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## **TOWN OF SOUTHEAST PLANNING BOARD AGENDA**

**November 23, 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/2889023283>

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

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### **PUBLIC HEARING:**

### **REGULAR SESSION:**

- 1. ROTH NURSERY SUBDIVISION, 291 Foggintown Road, Tax Map ID 46.-3-38.1** – Review of Request for Extension of Preliminary Subdivision Approval
- 2. WDESIGNE, 3871 Danbury Road, Tax Map ID 69.13-1-23** – Review of Application for Final Site Plan and Conditional Use Permit and Performance Bond Recommendation to the Town Board
- 3. LAKEVIEW PLAZA CANOPY, 1505-1515 Route 22, Tax Map ID 46.-1-1.-1** – Review Application for Site Plan Amendment
- 4. 1041 BREWSTER BUSINESS, aka LYONS DEVELOPMENT, 1 Starr Ridge Road, Tax Map ID 68.-2-2** – Review of Application for Final Site Plan Approval
- 5. TESLA, 1 Starr Ridge Road, Tax Map ID 68.-2-2** – Review of Application for Site Plan Amendment
- 6. ROUTE 22 MASTER PLAN AND ZONING STATUS UPDATE**
- 7. APPROVE MEETING MINUTES FROM OCT. 26, 2020**
- 8. APPROVE MEETING MINUTES FROM NOV. 9, 2020**

**Agenda Subject to Change  
November 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#>

**\*\*\* 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/2889023283>

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:** [288 902 3283](https://us02web.zoom.us/j/2889023283)

**FROM YOUR SMARTPHONE**

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Additional Zoom FAQs and tutorials:  
<https://support.zoom.us/hc/en-us/categories/200101697-Getting-Started>

**TOWN OF SOUTHEAST PLANNING BOARD  
RESOLUTION GRANTING EXTENSION OF TIME IN WHICH TO  
SUBMIT FOR FINAL PLAT APPROVAL**

INTRODUCED BY: LaPerch  
SECONDED BY: Rush

DATE: November 23, 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, 11/25/2019 and 6/8/20 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.-3-38.1; 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 11/25/2020 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>yes</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 5 to 0, with 2 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board

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

INTRODUCED BY: LaPerch DATE: November 23, 2020  
 SECONDED BY: Cyprius

**WHEREAS**, WDESIGNE as the Applicant/Owner of certain properties located 3871 Danbury Road in the SR-6 Zoning District in Town of Southeast and known and designated as Tax Map Number 69.13-1-23 has submitted an application for Site Plan, Conditional Use Permit, and Wetland Permit approval for a proposed change of use at an existing 19,530-sq. ft. multi-tenant building where the applicant proposes to occupy 13,500 sq. ft. of the building for its wood working company, which is a "General Business Use," including a fabrication area, offices and a showroom. The remainder of the building would continue to be used as three separate retail spaces. A new dumpster enclosure, replacement lighting and landscaping are proposed within the parking area; (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 8/24/20, 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 PW Scott Engineering	10/30/20
Statement of Use prepared by PW Scott Engineering	6/10/20
Sequence of Construction prepared by PW Scott Engineering	10/30/20
Full Environmental Assessment Form, prepared by PW Scott Engineering	6/22/20
3867 Danbury Road Site Work Bond Estimate, prepared by PW Scott Engineering	10/30/20
SY1, Preliminary Site Plan, prepared by PW Scott Engineering	6/20/20; 11/2/20
SY2, Site Plan, prepared by PW Scott Engineering	6/20/20; 8/12/20
SY3B, Landscape Plan, prepared by PW Scott Engineering	6/20/20; 10/12/20
SY4, Lighting Plan, prepared by PW Scott Engineering	6/20/20; 8/12/20

; 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 10/30/20 from the Architectural Review Board recommending approval of the architecture Proposed Action; and

**WHEREAS**, the Planning Board is in receipt of a resolution dated 11/5/20 from the Town Board approving the architecture of the Proposed Action; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that pursuant to the authority vested in the Planning Board by Chapter 138, "Zoning," of the Town Code, the Planning Board hereby grants 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.

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

#### **General Conditions**

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

design specifications for all stormwater management facilities. The plans must be certified by a professional engineer.

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

1. The Applicant shall post a Performance Bond in an amount determined by the Town Engineer and recommended by the Planning Board for Town Board approval to ensure all site grading, stormwater management, and road improvements will be made in accordance with the approved drawings, Town of Southeast Code and to the satisfaction of the Town Engineer and/or Highway Superintendent. The Performance Bond may also be used to finance necessary work to stabilize the project site should the Applicant abandon the project and the Town is forced to complete necessary improvements. The establishment of the Performance Bond shall be done in a form acceptable to the Town Counsel. The bond amount will be based upon 2020 construction costs. If the construction is not begun during the calendar year 2020, the Applicant must re-apply to the Planning Board for an adjustment of the bond amount to account for escalation of material and labor costs. Upon such request to the Planning Board, the Planning Board shall make a recommendation to the Town Board and the Town Board shall diligently set a new bond amount in accordance with the recommendation of the Town Engineer. The Performance Bond must be paid prior to the start of any work on the site and/or the filing for a Building Permit. The Southeast Planning Board requests that the Southeast Building Inspector withhold the Certificate of Occupancy until the Planning Board or its duly authorized representative has made an inspection of the subject improvements and determined that the Applicant has complied with all the conditions of this approval.

2. No certificate of occupancy for the structures depicted on the project development plan/site plan shall be issued or occupancy permitted unless and until the site improvements associated with the development shall be fully completed by the developer or substantially completed to the satisfaction of the building inspector and a valid performance bond is posted, in an amount equal to the amount necessary to fully complete the outstanding site improvements, to ensure faithful completion thereof within a reasonable period of time not to exceed six months.

3. Any and all outstanding inspection, engineering, or planning consulting fees shall be paid to the Town prior to the issuance of a Certificate of Occupancy for any improved lot.

4. This resolution supersedes all construction, design, approvals, conditions, restrictions, and requirements of the previously approved site plan, and building permits. The inclusion of certain previously adopted conditions in this resolution shall not be deemed as an affirmation of past approvals or conditions not recited herein.

#### **Construction Activity**

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

2. The Town shall require a pre-construction conference between the Town Engineer and Town Highway Superintendent and the owner or owner's representative, general contractor and on-site engineer to review construction phasing plans, inspections schedules, and requirements for complying with all regulations and conditions of this approval prior to commencing construction. The following items shall be completed by the Applicant prior to scheduling a pre-construction conference:

- a) Performance Bond and Erosion and Sediment (E&S) Control Bond shall be posted with the Town Clerk;
- b) Inspection Fees shall be paid to the Planning Board;
- c) Escrow Account shall be in good standing;

- d) In accordance with item #7 under “General Conditions” above, approved/signed plans shall be on file with the Planning Board and the Building Department; and
  - e) The MS4 Acceptance, proof of mailing of Notice of Intent (NOI), and E&S shall be completed and on file with MS4 Administrator.
3. The Town of Southeast Building Inspector or its designee may make periodic inspections to ensure that all site work and site improvements are being made in conformance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall designate a responsible and competent person to be the on-site construction manager who shall be responsible for ensuring the continued compliance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall ensure that all remedial measures are taken within 72 hours of any notification of deficiencies relating to construction. If appropriate measures are not implemented to the satisfaction of the Town Engineer, a stop work order may be issued by the Town and/or a fine imposed according to Town Code.
4. Should project changes be required that would represent a significant change to the approved plans, the Applicant may be required to seek an amended approval from the Planning Board.
5. The Applicant shall retain the services of a professional engineer and/or a landscape architect (in accordance with the drawings prepared) throughout the construction process who shall periodically observe the construction of all approved improvements, except improvements to Town of Southeast roads and drainage (which shall be inspected by the Town Engineer and/or Highway Superintendent). The Applicant’s professional engineer and/or landscape architect shall provide a statement, in writing, that all approved improvements have been constructed substantially as required and approved by the Planning Board or as such requirements have been modified.
6. Prior to commencing any site clearing, grading, or construction activity, the Applicant shall have the boundary of the property staked out by a licensed surveyor.
7. A copy of the completed NOI to comply with the New York State Department of Environmental Conservation (NYSDEC) General Permit for Construction Activity shall be maintained at the on-site construction office.
8. All sediment and erosion control measures or Best Management Practices indicated on the approved plans and/or required for compliance with the NYSDEC General Permit for Construction Activity shall be installed at the commencement of grading activities and shall be inspected on a weekly basis (or following any storm event in excess of one-half inch) to ensure proper function. All construction activities shall adhere to the provisions for sediment and erosion control contained in the NYSDEC’s *New York Standards and Specifications for Erosion and Sediment Control*.
9. The design and construction of all proposed water quantity and water quality best management practices shall adhere to the *New York State Stormwater Management Design Manual*.
10. Any drainage improvements that would affect a Town drainage structure or element or any improvements to Town of Southeast roads shall be made in accordance with the Town Road and Drainage Specifications (Chapter A143 of the Town Code) and shall be made under the direction and supervision of the Highway Superintendent.
11. The Town Highway Superintendent must be notified a minimum of 72 hours in advance of any construction activity affecting the Town drainage system or any Town Road except where emergency repairs are required, in which case the Highway Superintendent must be notified as soon as possible after the affected area has been stabilized.
12. Existing trees, understory vegetation, and ground cover along all property lines shall remain undisturbed to the maximum extent practicable throughout the duration of construction. Should any

disturbance be required to construct approved improvements, the area shall be replanted with comparable vegetation as soon as is practicable following completion of construction activity in that area.

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

**Landscaping**

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

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

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

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

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
D. Armstrong, Boardmember	<u>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 5 to 0, with 2 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board



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

INTRODUCED BY: LaPerch  
SECONDED BY: Rush

DATE: November 23, 2020

**WHEREAS**, an application is being made by **URSTADT BIDDLE FOR LAKEVIEW PLAZA CANOPY** for a Site Plan Amendment to construct a 500 sq. ft. exterior canopy on an existing +/- 96,000 sq. ft. large retail establishment, where the canopy would be located in the rear of the plaza to provide shelter to those entering and exiting the office space. Construction of the canopy would require the reconfiguration of approximately seven parking spaces and the expansion of an existing sidewalk. The parking lot reconfiguration would increase the number of parking spaces from 844 to 847 spaces, which exceeds the 744 parking space-requirement (the "Proposed Project"); and

**WHEREAS**, the property is located at 1505-1515 Route 22 and identified as Tax Map Numbers 46.-1-1.1, 1.2, & 1.3, and is located in the SR-22 Zoning District; and

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

1. Short Environmental Assessment Form (EAF) dated 11/2/20
2. Memorandum to Chairman LaPerch from JMC, dated 11/2/20
3. C-000, Cover Sheet, prepared by JMC, dated 11/2/20
4. C-100, Existing Conditions Map, prepared by JMC, dated 11/2/20
5. C-100, Site Plan, prepared by JMC, dated 11/2/20
6. A-100, Canopy Plan & Elevations, prepared by Studio 5 Partnership Architects, dated 10/29/20
7. A-101, Canopy Rendering, prepared by Studio 5 Partnership Architects, dated 10/29/20

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

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

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</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 5 to 0, with 2 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board



**TOWN OF SOUTHEAST**

Planning Board  
1 Main Street  
Brewster, NY 10509

November 23, 2020

Commissioner C/O  
Barbara Barosa, AICP, Senior Planner  
Putnam County Department of Planning, Development & Public Transportation  
1 Route 164  
Patterson, NY 12563

Re: Lakeview Plaza Canopy  
GML §239-m

Dear Ms. Barosa,

The Planning Board of the Town of Southeast is considering an application for Site Plan Amendment by URSTADT BIDDLE for a proposal to construct a 500 sq. ft. exterior canopy on an existing +/- 96,000 sq. ft. large retail establishment, where the canopy would be located in the rear of the plaza to provide shelter to those entering and exiting the office space. Construction of the canopy would require the reconfiguration of approximately seven parking spaces and the expansion of an existing sidewalk. The parking lot reconfiguration would increase the number of parking spaces from 844 to 847 spaces, which exceeds the 744-parking space-requirement. The proposed project is located in the SR-22 Zoning District on parcel located at 1505-1515 Route 22, Putnam County, New York (Tax Map ID 46.-1-1.-1).

The Planning Board, acting as Lead Agency under the State Environmental Quality Review Act (SEQRA), is herewith referring the subject application to the Putnam County Division of Planning and Development pursuant to General Municipal Law §239-m.

Enclosed is the application for your review. Please call Victoria Desidero, Secretary to Planning Board, Architectural Review Board and Zoning Board of Appeals, at (845) 279-7736, if you should have any questions. We thank you for your consideration and review of this application.

Sincerely,

*Thomas LaPerch*  
/rad

Thomas LaPerch, Chairman  
Town of Southeast Planning Board

Attachment

cc: Town Attorney  
Town Clerk  
JMC Engineering



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

November 23, 2020

TO: Architectural Review Board


FROM: Thomas LaPerch, Chairman  
Southeast Planning Board

RE: Lakeview Plaza Canopy  
1505-1515 Route 22  
Tax Map ID 46.-1-1.-1

At the regular meeting of the Town of Southeast Planning Board on 11/23/20, a motion was made to refer the above referenced Minor Project to your Board for review and recommendation to the Planning Board. The Planning Board classified this as a Type II Action under the New York State Environmental Quality Review Act (SEQRA) process on 11/23/20. 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  
JMC Engineering

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

INTRODUCED BY: LaPerch DATE: November 23, 2020  
 SECONDED BY: Cyprus

**WHEREAS, 1041 BREWSTER BUSINESS CORP.** as the Applicant/Owner of certain properties located 1 Starr Ridge Road in the SR-6 Zoning District in Town of Southeast and known and designated as Tax Map Number 68.-2-2 has submitted an application for Site Plan approval for a proposal to amend the previously approved site plan for an approximately 16,000 sq. ft., two-story general business/office/retail building, to address site changes made during construction. Changes include the relocation of the patio, addition of a concrete wall for the electric panel and related equipment, and changes to the site entrance, stormwater detention basins, landscaping, and parking lot (the “Proposed Project”); and,

**WHEREAS,** the Town of Southeast Planning Board, acting as Lead Agency for the purposes of the State Environmental Quality Review Act (SEQRA), and conducting a coordinated environmental review, classified this as a Type II Project on or about 8/24/20, 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:

<b>Drawing No. &amp; Title; submitted by</b>	<b>Original Date; Last Revised</b>
Memorandum to Chairman LaPerch from Sun Homes	11/11/20
LP-1, Landscape Plan, prepared by ALP Engineering	7/6/15; 10/7/20
Sheets 1 of 2 and 2 of 2, Final As-Built for 1041 Brewster Business Corporation, prepared by Terry Bergendorff Collins	12/18/18; 11/21/19
AP-1, Amended Site Plan, prepared by Bibbo Associates, LLP	8/3/20; 9/21/19
AP-2, Amended Site Plan Overlay, prepared by Bibbo Associates, LLP	8/3/20

; 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 10/30/20 from the Architectural Review Board recommending approval of the architecture Proposed Action; and

**NOW THEREFORE BE IT RESOLVED,** that pursuant to the authority vested in the Planning Board by Chapter 138, “Zoning,” of the Town Code, the Planning Board hereby grants 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 1041 Brewster Business Corp. 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. 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.

2. 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.
3. All construction, design, approvals, conditions, restrictions, and requirements of the previously approved site plan, and building permits shall still be applicable except and only to the extent that same are modified herein. The inclusion of certain previously adopted conditions in this resolution shall not be deemed as a waiver of past conditions not recited herein.

#### **Construction Activity**

1. At least ten (10) days prior to commencing construction of any required improvements, the Applicant shall notify the Building Inspector and the Town Engineer, in writing, of the time when it proposes to commence construction of such improvements so that the Building Inspector may cause an inspection to be made to ensure that all Town specifications and requirements shall be met during the construction of required improvements. The Applicant shall provide a general construction phasing schedule to the Building Inspector, Planning Board and Town Engineer and shall update that schedule, and provide copies to the Building Inspector, Planning Board and Town Engineer, throughout the construction process, as necessary.
2. The Town shall require a pre-construction conference between the Town Engineer and Town Highway Superintendent and the owner or owner's representative, general contractor and on-site engineer to review construction phasing plans, inspections schedules, and requirements for complying with all regulations and conditions of this approval prior to commencing construction. The following items shall be completed by the Applicant prior to scheduling a pre-construction conference:
  - a) Performance Bond and Erosion and Sediment (E&S) Control Bond shall be posted with the Town Clerk;
  - b) Inspection Fees shall be paid to the Planning Board;
  - c) Escrow Account shall be in good standing;
  - d) In accordance with item #7 under "General Conditions" above, approved/signed plans shall be on file with the Planning Board and the Building Department; and
  - e) The MS4 Acceptance, proof of mailing of Notice of Intent (NOI), and E&S shall be completed and on file with MS4 Administrator.
3. The Town of Southeast Building Inspector or its designee may make periodic inspections to ensure that all site work and site improvements are being made in conformance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall designate a responsible and competent person to be the on-site construction manager who shall be responsible for ensuring the continued compliance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall ensure that all remedial measures are taken within 72 hours of any notification of deficiencies relating to construction. If appropriate measures are not implemented to the satisfaction of the Town Engineer, a stop work order may be issued by the Town and/or a fine imposed according to Town Code.
4. Should project changes be required that would represent a significant change to the approved plans, the Applicant may be required to seek an amended approval from the Planning Board.
5. The Applicant shall retain the services of a professional engineer and/or a landscape architect (in accordance with the drawings prepared) throughout the construction process who shall periodically observe the construction of all approved improvements, except improvements to Town of Southeast roads and drainage (which shall be inspected by the Town Engineer and/or Highway Superintendent). The Applicant's professional engineer and/or landscape architect shall provide a statement, in writing, that all approved improvements have been constructed substantially as required and approved by the Planning Board or as such requirements have been modified.
6. Prior to commencing any site clearing, grading, or construction activity, the Applicant shall have the boundary of the property staked out by a licensed surveyor.

7. A copy of the completed NOI to comply with the New York State Department of Environmental Conservation (NYSDEC) General Permit for Construction Activity shall be maintained at the on-site construction office.
8. All sediment and erosion control measures or Best Management Practices indicated on the approved plans and/or required for compliance with the NYSDEC General Permit for Construction Activity shall be installed at the commencement of grading activities and shall be inspected on a weekly basis (or following any storm event in excess of one-half inch) to ensure proper function. All construction activities shall adhere to the provisions for sediment and erosion control contained in the NYSDEC's *New York Standards and Specifications for Erosion and Sediment Control*.
9. The design and construction of all proposed water quantity and water quality best management practices shall adhere to the *New York State Stormwater Management Design Manual*.
10. Any drainage improvements that would affect a Town drainage structure or element or any improvements to Town of Southeast roads shall be made in accordance with the Town Road and Drainage Specifications (Chapter A143 of the Town Code) and shall be made under the direction and supervision of the Highway Superintendent.
11. The Town Highway Superintendent must be notified a minimum of 72 hours in advance of any construction activity affecting the Town drainage system or any Town Road except where emergency repairs are required, in which case the Highway Superintendent must be notified as soon as possible after the affected area has been stabilized.
12. Existing trees, understory vegetation, and ground cover along all property lines shall remain undisturbed to the maximum extent practicable throughout the duration of construction. Should any disturbance be required to construct approved improvements, the area shall be replanted with comparable vegetation as soon as is practicable following completion of construction activity in that area.
13. All disturbed areas shall be stabilized pursuant to NYSDEC regulations. Should disturbed areas remain disturbed for periods longer than one month, more permanent stabilization measures shall be installed.

#### **Landscaping**

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

built plan shall identify any discrepancies between the approved plan and the installed landscaping. The plans must be certified by a professional landscape architect, architect, or engineer.

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
D. Armstrong, Boardmember	<u>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 5 to 0, with 2 absent.

T. LaPerch  
 T. LaPerch, Chairman  
 Southeast Planning Board



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

INTRODUCED BY:

LaPerch

DATE: November 23, 2020

SECONDED BY:

Rush

**WHEREAS**, an application is being made by TESLA for a Site Plan Amendment for a proposal to amend the previously approved site plan for to expand the parking area and to add eight Tesla charging stations. In addition, the applicant proposes to relocate the existing dumpster and enclosure to the new parking area, in the Town of Southeast, New York; and

**WHEREAS**, the property is located at 1 Starr Ridge Road and identified as Tax Map Number 68.-2-2, and is located in the SR-6 Zoning District; and

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

1. Short Environmental Assessment Form (EAF) dated 11/2/20
2. T-1, Title Sheet, prepared by Dewberry Engineers, dated 10/29/20
3. GN-1, General Notes-I, prepared by Dewberry Engineers, dated 10/29/20
4. GN-2, General Notes-II, prepared by Dewberry Engineers, dated 10/29/20
5. C-1, Site Plan, prepared by Dewberry Engineers, dated 10/29/20
6. C-2, Detailed Site Plan, prepared by Dewberry Engineers, dated 10/29/20
7. C-3, Equipment, Elevation & Signage, prepared by Dewberry Engineers, dated 10/29/20
8. C-4 thru C-7, Construction Details, prepared by Dewberry Engineers, dated 10/29/20
9. L-101, Charging Station Landscape Plan, prepared by Dewberry Engineers, dated 10/29/20
10. E-1, Electrical One-Line Diagram, prepared by Dewberry Engineers, dated 10/29/20
11. G-1, Grounding Schematic & Details, prepared by Dewberry Engineers, dated 10/29/20

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

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

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman

yes

D. Rush, Vice Chairman

yes

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 5 to 0, with 2 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board



**TOWN OF SOUTHEAST**

Planning Board  
1 Main Street  
Brewster, NY 10509

November 23, 2020

Commissioner C/O  
Barbara Barosa, AICP, Senior Planner  
Putnam County Department of Planning, Development & Public Transportation  
1 Route 164  
Patterson, NY 12563

Re: TESLA  
GML §239-m

Dear Ms. Barosa,

The Planning Board of the Town of Southeast is considering an application for Site Plan Amendment by TESLA/1041 BREWSTER BUSINESS CORP. to amend the previously approved site plan for 1 Starr Ridge Road (Tax Map ID 68.-2-2) to expand the parking area and to add eight Tesla charging stations. In addition, the Applicant proposes to relocate the existing dumpster and enclosure to the new parking area. The proposed project is located in the SR-6 Zoning District, on an approximately ±3.12-acre parcel.

The Planning Board, acting as Lead Agency under the State Environmental Quality Review Act (SEQRA), is herewith referring the subject application to the Putnam County Division of Planning and Development pursuant to General Municipal Law §239-m.

Enclosed is the application for your review. Please call Victoria Desidero, Secretary to Planning Board, Architectural Review Board and Zoning Board of Appeals, at (845) 279-7736, if you should have any questions. We thank you for your consideration and review of this application.

Sincerely,

  
Thomas LaPerch, Chairman  
Town of Southeast Planning Board

Attachment

cc: Town Attorney  
Town Clerk  
William McGuinness



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

November 23, 2020

TO: Architectural Review Board

FROM: Thomas LaPerch, Chairman  
Southeast Planning Board

RE: TESLA  
1 Starr Ridge Road  
Tax Map ID 68.-2-2

At the regular meeting of the Town of Southeast Planning Board on 11/23/20, a motion was made to refer the above referenced Minor Project to your Board for review and recommendation to the Planning Board. The Planning Board classified this as a Type II Action under the New York State Environmental Quality Review Act (SEQRA) process on 11/23/20. 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 / vad*

Thomas LaPerch, Chairman  
Southeast Planning Board

cc: Town Counsel  
Town Clerk  
William McGuinness