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**TOWN OF SOUTHEAST PLANNING BOARD AGENDA**

**October 28, 2019**

**CIVIC CENTER, 1360 Route 22**

**7:30 p.m.**

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**PUBLIC HEARINGS:**

1. **LIFE STORAGE, INC., 1639 Route 22, Tax Map ID 46.-3-13** – Public Hearing to Review of an Application for Site Plan Amendment and Wetland Permit

**REGULAR SESSION:**

1. **CRECCO WETLAND PERMIT, 62 Stallion Trail, Tax Map ID 79.13-1-22** – Continued Review of an Application for a Wetland Permit
2. **PALMER, 2334 Route 6, Tax Map ID 56.-1-10** – Continued Review of Application for Site Plan Amendment and Conditional Use Permit
3. **DURKIN WATER/DREW REALTY, 120 & 160 Fields Lane, Tax Map IDs 78.-2-6 & 5** – Review of an Application for a Final Approval of Site Plan and Wetland Permit
4. **Approve Meeting Minutes of October 7, 2019**

**October 24, 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#>

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

Date: October 28, 2019

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:** LIFE STORAGE, INC.

**SEQR Status:** Type 1   
 Unlisted

**Conditioned Negative Declaration:**  Yes  
 No

**Description of Action:**

The Applicant proposes to construct a two-story plus walk-out basement, 18,144 square foot climate controlled self-storage building in the rear of the existing Life Storage property. The proposed project involves pavement repair, restoration of a wetland buffer, and the elimination of outside storage. The existing self-storage facility is a pre-existing non-conforming use and requires a Planning Board determination under §138-11D that the proposed improvements constitute a limited change. The project also requires a site plan amendment and wetland permit from the Planning Board.

**Location:**

1639 Route 22, Tax map ID 46.-3-13

**Reasons Supporting This Determination:**

The following materials have been reviewed:

- A4-1, Self Storage Phase 11, prepared by Stinard Architecture, Inc., dated 10/17/19
- Stormwater Pollution Prevention Plan, prepared by Greenman-Pedersen, Inc., dated September 2019; revised October 16, 2019
- CS-1, Cover Sheet, prepared by Greenman-Pedersen Inc. dated 10/18/19
- AP-1, Aerial Existing, prepared by Greenman-Pedersen Inc. dated 9/16/19
- EX-1, Existing Conditions & Survey, prepared by Greenman-Pedersen Inc. dated 9/16/19
- DP-1, Demolition Plan, prepared by Greenman-Pedersen Inc. dated 9/16/19
- SP-1, Proposed Site Plan, prepared by Greenman-Pedersen Inc. dated 10/18/19
- ECP-1, Erosion & Sediment Control Plan, prepared by Greenman-Pedersen Inc. dated 9/16/19
- GD-1, Drainage, Grading & Utility, prepared by Greenman-Pedersen Inc. dated 10/18/19
- LP-1, Proposed Wetland Buffer Mitigation Plan, prepared by Greenman-Pedersen Inc. dated 10/18/19
- SD-1, Site Details, prepared by Greenman-Pedersen Inc. dated 10/18/19
- ECD-1, Erosion & Sediment Control Details, prepared by Greenman-Pedersen Inc. dated 9/16/19
- LD-1, Lighting Details 1, prepared by Greenman-Pedersen Inc. dated 10/18/19
- LD-2, Lighting Details 2, prepared by Greenman-Pedersen Inc. dated 10/18/19
- LD-3, Lighting Photometrics, prepared by Greenman-Pedersen Inc. dated 10/18/19
- TT-1, Truck Turn Analysis, prepared by Greenman-Pedersen Inc. dated 10/18/19

**WHEREAS**, on 4/24/17, 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 5/22/17 and 10/28/19, 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 Health<br>1 Geneva Road<br>Brewster, New York 10509  | Building Inspector<br>1 Main Street<br>Brewster, NY 10509   |
| SEQR Unit<br>New York State Department of Transportation<br>Traffic Engineering & Safety Division<br>4 Burnett Blvd.<br>Poughkeepsie, NY 12603 | Town Clerk<br>1360 Route 22<br>Brewster, NY 10509   |
| New York State Department of Environmental Conservation<br>625 Broadway<br>Albany, NY 12233<br>ATTN: Commissioner                              | Zoning Board of Appeals<br>1 Main Street<br>Brewster, NY 10509  |
| New York State Department of Environmental Conservation<br>Region 3<br>21 South Putt Corners<br>New Paltz, NY 12561<br>ATTN: Regional Director | Architectural Review Board<br>1 Main Street<br>Brewster, NY 10509   |
| New York City Department of Environmental Protection<br>Bureau of Water Supply<br>465 Columbus Avenue<br>Valhalla, New York 10595-1336         | Putnam County Department of Planning/Development & Public Transportation<br>Putnam County Transit Facility<br>841 Fair Street<br>Carmel, New York 10512 |
| Putnam County Highways & Facilities<br>842 Fair Street<br>Carmel New York 10512  |   |

UPON ROLL CALL VOTE:

T. LaPerch, Chairman yes  
 D. Armstrong, Boardmember yes  
 M. Hecht, Boardmember absent  
 J. King, Boardmember yes

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

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  
One Main Street  
Brewster, NY 10509**

October 29, 2019

TO: Architectural Review Board

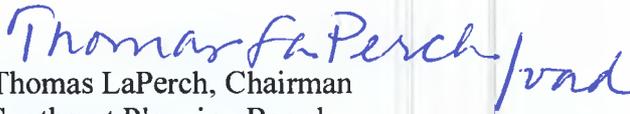
FROM: Thomas LaPerch, Chairman  
Southeast Planning Board

RE: Life Storage  
1639 Route 22  
Tax Map ID 46.-3-13

At the regular meeting of the Southeast Planning Board on 10/28/19, 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 Review Act (SEQRA) process on 10/28/19. 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  
Greenman-Pedersen, Inc.

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

Date: October 28, 2019

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:** CRECCO WETLAND PERMIT

**SEQR Status:** Type 1   
 Unlisted

**Conditioned Negative Declaration:**  Yes  
 No

**Description of Action:**

The applicant proposes to construct a single-family residence and associated pool, patio, driveway, well and septic on a 2.78-acre lot, where a portion of NYSDEC Wetland L-32 is located on the property. The proposed project requires a Town of Southeast Wetland Permit for disturbance to approximately 34,730 square feet of regulated wetland buffer area.

**Location:** 62 Stallion Trail, Tax Map ID 79.13-1-22

**Reasons Supporting This Determination:**

The following materials have been reviewed:

- Memorandum to Chairman LaPerch from Putnam Engineering, dated 9/30/19
- C-110, Proposed Site Plan, prepared by Putnam Engineering, dated 12/22/15; last revised 9/30/19
- C-130, Permit Plans, prepared by Putnam Engineering, dated 12/22/15; last revised 9/30/19
- C-140, Grading Plan, prepared by Putnam Engineering, dated 12/22/15; last revised 9/30/19
- C-160, Erosion Control Plan, prepared by Putnam Engineering, dated 12/22/15; last revised 9/30/19
- C-150, Landscaping Plan, prepared by Putnam Engineering, dated 12/22/15; last revised 9/30/19
- Wetland Buffer Monitoring & Maintenance Plan, prepared by Putnam Engineering, dated 10/28/19
- Memorandum from NYS Department of Environmental Conservation to Secretary Desidero, dated 8/2/19
- Memorandum from NYC Department of Environmental Protection to Secretary Desidero, dated 7/8/19

**WHEREAS**, on 6/10/19, 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 7/8/19, 8/26/19 and 9/23/19, 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 Health<br>1 Geneva Road<br>Brewster, New York 10509  | Town Clerk<br>1360 Route 22<br>Brewster, NY 10509                   |
| New York State Department of Environmental Conservation<br>625 Broadway<br>Albany, NY 12233      ATTN: Commissioner                              | E-911 Coordinator / Assessor<br>1360 Route 22<br>Brewster, NY 10509 |
| New York State Department of Environmental Conservation<br>Region 3<br>21 South Putt Corners<br>New Paltz, NY 12561      ATTN: Regional Director | Building Inspector<br>1 Main Street<br>Brewster, NY 10509           |
| New York City Department of Environmental Protection<br>Bureau of Water Supply<br>465 Columbus Avenue<br>Valhalla, New York 10595-1336           | Highway Superintendent<br>10 Palmer Road<br>Brewster, NY 10509      |

UPON ROLL CALL VOTE:

T. LaPerch, Chairman      yes  
 D. Armstrong, Boardmember      yes  
 M. Hecht, Boardmember      absent  
 J. King, Boardmember      yes

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

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  
WETLAND PERMIT APPROVAL**

INTRODUCED BY: LaPerch  
SECONDED BY: Rush

DATE: October 28, 2019

**WHEREAS, CRECCO** as the Applicant/Owner of certain properties located 62 Stallion Trail in the R-60 Zoning District in Town of Southeast and known and designated as Tax Map Number 79.13-1-22 has submitted an application for a Wetland Permit to construct a single-family residence and associated pool, patio, driveway, well and septic on a 2.78-acre lot where a portion of NYSDEC Wetland L-32 is located on the property. The proposed project requires a Town of Southeast Wetland Permit for disturbance to approximately 34,700 sq. ft. of regulated wetland buffer area. (“Proposed Action”); and,

**WHEREAS**, the Town of Southeast Wetlands Consultant issued a report and recommendation dated 10/24/19 in connection with the Proposed Action, as depicted on drawings dated 9/30/19 and prepared by Putnam Engineering; and

**WHEREAS**, the Town of Southeast Planning Board, acting as Lead Agency for the purposes of the State Environmental Quality Review Act (SEQRA), found the proposed action to be a Type II Action under SEQRA and thus no further environmental review is required;

**WHEREAS**, the Planning Board finds that there is sufficient reason in the record to support the grant of a wetlands permit in connection with said application; and

**NOW, THEREFORE, BE IT RESOLVED**, that after reviewing the maps, plans and submissions of the Applicant, together with the Report and Recommendation of the Wetlands Consultant dated 10/24/19 (the “Report”) which is incorporated herein by reference, the Planning Board of the Town of Southeast hereby GRANTS a permit to allow a portions of the proposed activity to occur within the regulated wetland/wetland buffer area as shown on the proposed plan on file with the Planning Board and Building Department subject to the conditions and mitigations set forth in the Report.

**UPON ROLL CALL VOTE:**

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

October 29, 2019

Director  
Putnam County Division of Planning and Development  
2 Route 164  
Patterson, NY 12563

Re: Palmer Site Plan  
GML §239-m

Dear Barbara,

The Planning Board of the Town of Southeast is considering an application for Site Plan Amendment and Conditional Use Permit by Dennis Palmer to construct a 2-story 4,160 sf office/garage building and establish 12,940 sf of outdoor storage for use by the existing plumbing business with associated screening, driveway and parking improvements, and the demolition of an existing 950 sf garage. The proposed project is located in the GC Zoning District on an approximately ±1.5-acre parcel located at 2334 Route 6, Putnam County, New York (Tax Map ID 56.-1-10).

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 / pad*

Thomas LaPerch, Chairman  
Town of Southeast Planning Board

**Attachment**

cc: Town Attorney  
Town Clerk  
JR Folchetti & Associates



**WHEREAS**, the Town of Southeast Wetlands Consultant issued a report and recommendation dated June 6, 2019 in connection with the Proposed Action indicating that the proposed improvements on the Drew Realty portion of the property do not require a Town of Southeast Wetland Permit;

**WHEREAS**, the proposed changes to the wetland mitigation plantings, as depicted on drawings dated 5/20/19 and prepared by prepared by Insite Engineering, sufficiently maintain the wetland buffer; and

**NOW THEREFORE BE IT RESOLVED**, that pursuant to the authority vested in the Planning Board by Chapter 138, "Zoning," and Chapter 78, "Freshwater Wetlands" 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 Durkin Water / Drew Realty 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 2019 construction costs. If the construction is not begun during the calendar year 2019, 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.

**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>yes</u>    | E. Cyprus, Boardmember | <u>yes</u>    |
| M. Hecht, Boardmember     | <u>absent</u> | J. Gress, Boardmember  | <u>absent</u> |
| J. King, 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 wad

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

October 28, 2019

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

**RE: DURKIN WATER COMPANY / DREW REALTY, 120 & 160 Fields Lane, TAX MAP  
IDs 78.-2-6 & 78.-2-5**

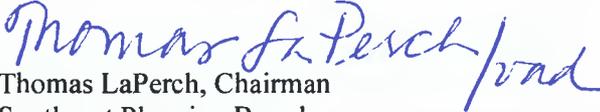
Dear Boardmembers:

At the 10/28/19 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.

| <b>PROJECT</b>                       | <b>BOND AMOUNT</b> |
|--------------------------------------|--------------------|
| DURKIN WATER / DREW REALTY SITE PLAN | \$ 8,300.00        |

The Town Engineer's memo is attached for your consideration and includes the estimate for all site improvements, which totals \$34,600.00. Inspection Fees, based on the total cost of site improvements, in the amount of \$1,384.00, must be remitted to the Planning Board Secretary prior to filing for a Building Permit. 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  
Insite Engineering  
Planning Board File



August 18, 2019

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

Re: Durkin Water Company / Drew Realty  
120 & 160 Fields Lane  
Tax Map No. 78.-2-6 & 5  
Bond Estimate  
NLJ #0001-0742

Dear Mr. LaPerch:

As requested, we have prepared a performance bond estimate for all site improvements associated with the above referenced project. Our attached Opinion of Probable Construction Costs for site improvements totals \$34,600.

Based on the current "Town of Southeast, Planning Board Fee Schedule" and the above referenced Opinion of Probable Construction Costs, the required inspection fee to be collected for the project is 4% of Site Development Costs or \$1,384.

We have also prepared a performance bond estimate for erosion & sediment controls and site restoration. The required Erosion & Sediment Control / Restoration Bond based on the attached estimate is \$8,300.

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

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, P.C.

A handwritten signature in black ink, appearing to read 'J.M. Dillon'.

Joseph M. Dillon, P.E.

JMD:jmd

cc: T. Hay, M. Stancati  
M. Levine, S. Coleman  
W. Stephens, Jr. A. Ley  
M. Bruen Insite

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

**OPINION OF PROBABLE CONSTRUCTION COSTS**  
 Performance Bond

**Project: Durkin Water Company / Drew Realty**  
**120 & 160 Fields Lane**  
**Brewster, New York**

**Done by: MAL**  
**Date: 8/20/2019**  
**Checked By: JMD**  
**Date: 8/20/2019**

**Project No.:** 0001-0742

| <b>Item No.</b> | <b>Item</b>                                | <b>Unit Cost</b> | <b>Unit</b> | <b>Quantity</b> | <b>Total</b>       |
|-----------------|--|------------------|-------------|-----------------|--------------------|
| 1               | HORIZONTAL STAKED UTILITY POLES (35' long) | \$1,350.00       | EA.         | 10              | \$13,500.00        |
| 2               | CHAIN LINK FENCE                           | \$17.30          | L.F.        | 310             | \$5,363.00         |
| 3               | TIMBER GUIDERAIL                           | \$27.00          | L.F.        | 130             | \$3,510.00         |
| 4               | CHAIN LINK DOUBLE SWING GATE               | \$1,200.00       | EA.         | 1               | \$1,200.00         |
| 5               | EROSION CONTROL BLANKLET                   | \$2.56           | S.Y.        | 550             | \$1,408.00         |
| 6               | SILT FENCE                                 | \$5.93           | L.F.        | 350             | \$2,075.50         |
| 7               | FURNISH AND SPREAD TOPSOIL TO 6"           | \$4.95           | S.Y.        | 550             | \$2,722.50         |
| 8               | HYDROSEED (Fert. & Mulch)                  | \$0.58           | S.Y.        | 550             | \$319.00           |
| 9               | LANDSCAPING                                | \$4,500.00       | L.S.        | 1               | \$4,500.00         |
|                 | Subtotal:                                  |                  |             |                 | \$34,598.00        |
|                 | <b>SAY</b>                                 |                  |             |                 | <b>\$34,600.00</b> |

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

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

**Project: Durkin Water Company / Drew Realty**  
**120 & 160 Fields Lane**  
**Brewster, New York**

**Done by: MAL**  
**Date: 8/20/2019**  
**Checked By: JMD**  
**Date: 8/20/2019**

Project No.: 0001-0742

| Item No. | Item  | Unit Cost | Unit | Quantity  | Total      |
|----------|---|-----------|------|-----------|------------|
| 1        | EROSION CONTROL BLANKLET                          | \$2.56    | S.Y. | 550       | \$1,408.00 |
| 2        | SILT FENCE  | \$5.93    | L.F. | 350       | \$2,075.50 |
| 3        | FURNISH & SPREAD TOPSOIL TO 6" (Site Restoration) | \$4.95    | S.Y. | 875       | \$4,331.25 |
| 4        | HYDROSEED (Site Restoration)                      | \$0.58    | S.Y. | 875       | \$507.50   |
|          |   |           |      | Subtotal: | \$8,322.25 |

**SAY** **\$8,300.00**