
TOWN OF SOUTHEAST PLANNING BOARD AGENDA

September 9, 2019

CIVIC CENTER, 1360 Route 22

7:30 p.m.

PUBLIC HEARINGS:

- 1. NEW YORK AMERICAN WATER WELLS, 36 Mt. Ebo Road North, Tax Map ID 46.-5-12 –**
Continued Public Hearing to Review an Application for a Wetland Permit
**THIS APPLICATION WILL NOT BE DISCUSSED AT THIS MEETING. THE BOARD WILL
CONTINUE THE PUBLIC HEARING TO A LATER DATE.**

REGULAR SESSION:

- 1. FICARRA CONDITIONAL USE PERMIT, 8 Bridey Lane –** Review of an Application for a Conditional Use Permit for an Accessory Apartment
- 2. FORTUNE RIDGE BARN, 30 Drewsclift Lane, Tax Map ID 78.-3-29.2 –** Review of an Application for Final Approval of a Site Plan Amendment
- 3. BATISTA SOUTHEAST DUNKIN, 1617 Route 22 –** Recommend Establishment of Performance Bond for Erosion & Sediment Control to Town Board
- 4. ALFACOR, LLC, 291 Deans Corner Road, Tax Map ID 78.-2-25 –** Continued Review of an Application for Site Plan and Conditional Use Permit
- 5. Approve Meeting Minutes of August 26, 2019**

**September 5, 2019/VAD
Agenda Subject to Change**

FOR MORE INFORMATION ON MAJOR PROJECTS UNDER PLANNING BOARD REVIEW, CLICK ON THE LINK BELOW:

<http://www.southeast-ny.gov/322/Major-Planning-Board-Projects#>

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

INTRODUCED BY: LaPerch

DATE: September 9, 2019

SECONDED BY: Gress

WHEREAS, an application is being made by **VINCENT & LINDA FICARRA** for a Conditional Use Permit for an accessory apartment on a property located at 8 Bridey Lane, in the Town of Southeast, New York; and

WHEREAS, the property is identified as Tax Map Number 47.-2-36.5, and is located in the R-60 Zoning District; and

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

1. Short Environmental Assessment Form (EAF), prepared by Linda Ficarra, dated 8/13/19
2. Ficarra Basement Floor Plan, prepared by Design Basics, Inc, undated
3. Certificate of Occupancy, dated 7/19/05
4. Putnam County Department of Health Approvals, dated 7/17/02
5. Survey of Property, prepared by Terry Bergendorff Collins, dated 5/20/02; last revised 8/8/05

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. Armstrong, Boardmember yes
M. Hecht, Boardmember yes
J. King, Boardmember yes

D. Rush, Vice Chairman absent
E. Cyprus, Boardmember yes
J. Gress, Boardmember yes

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: September 9, 2019
 SECONDED BY: Armstrong

WHEREAS, GLICKENHAUS BREWSTER DEVELOPMENT / FORTUNE RIDGE BARN as the Applicant/Owner of certain properties located 30 Drewslift Lane in the R-160 Zoning District in Town of Southeast and known and designated as Tax Map Number 78.-3-29.-2 has submitted an application for Site Plan approval for an amendment to the previously approved site plan for a horse barn within the open space at Fortune Ridge to add an attached shed to the side of the barn (the "Proposed Project");

WHEREAS, the proposed amendment would increase the area of disturbance by 1,742 sq. ft., and the proposed barn would increase from 16,200 sq. ft. to 17,844 sq. ft. (an increase of 1,644 sq. ft). The proposed amendment would not increase the wetland or wetland buffer disturbance from the previously approved plan; and,

WHEREAS, the proposed amendment would reduce the amount of open space in the Fortune Ridge development (formerly known as Meadows at Deans Corners) from 205.770 acres (original subdivision approval) to 205.04 acres (original horse barn approval) to 205 acres (current proposal), which would remain in excess of the 201 acres required by the 1991 Findings Statement; and,

WHEREAS, the proposed barn includes two residential apartments for exclusive use by farmworkers associated with the equestrian use; and

WHEREAS, the Town of Southeast Planning Board, acting as Lead Agency for the purposes of the State Environmental Quality Review Act (SEQRA), on 3/11/19 classified this as a Type II Action indicating that no environmental impact would exist; and

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 Steven Trendell of Fortune Home Builders	7/12/19
Stormwater Pollution Prevention Plan Report for Fortune Ridge Barn at Fortune Ridge Subdivision, prepared by Kellard Sessions	March 2015; February 2019
1 of 4, Site Development and Erosion Control Plan, prepared by Kellard Sessions	7/28/14; 5/2/18
2 of 4, Erosion Control Plan Details / Notes, prepared by Kellard Sessions	9/12/14; 5/2/18
3 of 4, Site Details, prepared by Kellard Sessions	9/12/14; 5/2/18
4 of 4, Zoning Analysis Plan, prepared by Kellard Sessions	3/18/15; 2/19/19
A-101, Level 1 Floor Plan, prepared by EDI International, PC	8/11/17
A-102, Level 2 Floor Plan, prepared by EDI International, PC	8/11/17
A-200, Elevations, prepared by EDI International, PC	8/11/17
A-201, Elevations, prepared by EDI International, PC	8/11/17
A-300, Sections, prepared by EDI International, PC	8/11/17
A-301, Sections, prepared by EDI International, PC	8/11/17
A-302, Sections & Details, prepared by EDI International, PC	8/11/17

; 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 4/24/19 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 Fortune Ridge Horse Barn Amendment 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.

9. The two residential apartments within the barn shall be for exclusive use by farmworkers associated with the equestrian use and their immediate family members. These apartments shall not be rented or sold to the general public. Any change of use of the equestrian barn or farmworker apartments shall require Planning Board review.

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>absent</u>
D. Armstrong, Boardmember	<u>yes</u>	E. Cyprus, Boardmember	<u>yes</u>
M. Hecht, Boardmember	<u>yes</u>	J. Gress, Boardmember	<u>yes</u>
J. King, Boardmember	<u>yes</u>		

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


 T. LaPerch, Chairman
 Southeast Planning Board

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

September 10, 2019

Town Board of the Town of Southeast
1360 Route 22
Brewster, NY 10509

RE: **BATISTA SOUTHEAST DUNKIN**, 1617 Route 22, TAX MAP ID 46.-1-21

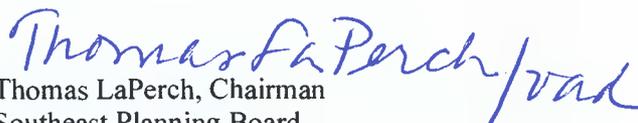
Dear Boardmembers:

At the 9/9/19 regular meeting of the Town of Southeast Planning Board, a motion was made to refer the above referenced project to the Town Board for the establishment of a Performance Bond for Erosion & Sediment Control and site stabilization.

<u>PROJECT</u>	<u>BOND AMOUNT</u>
BATISTA SOUTHEAST DUNKIN	\$ 14,200.00

The Town Engineer's memo is attached for your consideration and shows that this bond updates and replaces a previous bond estimate for a different project on the same site prepared in November of 2015. If you have any questions, please do not hesitate to contact the Planning Board.

Sincerely,


Thomas LaPerch, Chairman
Southeast Planning Board

Attachment

cc: Town Attorney
Town Clerk
Town Engineer
Building Inspector
The Chazen Companies
Planning Board File



Jacobson

September 4, 2019

Mr. Thomas LaPerch, Chairman
Town of Southeast Planning Board
One Main Street
Brewster, NY 10509

Re: Batista Southeast Dunkin
1617 Route 22
Tax Map No. 78.-3-29.2
Erosion Control and Site Restoration Bond
NLJ #0001-0742

Dear Mr. LaPerch:

As requested, we have prepared a performance bond estimate for erosion & sediment controls and site restoration. The estimate updates and replaces a previous bond estimate prepared for the subject site in November of 2015. At this time, the required Erosion & Sediment Control / Restoration Bond based on the attached estimate is \$14,200.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, P.C.

Thomas H. Fenton, P.E.

THF:thf

cc: T. Hay,
M. Levine,
W. Stephens, Jr.
M. Bruen
M. Stancati
S. Coleman
A. Ley
K. Ahern, The Chazen Companies

NATHAN L. JACOBSON & ASSOCIATES, INC.
 Consulting Engineers
 Chester, Connecticut

2019 OPINION OF PROBABLE CONSTRUCTION COSTS
 Erosion & Sediment Control and Site Restoration Bond

Project: Batista Southeast Dunkin Donuts
 1617 N.Y.S. Route 22
 Southeast, New York

Done by: MDC
 Date: 11/19/2015
 Revised THF
 Date 9/4/19

Project No.: NLJ# 0001-0919

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	SILT FENCE	\$5.00	LF	475	\$2,375.00
2	STABILIZED CONSTRUCTION ENTRANCE	\$1,253.00	EA	1	\$1,253.00
3	SEDIMENT TRAP	\$1,500.00	EA	1	\$1,500.00
4	HAYBALES	\$14.42	LF	160	\$2,307.20
5	SPREAD STOCKPILED TOPSOIL TO 6"	\$1.10	SY	3,975	\$4,372.50
6	HYDROSEED (FERT. & MULCH)	\$0.59	SY	3,975	\$2,345.25
Subtotal:					\$14,152.95
SAY					\$14,200.00

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

INTRODUCED BY: LaPerch

DATE: September 9, 2019

SECONDED BY: Cyprus

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

WHEREAS, the applicant proposes to construct two new commercial buildings on an approximately 31.5-acre lot located at 291 Deans Corner Road (Tax ID 78.-2-25) and located in the OP-1 Zoning District. Access would be provided via a common driveway through an existing 6.45-acre commercial property located at 14 Fields Lane (Tax ID 78.-2-18), also located in the OP-1 Zoning District. No access is proposed from Deans Corner Road. The proposed buildings include a 90,000 sq. ft. warehouse and a 9,900 sq. ft. warehouse/office building. Associated parking, loading, wells, stormwater management, and sewage disposal systems are also proposed. The proposed project requires site plan and conditional use permit approval from the Planning Board. The current site plan layout avoids disturbance to the onsite wetland and wetland buffer; and

WHEREAS, the Planning Board declared its Intent to be Lead Agency for the project on 2/25/19; 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

yes
yes
yes
yes

D. Rush, Vice Chairman

absent

D. Armstrong, Boardmember

E. Cyprus, Boardmember

yes

M. Hecht, Boardmember

J. Gress, Boardmember

yes

J. King, Boardmember

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

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board