known as **ROTH NURSERY SUBDIVISION**, located at 291 Foggintown Road in the R-160 Zoning District, also known and designated as Tax Map Number 46.-3-38. I; and

**WHEREAS**, pursuant to Section I 23- I 3 .A of the Code of the Town of Southeast, the subdivider must, within six months after the approval of the preliminary plat, file with the Planning Board an application for approval of the final plat in final form. If the final plat is not submitted within six months after the approval of the preliminary plat, the Planning Board may revoke approval of the preliminary plat and require the resubmission of the preliminary plat unless extension is granted by the Board before the expiration of the six-month period. Such an extension may be granted only if the proposed subdivision meets all zoning requirements in effect on the date of extension; and

**WHEREAS**, the Planning Board is in receipt of a letter from the owner or their representative requesting an extension of time in which to satisfy the conditions of the preliminary plat approval and to submit the Final Plat; and

**WHEREAS**, the applicant has demonstrated that it has been diligently pursuing the conditions of preliminary plat approval; and

**NOW THEREFORE BE IT RESOLVED**, that the Planning Board of the Town of Southeast hereby grants the applicant a **THIRD** six-month extension of time, commencing on 6/10/2020 in which to satisfy the conditions of the preliminary plat approval and to submit the Final Plat.

**It is the responsibility of the applicant to track the timeframe within which this extension will expire. There will be no written or verbal notification to the applicant from the Planning Board office prior to the expiration of this extension.**

**UPON ROLL CALL VOTE:**

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

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

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

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

INTRODUCED BY: LaPerch                      DATE: 6.8.2020  
 SECONDED BY: Eckardt

**WHEREAS, BILL HENRY TREE SERVICE** as the Applicant/Owner of certain properties located 47 Prospect Hill Road in the ED District in Town of Southeast and known and designated as Tax Map Number 56.15-1-6 has submitted an application for Amended Site Plan approval to expand the outdoor storage area, relocate the wood burning stove, add signage, add an entrance gate, and minimize the slope on the west side of the property (the “Proposed Project”); and,

**WHEREAS,** the Applicant received site plan and conditional use permit approval on or about March 13, 2017 to construct a 55 ft. x 65 ft. contractor’s building, a 55 ft. x 65 ft. canopy with outside storage beneath, and associated parking on the site. No changes to the building, canopy size or configuration are proposed; and

**WHEREAS,** the Town of Southeast Planning Board, acting as Lead Agency for the purposes of the State Environmental Quality Review Act (SEQRA), classified the project as a Type II Action under SEQRA on or about March 23, 2020, indicating that the potential for environmental impacts do not 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
SP-1, “Site Plan,” prepared by Insite Engineering, Surveying & Landscape Architecture, PC	9/30/2016; 4/8/2020
SP-2, “Grading and Drainage Plan,” prepared by Insite Engineering, Surveying & Landscape Architecture, PC	9/30/2016; 3/20/2020
SP-3, “Erosion and Sediment Control Plan,” prepared by Insite Engineering, Surveying & Landscape Architecture, PC	9/30/2016; 3/20/2020
LP-1, “Lighting Plan”, prepared by Insite Engineering, Surveying & Landscape Architecture, PC	9/30/2016; 3/20/2020
Final Site Plan Application prepared by Insite Engineering, Surveying & Landscape Architecture, PC	5/18/2020
Memo from Ashley Ley, AICP, AKRF to the Planning Board	3/17/2020
Letter from Joseph Dillon, PE, Nathan Jacobson & Associates, PC to Chairman LaPerch	6/4/2020

; 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 April 22, 2020 from the Architectural Review Board recommending approval of the architecture Proposed Project; 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 pursuant to the authority vested in the Planning Board by Chapter 138, "Zoning," of the Town Code, the Planning Board hereby grants Final Amended Site Plan Approval for the Proposed Project, 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 Project, 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. 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.
4. The Proposed Project shall be constructed in coordination with the approved site improvements for the Henry Tree Service including all stormwater and wastewater treatment systems and conveyance systems.
5. 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 Project 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.
6. 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.
7. 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.

14. The NYSDEC has determined in a letter dated 11/4/16 that the Project Site is located within or near record(s) of northern long-eared bats (*Myotis septentrionalis*), a species listed as threatened in New

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

**Landscaping**

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

**UPON ROLL CALL VOTE:**

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

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, NY  
RESOLUTION OF FINAL CONDITIONAL PLAT APPROVAL  
STATELINE RETAIL CENTER / RESTAURANT DEPOT**

INTRODUCED BY: *La Perch*  
 SECONDED BY: *Cyprus*

DATE: June 8, 2020

**WHEREAS**, the **PLI, LLC** (the “Applicant”), proposes to construct a **Restaurant Depot** and re-subdivide 44 acres of land previously approved as the **Stateline Retail Center**. The Stateline Retail Center project, which was the subject of an Environmental Impact Statement, included a two-lot subdivision, 184,800 square foot large retail establishment, and 14,800 square foot 2-story office building. The current project would relocate the property line between Lots 1 and 2, and would subdivide Lot 2 into two parcels. The resulting Lot 1 would be 4 acres, Lot 2 would be 11.3 acres, and Lot 3 would be 28.7 acres. A 57,500 square foot Restaurant Depot store (large retail establishment) is proposed for Lot 2. A 127,300 square foot large retail use is conceptually proposed for Lot 3, and a 14,800 square foot office building is conceptually proposed for Lot 1 (the “Proposed Project”). Lots 1 and 3 would be developed at a later date. The new development program would have the same overall square footage and a similar development footprint to the originally approved project. The property is located on US Route 6/202 to the east of Old Nichols Road, to the west of Dingle Ridge Road and immediately north of Interstate 84, in the Town of Southeast, Putnam County, New York, and identified as tax map numbers 68.-2-48.1 and 68.-2-48.2, and zoned Special Route 6 (SR-6) (the “Project Site”). The proposed project requires subdivision approval from the Planning Board, and Site Plan, Wetland Permit, and Special Permit from the Town Board; and

**WHEREAS**, the Town of Southeast Planning Board (the “Planning Board”) is in receipt of the following drawings, prepared by Insite Engineering, Surveying, & Landscape Architecture, PC, related to the subdivision application:

<b>Drawing No. &amp; Title</b>	<b>Last Revised</b>
SMP-1 Site Master Plan	4/17/20
EX-1 Existing Conditions Plan	4/17/20
SP-1.1 Proposed Layout & Landscape Plan	4/17/20
SP-1.2 Proposed Layout & Landscape Plan	4/17/20
SP-2 Proposed Grading & Utilities Plan	4/17/20
SP-3 Proposed Erosion Control Plan	4/17/20
SP-4 Proposed Site Plan	4/17/20
LP-1 Proposed Lighting Plan	4/17/20
VMP-1 Vehicle Maneuvering Plan	4/17/20
PR-1 Road Profiles	4/17/20
D-1 Details	4/17/20
D-2 Details	4/17/20
D-3 Details	4/17/20
D-4 SSTS Details	4/17/20
Final Subdivision Plat	5/18/2020

; and,

**WHEREAS**, the Planning Board is in receipt of the following drawings, prepared by ADA Architects, Inc., related to the subdivision application:

<b>Drawing No. &amp; Title</b>	<b>Last Revised</b>
EL-2b Preliminary Elevations	11/22/2019
SK-5c Preliminary Fixture Plan	12/9/2019
Rendering	Undated

; and,

**WHEREAS**, the Planning Board is in receipt of the following documents related to the subdivision application:

1. Full Environmental Assessment Form (FEAF), drafted by Jeffrey J. Contelmo, PE, dated 1/17/20

2. Traffic Assessment Memorandum, prepared by Maser Consulting, P.A., 12/9/2019
3. Traffic Response and Report, prepared by Maser Consulting, P.A., dated 01/30/2020
4. Traffic Response and Report, prepared by Maser Consulting, P.A., dated 02/28/2020
5. Revised Traffic Assessment Memorandum, prepared by Maser Consulting, P.A., dated 3/11/2020
6. Amended Stormwater Pollution Prevention Plan (ASWPPP), prepared by Insite Engineering, Surveying, and Landscape Architecture P.C., dated 02/03/2020
7. Envisor Equipment Screen Specification Data (6 pages), prepared by Cityscapes Inc.
8. Letter from Mary McCullough, SEQRA – HWP Unit, NYSDOT Region 8, to Chairman LaPerch, dated 3/11/2020
9. Memorandum from AKRF, Inc., to the Planning Board, dated 4/8/2020
10. Letter from Joseph Dillon, PE, to the Planning Board, dated 4/6/2020
11. Memorandum from Stephen Coleman, to the Planning Board, dated 5/5/2020

**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 123, “Subdivision of Land,” (specifically §123-13.C and §123-31) and Chapter 138, “Zoning,” of the Town of Southeast Code; and,

**WHEREAS**, pursuant to §123-13.D, the Planning Board referred the complete application to the Putnam County Division of Planning and Development on January 27, 2020 for its review under §239-n of Article 12-B of the General Municipal Law; and,

**WHEREAS**, the Planning Board held a Public Hearing on the Preliminary Plat on February 24, 2020, where members of the public were invited to speak and be heard; and,

**WHEREAS**, the Planning Board, as Lead Agency under the State Environmental Quality Review Act (SEQRA) conducted a thorough review of the proposed project and potential environmental impacts and adopted a Negative Declaration on the Proposed Project on April 13, 2020; and

**WHEREAS**, the Planning Board granted Preliminary Plat approval on or about May 11, 2020; and,

**WHEREAS**, the Planning Board deems the Final Plat to be to be in substantial agreement with the Preliminary Plat approved under § 123-12, and the Planning Board hereby waives the requirements for a public hearing on the Final Plat; and,

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to the authority vested in the Planning Board by Chapter 123, “Subdivision of Land,” of the Town Code, the Planning Board hereby grants Final Conditional Plat approval for the Proposed Project, as defined above, subject to the following Conditions identified below.

**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. The approved plat and all associated plans and drawings shall serve as the record of all approved improvements.

4. The Applicant shall submit revised Final Plat drawings for the signature of the duly authorized officer of the Planning Board within one-hundred and eighty (180) days of the date of this Final Approval (§123-13.G(2)) to show compliance with all conditions of this approval.
5. Prior to submission of the Final Plat for the signature of the duly authorized officer of the Planning Board the Applicant shall first obtain the required signatures of the Putnam County Department of Health on the Final Plat.
6. All changes or modifications to the Final Plat made in response to compliance with the conditions of this Final Approval shall be reviewed by the Town Engineer who may require the Applicant to present such changes to the Planning Board prior to having the Final Plat signed by the duly authorized officer of the Planning Board if such changes constitute a substantial alteration to the Final Plat.
7. The Applicant shall file the signed approved Final Plat with the County Clerk within sixty (60) days of the date upon which the Final Plat was signed by the duly authorized officer of the Planning Board or the Final Plat shall be considered null and void (see §123-13.J). The Applicant shall provide the Town of Southeast with five (5) copies of the filed plat.
8. The Applicant shall provide any and all deed easements and road dedications, as noted on the subdivision drawings and where applicable, to the satisfaction and approval of the Town Attorney prior to filing of the Final Plat (see §123-13.H(2)) with the County Clerk.
9. The Final Plat may be submitted in sections (pursuant to §123-13.I) and the Town Engineer shall review such sections to ensure the orderly development of the subdivision. All conditions within this approval, as well as any other permit or approval from a separate agency, shall apply to any and all subdivision sections filed for the Proposed Project.

#### **Financial & Legal Considerations**

1. 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.
2. Prior to submission of the Final Plat for the signature of the duly authorized officer of the Planning Board, the Applicant shall comply with all provisions of §123-13.H(1) with respect to establishment of a Performance Bond.
3. Immediately following filing of the Final Plat, and no later than issuance of the first certificate of occupancy, the Applicant shall submit a plan for ownership, construction, operation and maintenance of all proposed drainage improvements in a form satisfactory to the Town Attorney and Town Highway Superintendent and in satisfaction of §123-48.D(2).

#### **Construction Activity**

1. At least ten (10) days prior to commencing construction of any required improvements, the Applicant shall notify the Planning Board and the Town Engineer, in writing, of the time when it proposes to commence construction of such improvements so that the Planning Board may cause an inspection to be made to ensure that all Town specifications and requirements shall be met during the construction of required improvements (§123-19). The Applicant shall provide a general construction phasing schedule to the Planning Board and Town Engineer and shall update that schedule, and provide copies to the Planning Board and Town Engineer, throughout the construction process, as necessary. 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.

2. The Town of Southeast Planning Board 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 (§123-54).
3. 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 (see §123-13.K and §123-17).
4. The Applicant shall retain the services of a professional engineer throughout the construction process who shall 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 shall certify, 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 (§123-21).
5. 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.
6. The Applicant shall submit a Notice of Intent (NOI) to comply with the New York State Department of Environmental Conservation General Permit for Construction Activity (GP- 0-20-001). A copy of the completed NOI shall be maintained at the on-site construction office, and a copy shall be submitted to the Southeast Planning Board.
7. All sediment and erosion control measures or Best Management Practices indicated on the approved plans and/or required for compliance with GP- 0-20-001 shall be installed at the commencement of grading activities and shall be inspected on a weekly basis (or following any storm event) to ensure proper function. All construction activities shall adhere to the provisions for sediment and erosion control contained in the New York State Department of Environmental Conservation's *New York Standards and Specifications for Erosion and Sediment Control*.
8. In accordance with the provisions of GP- 0-20-001, clearing of land shall be limited to five (5) acre phasing, unless specifically waived by NYSDEC approval of the NOI.
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. All wetlands shall be protected by silt fencing and demarked with signs indicating "Protected Area." There shall be no disturbance of any kind within a wetland or its controlled area except as specifically provided in the Wetland Permit granted by the Town Board and subject to all conditions contained in that approval.

13. All wetland controlled areas shall be flagged every 100 feet and demarked with signs indicating "Protected Area." There shall be no storage of construction vehicles, construction equipment, or construction materials within any wetland controlled area. Disturbance within the wetland controlled area shall be limited to the minimum amount of clearing and grading to construct any improvements shown on approved plans and as permitted by the Wetland Permit granted by the Town Board and subject to all conditions contained in that approval.

14. 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.

15. All disturbed areas shall be stabilized if left in a disturbed state for more than 48 hours. 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.

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.

UPON ROLL CALL VOTE:

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

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

T. LaPerch  
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