
TOWN OF SOUTHEAST PLANNING BOARD AGENDA

June 22, 2020 7:30 p.m.

Please join from your computer, tablet or smartphone: *When prompted, please type your full name*
<https://us02web.zoom.us/j/86086902635>

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

PUBLIC HEARINGS:

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

REGULAR SESSION:

1. **FLYWHEEL FARM, LLC, 4 – 10 Starcobb Lane, Tax Map ID 79.-1-26** – Review of an Application for Final Approval of Conditional Use Permit for Accessory Apartment
2. **NYSMSA d/b/a VERIZON, 300 – 310 Route 22, Tax Map ID 78.-1-31** – Review of Request for Exemption from Site Plan and Conditional Use Permit Review
3. **JCE ENTERPRISES, LLC, 12 Old Route 6, Tax Map ID 55.12-1-12** – Review of an Application for Final Site Plan Approval
4. **APPROVE MEETING MINUTES OF June 8, 2020**

**Agenda Subject to Change
June 10, 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#>

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<https://zoom.us/download>

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<https://us02web.zoom.us/j/86086902635>

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: 860 8690 2635

FROM YOUR SMARTPHONE

One tap mobile

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<https://support.zoom.us/hc/en-us/categories/200101697-Getting-Started>

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

INTRODUCED BY: LaPerch

DATE: June 22, 2020

SECONDED BY: Rush

WHEREAS, the Planning Board of the Town of Southeast is in receipt of an application for a Site Plan Amendment, Conditional Use Permit and Special Permit, and other supporting documents for a project entitled **HOME DEPOT**; and

WHEREAS, the proposed project is located at 80 Independent Way in the HC Zoning District in the Town of Southeast and identified as Tax Map ID 56.-1-23.-1; and

WHEREAS, the applicant is seeking approval to add new outside storage areas for nursery/retail sales, signage, and associated improvements to an existing Large Retail Establishment with an accessory Nursery use. A Large Retail Establishment is a Special Permit Use and Nursery is a permitted principal use in the HC Zoning District. The applicant proposes to expand the outside storage areas to include a new shed display area, mulch storage, and outdoor sales areas for the garden center (nursery use); and

WHEREAS the Planning Board scheduled a public hearing on the proposed Site Plan, Special Permit and Conditional Use Permit for 6/8/20 and 6/22/20; and

WHEREAS, the Planning Board declared its Intent to be Lead Agency for the project on 5/11/20; and

WHEREAS, pursuant to §617.6(b)(3) of the State Environmental Quality Review Act (SEQRA), the aforementioned information was mailed to all involved agencies, notifying them that a Lead Agency must be agreed upon within thirty (30) days of the date that the aforementioned information was mailed, and

NOW, THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Southeast will serve as Lead Agency for purposes of SEQRA for this Unlisted and Coordinated Action.

UPON ROLL CALL VOTE:

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

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

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

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

Date: June 22, 2020

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: HOME DEPOT

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

Home Depot (the "Applicant") is seeking Amended Site Plan approval to add new outside storage areas for nursery/retail sales, signage, and associated improvements on an approximately 11.24-acre site at 80 Independent Way, in the HC-1 Zoning District of the Town of Southeast, NY (the "Proposed Project"). Home Depot is an existing Large Retail Establishment with an accessory Nursery use. A Large Retail Establishment is a Special Permit Use and Nursery is a permitted principal use in the HC Zoning District. The Applicant proposes to expand the outside storage areas to include a new shed display area, mulch storage, and outdoor sales areas for the garden center (nursery use). The Proposed Project requires Amended Site Plan and Conditional Use Permit approval from the Planning Board, area variances from the Zoning Board of Appeals, and Amended Special Permit Approval from the Town Board.

Location:

80 Independent Way, Tax Map ID 56.-1-23

Reasons Supporting This Determination:

The following materials have been reviewed:

- Memorandum to Secretary Desidero from NYC Department of Environmental Protection, dated 6/8/20
- Memorandum to Secretary Desidero from Greenberg Farrow, dated 5/13/20
- Memorandum to Chairman LaPerch Re: Waiver Request Letter from Greenberg Farrow, dated 5/13/20
- C 1.0, Cover Sheet, prepared by Greenberg Farrow, dated 4/13/20; last revised 5/13/20
- C 2.0, Proposed Layout Plan, prepared by Greenberg Farrow, dated 4/13/20; last revised 5/13/20
- C 3.0, Details and Fire Truck Turning, prepared by Greenberg Farrow, dated 4/13/20; last revised 5/13/20

WHEREAS, on 5/11/20, the Planning Board classified the proposed action as an Unlisted action and circulated its intent to serve as Lead Agency in a coordinated review of the project, to which no other agency has objected; and

WHEREAS, the Planning Board held a publically noticed meeting on 6/8/20 and 6/22/20, at which time members of the public were given the opportunity to comment on the proposed project; and

WHEREAS, the Planning Board has reviewed the short Environmental Assessment Form (EAF) and 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 reviewed the EAF and all supplementary information, 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:

INVOLVED/INTERESTED AGENCY	
Putnam County Department of Planning/Development & Public Transportation Putnam County Transit Facility 2 Route 164 Patterson, New York 12563	of Town Board 1360 Route 22 Brewster, NY 10509
SEQR Unit New York State Department of Transportation Traffic Engineering & Safety Division 4 Burnett Blvd. Poughkeepsie, NY 12603 e-mail: dot.sm.r08.hwpermits@dot.ny.gov	Town Clerk 1360 Route 22 Brewster, NY 10509
New York State Department of Environmental Conservation 625 Broadway Albany, NY 12233 ATTN: Commissioner	Zoning Board of Appeals 1 Main Street Brewster, NY 10509
New York State Department of Environmental Conservation Region 3 21 South Putt Corners New Paltz, NY 12561 ATTN: Regional Director	Architectural Review Board 1 Main Street Brewster, NY 10509
New York City Department of Environmental Protection Bureau of Water Supply 465 Columbus Avenue Valhalla, New York 10595-1336	Building Inspector 1 Main Street Brewster, NY 10509
	Fire Inspector 1 Main Street Brewster, NY 10509

UPON ROLL CALL VOTE:

T. LaPerch, Chairman

yes
absent
yes
yes

D. Rush, Vice Chairman

yes
yes
yes

D. Armstrong, Boardmember

E. Cyprus, Boardmember

M. Hecht, Boardmember

J. King, Boardmember

L. Eckardt, Boardmember

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

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

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

June 22, 2020

Zoning Board of Appeals
1 Main Street
Brewster, NY 10509

RE: HOME DEPOT, 80 Independent Way, TAX ID 56.-1-23.-1
HC ZONING DISTRICT

Dear Boardmembers:

At the 6/22/20 regular meeting of the Town of Southeast Planning Board, a motion was made to refer the above referenced application to your Board for Area Variances from Code Section 138-46.L(2) for the following Outdoor Storage areas:

Rear Yard Setback:

Palettes: 35 ft. variance where 35 ft. required and 0 ft. proposed

Overstock palettes: 35 ft. variance where 35 ft. required and 0 ft. proposed

North Side Yard Setback:

Mulch & Soil: 35 ft. variance where 35 ft. required and 0 ft. proposed

South Side Yard Setback:

Outdoor Shed Display Area: 35 ft. variance where 35 ft. required and 0 ft. proposed

Overstock Fence Panel Area: 35 ft. variance where 35 ft. required and 0 ft. proposed

A copy of the Town Planner's memorandum is attached for your information.

Sincerely,


Thomas LaPerch, Chairman
Town of Southeast Planning Board

Attachments including Code Section Regarding Mailings and/or letter referenced above

cc: Town Attorney
Town Clerk
Greenberg Farrow
Planning Board File
Zoning Board of Appeals File



Environmental, Planning, and Engineering Consultants

34 South Broadway
Suite 401
White Plains, NY 10601
tel: 914 949-7336
fax: 914 949-7559
www.akrf.com

Memorandum

To: Town of Southeast Planning Board
From: Ashley Ley, AICP
Date: June 1, 2020
Re: Home Depot
cc: Greenberg Farrow

AKRF, Inc. has reviewed the following documents and plans for the above referenced application:

1. Letter from Kiran Muppala, P.E. (Greenberg Farrow) to Victoria Desidero, dated May 13, 2020.
2. Letter from Kiran Muppala, P.E. (Greenberg Farrow) to Chairman and Members of the Board, RE: Waiver Request, dated May 13, 2020.
3. Home Depot Amended Site Plan Drawings (3 sheets), prepared by Kiran Muppala, P.E. (Greenberg Farrow), dated May 13, 2020.

PROJECT DESCRIPTION

Home Depot (the "Applicant") is seeking Amended Site Plan approval to add new outside storage areas for nursery/retail sales, signage, and associated improvements on an approximately 11.24-acre site at 80 Independent Way, in the HC-1 Zoning District of the Town of Southeast, NY (the "Proposed Project"). Home Depot is an existing Large Retail Establishment with an accessory Nursery use. A Large Retail Establishment is a Special Permit Use and Nursery is a permitted principal use in the HC Zoning District. The Applicant proposes to expand the outside storage areas to include a new shed display area, mulch storage, and outdoor sales areas for the garden center (nursery use). The Proposed Project requires Amended Site Plan and Conditional Use Permit approval from the Planning Board, area variances from the Zoning Board of Appeals, and Amended Special Permit Approval from the Town Board.

COMMENTS

The Applicant has revised the plans in response to comments from the Planning Board and its consultants. The comments from AKRF's May 4, 2020 memorandum are presented below in *italics*, the Greenberg Farrow's response is presented in **bold italics**, and AKRF's new and follow-up comments are presented in **bold**.

1. *AKRF 5/4/20: Outside storage of up to 5% of the lot area is permitted for Large Retail Establishments pursuant to a Town Board Special Permit. The existing approved site plan includes 5% (24,087 sf) of outside storage, primarily for retail display and sales in the front of the building.*

GF Response: *The comment is noted. No action required.*

AKRF Conclusion: **This comment has been sufficiently addressed.**

2. *AKRF 5/4/20: For a Nursery use, up to 75% of the lot area (65% dedicated to live plant material and 10% dedicated to dry storage of mulch, fence material, etc.) may be used for outside storage subject to a Conditional Use Permit from the Planning Board. The outside storage areas are cumulative and should not exceed 75% of the lot area, or more specifically 10% of the lot area for dry storage (mulch, fence material, sheds, etc.). The proposed site plan includes a total of 11% outside storage (56,803 sf). The site plan should be revised to specify which areas would be considered "live plant material."*

GF Response: *The plan has been revised to show the dry storage area and live plant material areas along with percentages. Please note that the live plant material shall be 3.27% of the total lot area and the dry storage areas shall be 8.14% of the total lot area.*

AKRF Conclusion: **This comment has been sufficiently addressed.**

3. *AKRF 5/4/20: Per 138-46.L(2), any permitted "outside storage areas shall not extend into the required yards for setbacks from a property line." Several of the proposed outside storage areas would be located at the property line, as such area variances for side and rear yard setbacks are required. In these areas, 0 feet is provided where 35 feet is required.*

GF Response: *Pursuant to the Amended Site Plan Outdoor Display and Storage Areas Sheet ASP-1 dated 10/04/05, last revised 10/13/06, the lot line surrounding the Home Depot area is a lease line. The setbacks will be subject to the overall property line and not the lease line. Therefore, it is our understanding that no such variances will be required.*

AKRF Conclusion: **The Town of Southeast Tax Assessor's records indicate that the Home Depot parcel was established as a commercial condominium lot. The cover sheet incorrectly notes the Tax Map ID as "56-1-23, Parcel A." The correct Tax Map ID is 56.-1-23.-1. As a condominium lot, the tax parcel boundary is considered a property line or lot line for the purposes of determining setbacks. Therefore, an area variance is required.**

4. *AKRF 5/4/20: The Applicant should consider expanding the existing garden center area to accommodate the needed outdoor sales area and to more permanently meet the storage needs of the business. Expanding the existing garden center area could improve customer access and safety.*

GF Response: *Testimony has been provided that existing parking lot is currently under-utilized and shall be used for outdoor storage purposes. In addition, a crosswalk with yield striping has been proposed in the drive aisle in front of the garden center to calm the traffic near the proposed outdoor storage areas.*

AKRF Conclusion: **In response to comments from the Planning Board, a crosswalk has been added. As such, this comment has been sufficiently addressed.**

5. *AKRF 5/4/20: The legend should be updated to include the square footages for the proposed "outdoor sales" area. In addition, the "proposed" column includes shading for "lumber staging area" but this shading does not appear on the site plan. It is unclear if modifications to the lumber staging area are proposed or not.*

GF Response: *The legend has been revised to include the square footages of the outdoor sales areas. The shading for the proposed 'lumber staging area' has been removed from the legend.*

AKRF Conclusion: **This comment has been sufficiently addressed.**

6. *AKRF 5/4/20: Additional information on the proposed operation of the outside storage areas should be provided. It is unclear why the weekend and weekday layouts are different, or when or how these areas would be reorganized.*

GF Response: *The weekday layout has been removed and the overall layout plan has been revised to show only one layout.*

AKRF Conclusion: This comment has been sufficiently addressed.

7. *AKRF 5/4/20: As proposed, only some of the outside storage areas would be fenced or protected by jersey barriers. Most of the outside storage areas would be delineated with new striping in the parking area. Additional fencing or jersey barriers may be needed for customer safety.*

GF Response: *The fencing and jersey barriers have been provided at the front of the garden center outdoor storage area. The remaining outdoor storage areas are proposed at the side and rear of the building where customer activity would be null to minimum. These areas would mostly be utilized by the employees.*

AKRF Conclusion: This comment has been sufficiently addressed.

8. *AKRF 5/4/20: The proposed outside storage areas would be located within the existing parking lot and loading areas. The existing parking lot has 565 parking spaces serving a 136,753 square foot building. The Town of Southeast Zoning Code requires 1 space per 250 square feet of gross floor area, or 548 parking spaces. However, pursuant to §138-71, the Planning Board is permitted to waive up to 15% of the required parking spaces. With the waiver, 466 spaces would be required. The proposed site plan indicates that 461 spaces are provided, however this count excludes the 4 proposed "load and go" spaces. If these spaces are intended as temporary spaces for customers to load materials then they may be counted towards the required parking, in which case 465 spaces would be provided and the site would be short by only one space.*

GF Response: *The site plan has been revised to provide 466 parking spaces. Therefore, no parking variance will be required.*

AKRF Conclusion: This comment has been sufficiently addressed. A formal request for the parking waiver has been submitted to the Planning Board.

9. *AKRF 5/4/20: Since the proposed project would increase the outside storage area by 32,716 square feet, this project meets the definition of a "Major Project" under the Town of Southeast Zoning Code.*

GF Response: *The site plan has been revised to 'Major' site plan.*

AKRF Conclusion: This comment has been sufficiently addressed.

RECOMMENDED ACTIONS

At the 6/8/2020 meeting, AKRF recommends that the Planning Board Declare Lead Agency, open and close the public hearing, consider a Negative Declaration under SEQRA, refer the application to the ZBA, and refer the application to the ARB.



- (3) Notification of nearby property owners.
- (a) Except as otherwise provided herein, the notice shall be sent by United States Postal Service certified or registered mail, return receipt requested, to the owners of all lots within the State of New York, including the Village of Brewster, within 500 feet of the lot or land to which the application or petition pertains, except that the owner of a single-family residential lot applying for area variances shall mail said notice to property owners within the following proximity:
[Amended 8-26-2010 by L.L. No. 4-2010; 5-19-2016 by L.L. No. 4-2016]
- [1] If the subject property is located partially or wholly within a commercial zoning district or partially within an R-160 or R-80 Zoning District: 500 feet.
- [2] If the subject property is located partially or wholly within an R-40 or R-60 Zoning District: 300 feet.
- [3] If the subject property is located partially or wholly within an R-20 Zoning District: 100 feet.
- [4] If the subject property or structure is wholly located within a parcel of property owned in common by a cooperative corporation and the subject property is owned and occupied pursuant to proprietary leasehold, notice shall be given to such cooperative corporation and to the record owner of proprietary leases immediately adjacent to the subject property or structure. In the event the subject property or structure is located within 50 feet of the cooperative corporation's boundary line, the owners of property abutting the cooperative corporation's boundary and within 100 feet of the subject parcel or structure shall be given notice.
- [5] If the subject property lies adjacent to, or in the event the relative proximity of a cooperative housing corporation to the subject property requires the giving of notice of an application to owners within the cooperative housing corporation, notice shall be deemed sufficient if given to the board of directors of the cooperative housing corporation in the manner prescribed herein.
- [6] If the subject property lies within or adjacent to, or in the event the relative proximity of a condominium housing development to the subject property requires the giving of notice of an application to owners within the condominium housing development, notice shall be deemed sufficient if given by certified mail, return receipt requested, to the managing agent of the condominium housing development and by regular mail to those individual property owners otherwise entitled to notice pursuant to Subsection B(3)(a)[1] through [5] hereof.
- (b) The owners of the lands or properties to receive notice hereunder and their addresses shall be as indicated in the current records of the Tax Assessor of the Town or the Tax Assessor of any adjacent taxing jurisdiction, and the applicant shall be permitted to rely on such information as accurate.
- (4) At the time of the public hearing by the Town Board, the Zoning Board of Appeals or the Planning Board concerning a site plan or of the Town Board concerning a planned subdivision plat, the applicant shall provide to such agency a copy of the required notice, a list of the owners of all lots to whom such notice was mailed and either an affidavit that the mailing was completed, as requested herein, or copies of all mailing receipts.

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

June 22, 2020

TO: Architectural Review Board

FROM: Thomas LaPerch, Chairman
Southeast Planning Board

RE: Home Depot
80 Independent Way
Tax Map ID 56.-1-23

At the regular meeting of the Southeast Planning Board on 6/22/20, a motion was made to refer the above referenced application to your Board for review and recommendation to the Town Board. The Planning Board issued a Negative Declaration under the New York State Environmental Quality Review Act (SEQRA) process on 6/22/20. The applicant will be sending your Board a copy of the proposed plans to aid you in your review.

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

Very truly yours,


Thomas LaPerch, Chairman
Southeast Planning Board

cc: Town Counsel
Town Clerk
Greenberg Farrow

**TOWN OF SOUTHEAST, NY
PLANNING BOARD RESOLUTION FOR A CONDITIONAL USE PERMIT
FOR FLYWHEEL FARM ACCESSORY APARTMENT**

INTRODUCED BY:

LaPerch

DATE: June 22, 2020

SECONDED BY:

Rush

WHEREAS, an application is being made by **FLYWHEEL FARM, LLC** for a Conditional Use Permit for an accessory caretaker's apartment on a property located at 4-10 Starcobb Lane, in the Town of Southeast, New York; and

WHEREAS, the property is identified as Tax Map Number 79.-1-26, and is located in the R-60 Zoning District; and

WHEREAS, the Town of Southeast Planning Board, pursuant to the State Environmental Quality Review Act (SEQRA), reviewed the Short Environmental Assessment Form (EAF) dated 3/19/20, and 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. G 1 of 4, Boundary Survey, prepared by J. Robert Folchetti & Associates, dated March 2020
2. G 2 of 4, Final Site Layout, prepared by J. Robert Folchetti & Associates, dated March 2020
3. G 3 of 4, General Site Layout and Typical Details, prepared by J. Robert Folchetti & Associates, dated March 2020
4. G 4 of 4, Photographic Map, prepared by J. Robert Folchetti & Associates, dated March 2020
5. T-1.0, Title Sheet, prepared by Fractal Architects, dated 6/28/19; last revised 7/9/19
6. A-1.0, Construction Plans, prepared by Fractal Architects, dated 7/8/19; last revised 7/9/19
7. A-2.0, Exterior Elevations, prepared by Fractal Architects, dated 7/8/19; last revised 7/9/19
8. A-3.0, Building Section & Details, prepared by Fractal Architects, dated 7/8/19; last revised 7/9/19
9. D1.0, Demolition Plans & Notes, prepared by Fractal Architects, dated 7/8/19; last revised 7/9/19
10. Statement of Use, prepared by J. Robert Folchetti & Associates, dated March 2020

WHEREAS, pursuant to §138-56.1.D(6) of the Code of the Town of Southeast, the Putnam County Department of Health approved the water supply and sewage disposal systems on 12/16/19; and

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

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

T. LaPerch
 T. LaPerch, Chairman
 Southeast Planning Board

**TOWN OF SOUTHEAST PLANNING BOARD
RESOLUTION TO EXEMPT
SITE PLAN AND CONDITIONAL USE PERMIT APPROVAL (§138-54.1.B(3))**

INTRODUCED BY: *LaPerch*

DATE: June 22, 2019

SECONDED BY: *Cyprus*

WHEREAS, the Planning Board of the Town of Southeast is in receipt of a request for an exemption by **New York SMSA Limited Partnership d/b/a VERIZON WIRELESS ANTENNA WORK** for a like-kind replacement of six existing antennas and six existing remote radio head (RRH) units at a wireless telecommunications services facility located at 300-310 Route 22, Tax Map No. 78.-1-31, in the Town of Southeast; and

WHEREAS, the proposed replacement antennas and RRH units would be mounted to existing antenna mounts attached to an existing 100 foot tall monopole, and no changes to the equipment at the base of the monopole are proposed; and

WHEREAS, the Planning Board is in receipt of the following drawings and documents related to the Exemption Request, and has caused same to be reviewed by its consultants:

Drawing No. & Title; submitted by	Original Date; Last Revised
Letter to Chairman LaPerch from Michael Sheridan of Snyder & Snyder, accompanied by supporting materials	Dated 6/01/2020
T-1 Title Sheet, prepared by Tectonic Engineering Consultants	Dated 05/07/2020
C-1 Site Plan & Notes, prepared by Tectonic Engineering Consultants	Dated 05/07/2020
C-2 Site Plan Detail, prepared by Tectonic Engineering Consultants	Dated 05/07/2020
C-3 Elevation & Antenna Layout Plan, prepared by Tectonic Engineering Consultants	Dated 05/07/2020
C-4 Antenna Data, Details & Notes, prepared by Tectonic Engineering Consultants	Dated 05/07/2020
S-1 Antenna Frame & Section, prepared by Tectonic Engineering Consultants	Dated 05/07/2020
Structural Certification prepared by Tectonic Engineering Consultants	Dated 5/13/2020

; and

WHEREAS, the Planning Board has determined on the basis of its own review and the review comments that it has received from its consultants, that all proposed improvements are would reduce the overall bulk of the tower, and are consistent with the existing Conditional Use Permit for the facility;

NOW, THEREFORE be it RESOLVED, the Planning Board is empowered under §138-54.1B (3) to exempt the requirements for Conditional Use approval and related Site Development Plan approval for the location of antennas upon existing and approved structures, as appropriate) and finds that:

1. The addition of the replacement antennas or other equipment shall not result in any increase in the total height of the structure, as originally approved, including the height

of any antenna protruding above the tower facility or other structure (§138-54.1B(3)(b));

2. The addition of replacement antennas or other equipment onto an existing tower facility shall not result in any increase in bulk (i.e., volume) greater than 25% over the total bulk of antennas or other equipment approved for installation on said tower as per the original approval of said tower facility (§138-54.1B(3)(c));
3. The removal of the existing antennas or other equipment shall result in a net reduction in the bulk (i.e., volume) of the total bulk of antennas or other equipment approved for installation on said tower as per the original approval of said tower facility. The removal of the existing antennas shall not result in any significant alteration of the remaining antennas or equipment on the tower structure (§138-54.1B(3)(d)); and
4. The addition of the replacement antennas shall not include the construction of any new accessory structures such as equipment buildings, fencing or other site improvements unless such accessory structures or improvements are clearly indicated as part of the original approval for the communications tower and facilities (§138-54.1B(3)(e)).

NOW THEREFORE, be it RESOLVED, the Planning Board finds that the application from **New York SMSA Limited Partnership d/b/a VERIZON WIRELESS ANTENNA WORK** is consistent with the original approval and is exempt from Site Development Plan Approval and Conditional Use Approval.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman

yes
absent
yes
yes

D. Rush, Vice Chairman

yes
yes
yes

D. Armstrong, Boardmember

E. Cyprus, Boardmember

M. Hecht, Boardmember

J. King, Boardmember

L. Eckardt, Boardmember

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

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

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

INTRODUCED BY:

LaPerch

DATE: June 22, 2020

SECONDED BY:

Cyprus

WHEREAS, JCE ENTERPRISES, LLC as the Applicant/Owner of certain properties located 12 Old Route 6 in the GC Zoning District in Town of Southeast and known and designated as Tax Map Number 55.12-1-12 has submitted an application for Site Plan approval for a proposal to install a new enclosed stairway and four parking spaces at an existing two-story building where the first floor of the building would continue as an office use and the second floor of the building would be converted from residential to office use (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 2/24/20, 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 NYS DEC	5/6/20
Memorandum to Chairman LaPerch from Robert Cameron, Architect	6/12/20
Memorandum to Chairman LaPerch from Robert Cameron, Architect	12/15/19; 5/12/20
S-1, Plot Plan, prepared by William J. Frank Engineering, PC	12/15/19; 5/12/20
S-2, Zoning Schedule, prepared by William J. Frank Engineering, PC	12/15/19; 5/12/20
S-3, Adjoiners and Area Map, prepared by William J. Frank Engineering, PC	12/15/19; 5/12/20
S-4, Aerial Photograph, prepared by William J. Frank Engineering, PC	12/15/19; 5/12/20
S-5, Utilities Plan, prepared by William J. Frank Engineering, PC	12/15/19; 5/12/20
S-6, Driveway Profile, prepared by William J. Frank Engineering, PC	12/15/19; 5/12/20
S-7, Details, prepared by William J. Frank Engineering, PC	12/15/19; 5/12/20
S-8, Detail, prepared by William J. Frank Engineering, PC	5/12/20; 6/9/20
A-1, Proposed First Floor Plan, prepared by William J. Frank Engineering, PC	12/15/19; 5/12/20
A-2, Proposed Second Floor Plan, prepared by William J. Frank Engineering, PC	12/15/19; 5/12/20
A-3, East Elevation, prepared by William J. Frank Engineering, PC	12/15/19; 5/12/20
Rendering, North Side, no preparer	undated

; 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 5/28/20 from the Architectural Review Board recommending approval of the architecture Proposed Action; and

WHEREAS, the Planning Board is in receipt of a report dated 4/20/20 from the Zoning Board of Appeals approving the variances requested for the Proposed Action; and

NOW THEREFORE BE IT RESOLVED, that pursuant to the authority vested in the Planning Board by Chapter 138, "Zoning," of the Town Code, the Planning Board hereby grants 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 JCE Enterprises, LLC including all stormwater and wastewater treatment systems and conveyance systems.
6. The Applicant is granted approval based on generic review by the Architectural Review Board of building design and elevations and will have to seek a second review if modifications to the approved design are made. The Proposed Action shall be constructed in accordance with the approved plans and drawings for the specific tenant as reviewed by the Architectural Review Board and approved by the Planning Board.
7. Pursuant to §138-41.E(4), the applicant shall provide to the Town of Southeast Planning Board one full set of final full-sized plans and five copies of the filed plans on eleven-inch by seventeen-inch, or similar, paper, with a graphic scale indicated (to allow for scale measurements of photo-reduced drawings), for distribution to the Town Engineer, the Planning Board, the Town Clerk, the Building Inspector, and the Town Planner. This final plan set shall include the final architectural plans recommended by the Architectural Review Board and approved by the Planning Board. Each of these sets shall be bound, and shall contain a signature box on the Index or Title Page for the Planning Board Chairman's Signature. No Building Permits shall be issued until these plan sets have been submitted to the Planning Board Secretary and signed by the Planning Board Chairman.
8. The Applicants shall submit two (2) sets of as-built plans to the Town of Southeast Building Department and one (1) full size set to the Planning Board after final construction is completed. The as-built plans must show all buildings and site improvements, the impervious surfaces, landscaping, and final design specifications for all stormwater management facilities. The plans must be certified by a professional engineer.

Financial & Legal Considerations

1. The Applicant shall post a Performance Bond in an amount determined by the Town Engineer and recommended by the Planning Board for Town Board approval to ensure all site grading, stormwater

management, and road improvements will be made in accordance with the approved drawings, Town of Southeast Code and to the satisfaction of the Town Engineer and/or Highway Superintendent. The Performance Bond may also be used to finance necessary work to stabilize the project site should the Applicant abandon the project and the Town is forced to complete necessary improvements. The establishment of the Performance Bond shall be done in a form acceptable to the Town Counsel. The bond amount will be based upon 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 5/6/20 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>yes</u>
D. Armstrong, Boardmember	<u>absent</u>	E. Cyprus, Boardmember	<u>yes</u>
M. Hecht, Boardmember	<u>yes</u>	J. King, Boardmember	<u>yes</u>
L. Eckardt, Boardmember	<u>yes</u>		

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

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board