

Zoning Attachments

1. ZBA Variance – Outside Storage
Approved 7/21/98
2. PB Resolution – Existing
Approved 5/10/99
3. TB Special Permit
Approved 8/20/98

TOWN OF SOUTHEAST
RESOLUTION

MOTION MADE BY: Timothy Froessel

DATE: 7/21/98

SECONDED BY: Ralph Mone

WHEREAS, the Zoning Board of Appeals of the Town of Southeast on the above date granted a variance for:

NORTHWOOD TREE CARE

The variance is as follows:

1. A variance was granted for 40,000 sq. ft. outside storage in excess of what is allowed for a total of 44,000 sq. ft. of outside storage with the following conditions:
 - The mulch pile is not to exceed 4,000 sq. ft., and shall remain unfenced.
 - The 40,000 sq. ft. of outside storage for the timber shall be fenced at all times and the fence shall have a minimum height of 6 ft
 - Outside storage shall be for timber, mulch and incidental soil and rock from the tree stumps
 - Any further subdivision of either lot will require the applicant to apply for all necessary Town of Southeast agencies for review and permit
 - Neither the mulch pile or the timber pile is to exceed 12 ft. of height at any given time
 - This variance is continuous and coterminous with the Special Permit that may be issued by the Town Board
 - Storage of materials aforementioned in the above letter (c) shall render the granted variance null and void

ROLL CALL VOTE:

Chairman Ed Colello	In favor
Vice Chairman Ron Kobbe	In favor
Boardmember Ralph Mone	In favor
Boardmember Tim Froessel	In favor
Boardmember Jack Gallagher	In favor
Boardmember Betty Brosius	In favor
Boardmember Dick Honeck	In favor

VOTE: The variance passed by a vote of 7-0, 0 abstaining.

Linda Stec, Secretary
Zoning Board of Appeals

**TOWN OF SOUTHEAST, NEW YORK
FINAL PROJECT DEVELOPMENT PLAN APPROVAL**

INTRODUCED BY

Robman

DATE:

5/10/99

SECONDED BY:

Wessel

WHEREAS, the Planning Board of the Town of Southeast has been requested to grant Final Approval to a certain Project Development Plan known as **NORTHWOOD TREE CARE**, located on Fields Lane, in an OP-1 Zone, also known and designated as Tax Map Number 78.-2-71, 73; and,

WHEREAS, in connection with such application, the Planning Board is in receipt of the following maps, drawings, approvals and/or permits, if applicable, and other information as follows:

1. Letters and memos from Nathan Jacobson Assocs. last dated 4/19/99
2. Long EAF dated 2/24/98
3. Site Plan dated 1/21/98, last revised 3/3/99 (Sheets 1 thru 7)
4. Letter of Approval/Permit (if applicable) from the Putnam County Board of Health for all approvals for water supply dated 1/22/99
5. Letter of Approval from the N.Y.C. Dept. of Environmental Protection for sewage disposal facilities and Storm Water Management dated 1/19/99
6. Letter of Approval/Permit (if applicable) from the N.Y.S. Dept. of Transportation for all required road, drainage, traffic and entrance (including driveway) dated 12/23/98
7. Letter of Approval/Permit (if applicable) from the Putnam County Highway Department and/or, Southeast Highway Superintendent dated N/A
8. Resolution for a Wetlands Permit issued by the Southeast Town Board dated 10/15/98
9. Special Permit Resolution from the Southeast Town Board dated 8/20/98

WHEREAS, the Southeast Planning Board has determined on the basis of its own review and the review comments received from its consultants that the information of the Environmental Assessment Form, that said Site Plan maps, drawings and other information are in substantial compliance with the requirements of Article IX of the Zoning Ordinance of the Town of Southeast, New York, and the same does not present any significant adverse environmental impact; and,

WHEREAS, the Southeast Planning board has determined that the general standards of Article 15 of the Zoning Ordinance of the Town of Southeast have been substantially complied with, and/or will be met by said construction, as will the performance standards set forth in the Zoning Ordinance of the Town of Southeast;

NOW, THEREFORE be it

FINAL SITE PLAN CONDITIONS CONTINUED:

RESOLVED, that the application for the Project Development Plan Final Approval for **NORTHWOOD TREE CARE** is hereby granted with the following conditions:

1. The applicant may be required to post a performance bond in an amount to be determined by the Town Engineer and approved by the Town Board, in form acceptable to the Town Counsel, covering all site work, as stated in the Town of Southeast Code, Section 138-41, K. The bond amount shall be based upon 1999 construction costs. If the construction is not begun during the calendar year 1999, the applicant must re-apply to this Board for an adjustment of the bond amount to account for escalation of material and labor costs. Upon such request, the Town Board of the Town of Southeast 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.
2. This approval incorporates by reference, all conditions in the site plan submission unless any such conditions are specifically waived.
3. This approval incorporates by reference all recommendations contained in letters to the Southeast Planning Board from the Town Engineer, Nathan L. Jacobson & Assocs., specifically memo dated 4/26/99 regarding the final location and top of grate elevations for the proposed catch basins located within the Fields Lane Right-of-Way.
4. This approval incorporates by reference, all correspondence from the applicant wherein the applicant has agreed to perform and/or provide certain things in order to obtain this approval.
5. The Southeast Planning Board requests that the Southeast Building Inspector withhold the Certificate of Occupancy until the Southeast 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.
6. This approval requires the applicant to conform to all the rules, regulations and ordinances of the Town of Southeast, County of Putnam, State of New York, including the Town of Southeast Local Zoning Regulations and Site Plan Regulations Article IX.
7. The natural drainage features of the site shall be preserved, except for those alterations deemed necessary by the Town Engineer to allow for the development of the site to insure that there is no increase in surface water run-off or soil erosion onto adjacent properties or Town roads or roads intended to be dedicated to the Town. The Town Engineer will act as the representative of the Town of Southeast to monitor the drainage and erosion control, and will have weekly meetings with the Project Engineer and/or Construction Inspector and report to the Town of Southeast Planning Board any potential problems as they occur.

FINAL SITE PLAN CONDITIONS CONTINUED:

8. Temporary surface water and soil erosion control facilities adequate to protect adjacent property and roads, shall be installed at the commencement of the construction, grading excavation or removal of vegetation, in conjunction with New York Guidelines for Urban Erosion & Sediment Control.
9. This approval is conditioned upon the approval by the Town Attorney of all deed easements and road dedications as noted on the Final Plat, if applicable.
10. This approval requires that regular inspections should be made to protect wetlands, steep slopes, specimen trees, and any stone wall or hedgerow that may bisect the site.
11. This approval also requires that constant inspection of the construction site should be made to check erosion and sedimentary problems. If the site is cleared but no other work proceeds for some time, the adequacy of the erosion control program should be carefully monitored.
12. Construction should be phased in such a way that there is minimal site clearance. The smallest amount of land should be left raw at any one time in the construction process.
13. This approval also requires that adequate performance bonds will be obtained so that the town can close up or restore the site, if construction comes to a halt.
14. This approval is also conditioned on the agreements made with the Town Board regarding the following:
No chain saws, chippers, tub-grinders or any other machinery or implement for cutting, sawing, mulching or chopping wood shall be operated on the Subject Premises except between the hours of 9:00 a.m. and 3:30 p.m., Monday through Friday. **A VIOLATION OF THIS RESTRICTION SHALL RESULT IN THE IMMEDIATE TERMINATION OF THE SPECIAL USE PERMIT AND THE REVOCATION OF ANY CERTIFICATE OF OCCUPANCY HEREINAFTER ISSUED FOR THE SUBJECT PREMISES.**
15. This approval is also conditioned on the applicant submitting a planting/screening plan to the Southeast Planning Board as stated in the conditions of the Special Use Permit which was granted by the Southeast Town Board. This plan must be submitted prior to any Building Permit being issued by the Building Department.

TOWN BOARD
TOWN OF SOUTHEAST, NEW YORK

SPECIAL PERMIT REQUEST FOR NORTHWOOD TREE CARE

RESOLUTION NO. 49 / 98

DATE: August 20, 1998

INTRODUCED BY: Supervisor Zutell

SECONDED BY: Councilman Johnson

WHEREAS, Northwood Tree Care, applicant/contract vendee, and J & S Development, owners of premises located on Fields Lane, Town of Southeast, also known as Tax Map Nos. 78.-2-71 and 78.-2-73 (the "Subject Premises") has made application to this Town Board for a Special Permit to allow light manufacturing on the Subject Premises; and

WHEREAS, the Subject Premises are located in an OP-1 zone; and

WHEREAS, light manufacturing uses are only allowed within an OP-1 zone as a principal use upon the grant of a Special Permit by the Town Board; and

WHEREAS, on July 14, 1997, the Southeast Planning Board, as lead agency pursuant to the State Environmental Quality Review Act ("SEQRA"), issued a Negative Declaration regarding the proposed project, thereby fulfilling the procedural requirements of SEQRA; and

WHEREAS, the Town Board is in receipt of a report and recommendation from the Southeast Planning Board dated August 1, 1997 wherein the Planning Board has recommended the grant of the Special Permit and has found that the proposal of Northwood Tree Care is in compliance with all applicable general and special standards of Article 10 of Chapter 138 of the Town Code; and

WHEREAS, a duly noticed public hearing was held by the Town Board on October 16, 1997 in connection with this application and all interested parties have been given an adequate opportunity to be heard in this regard; and

WHEREAS, on November 20, 1997, this Town Board voted to deny the application of Northwood Tree Care; and

WHEREAS, Northwood Tree Care commenced an action pursuant to Article 78 of the Civil Practice Law and Rules challenging the Town Board's denial; and

WHEREAS, by decision dated June 9, 1998, the Supreme Court of the State of New York, in and for the County of Putnam, reversed the determination of this Town Board and

ordered that the application of Northwood Tree Care be remitted to the Town Board and that the Special Use Permit be granted subject to the imposition of reasonable condition[s] and that said decision and order was entered in the office of the Clerk of Putnam County on June 16, 1998; and

WHEREAS, the Town Board has determined that it will not seek appellate review of the decision of the Supreme Court.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby makes the following findings of fact in connection with the instant application:

1. The proposed use is in such location and is a size and character that it will be in harmony with the appropriate and orderly development of the surrounding district and will not be detrimental to the immediate site or adjacent properties;
2. The location and size of the proposed use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout, and its relation to access streets will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous;
3. The proposed changes to the existing exterior appearance of the buildings will not hinder or discourage the development and use of adjacent land and buildings; and
4. The proposed use will not require such additional public facilities or services or create fiscal burdens upon the Town greater than those which characterize uses permitted as of right.

AND BE IT FURTHER

RESOLVED, that based upon the foregoing findings, the Town Board of the Town of Southeast hereby GRANTS a Special Use Permit to NORTHWOOD TREE CARE to permit the use the Subject Premises as a light manufacturing for the processing of wood, mulch, bark and wood chips in accordance with the Statement of Use dated April 24, 1997, prepared by P.W. Scott Engineering & Architecture PC and submitted to the Planning Board in connection with the Project Development Plan application upon the following conditions:

1. No chain saws, chippers, tub-grinders or any other machinery or implement for cutting, sawing, mulching or chopping wood shall be operated on the Subject Premises except between the hours of 9:00 AM and 3:30 PM, Monday through Friday. **A VIOLATION OF THIS RESTRICTION SHALL RESULT IN THE IMMEDIATE TERMINATION OF THIS SPECIAL USE PERMIT AND THE**

REVOCATION OF ANY CERTIFICATE OF OCCUPANCY
HEREINAFTER ISSUED FOR THE SUBJECT PREMISES.

2. In the further review of the application for Site Plan approval, the Planning Board shall consider the addition of plantings, screening and/or fencing to be incorporated on the site in the area between the developed area of the Subject Premises and the adjoining residentially zoned lands in an effort to mitigate any impacts related to noise which may emanate from the use conducted on the Subject Premises in connection with the wood cutting and mulching operations.

Upon Roll Call Vote:

Supervisor Zutell	<u>aye</u>	Councilwoman Brosius	<u>aye</u>
Councilman Johnson	<u>aye</u>	Councilman Honeck	<u>aye</u>
Councilman Dunford	<u>aye</u>		

VOTE: carried / ~~defeated~~ by a vote of 5 in favor, 0 against; 0 abstained.

TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF PUTNAM)

I, RUTH A. MAZZEI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the _____ of _____, 199__.

RUTH A. MAZZEI
Town Clerk