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**TOWN OF SOUTHEAST PLANNING BOARD AGENDA    August 10, 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/89103479322>

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

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**PUBLIC HEARINGS:**

**REGULAR SESSION:**

1. **EUROTECH, 19 Sutton Place, Tax Map ID 78.-2-16.6** – Review of an Application for Final Site Plan Approval and Bond Recommendation to Town Board
2. **HARDSCRABBLE CLUB, 22 Sutton Place, Tax Map ID 78.-2-16.3** – Review of an Application for Site Plan Amendment
3. **BARRETT HILL, 41 Mt. Ebo Road North, Tax Map ID 46.-5-2** – Review of an Application for Final Approval of Site Plan Amendment and Special Permit
4. **TOWN BOARD REFERRAL REGARDING LOCAL LAW TO PERMIT INDOOR SHOOTING RANGES** – Consider and Approve Report and Recommendation to Town Board
5. **ROUTE 22 MASTER PLAN AND ZONING STATUS UPDATE**
6. **APPROVE MEETING MINUTES OF July 13, 2020**
7. **APPROVE MEETING MINUTES OF July 27, 2020**

**Agenda Subject to Change  
July 30, 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/89103479322>

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: [891 0347 9322](https://us02web.zoom.us/j/89103479322)

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

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

INTRODUCED BY: LaPerch DATE: August 10, 2020  
 SECONDED BY: King

**WHEREAS, EUROTECH** as the Applicant/Owner of certain properties located 19 Sutton Place in the OP-1 Zoning District in Town of Southeast and known and designated as Tax Map Number 78.-2-16.6 has submitted an application for Site Plan approval for a proposal to renovate and occupy an existing 53,340 sq. ft. building for General Business to convert the existing building from a Recreation use to a General Business use. The Applicant, a commercial construction company, proposes to utilize the building for office; storage of tools, equipment, building materials, hoists and scaffolding; and workshop for carpentry and metal fabrication. Exterior changes include improvements to an existing gravel access way, and restoration of an existing soccer field to lawn. (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 a Type II Action on or about 4/13/20, indicating that no 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>
Statement of Use, prepared by PW Scott Engineering	1/23/20; 7/17/20
Memorandum to Joe Paravati, Putnam County Health Department	7/13/20
SY1, Site Plan, prepared by PW Scott Engineering	1/23/20; 7/10/20
SY2, Utility & Grading Plan, prepared by PW Scott Engineering	1/23/20; 7/10/20
SY3, Erosion Control, Lighting Plan, Details, prepared by PW Scott Engineering	1/23/20; 7/10/20
SY4, Site Plan Details, prepared by PW Scott Engineering	3/10/20; 7/10/20
SY5, Building & Fence Elevations, prepared by PW Scott Engineering	3/10/20; 7/10/20
A1, Building Exterior Improvements, prepared by PW Scott Engineering	7/10/20

; 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 6/30/20 from the Architectural Review Board recommending approval of the architecture Proposed Action; and

**WHEREAS,** the Planning Board is in receipt of a resolution dated 7/9/20 from the Town Board approving the architecture of the Proposed Action; and

**NOW THEREFORE BE IT RESOLVED,** that pursuant to the authority vested in the Planning Board by Chapter 138, “Zoning,” of the Town Code, the Planning Board hereby grants Final Approval for the Proposed Action, as defined above, subject to the following Conditions identified below. (For purposes of

compliance, these conditions, and any other conditions identified in the environmental review of the Proposed Action, shall be enforceable by the Town of Southeast in accordance with the Town Code of the Town of Southeast).

#### **General Conditions**

1. The Applicant must conform to all the rules, regulations, and ordinances of the Town of Southeast, County of Putnam, and State of New York.
2. The Applicant is hereby bound by any statements offering modifications, improvements, or offerings to the Town of Southeast made by itself or its representatives in relation to approval of the Proposed Project.
3. Prior to issuance of a Building Permit, the applicant will submit to the Planning Board information pertaining to the specific tenant/use and, if necessary, an amended site plan application showing any proposed modifications to the site for the specific tenant/use.
4. Pursuant to §138-85.D , where a proposed use or proposed building or other structure involves the installation, extension, relocation or reconstruction of a sewage disposal or water supply system, no building permit shall be issued until plans for such a system have been approved by the County of Putnam, State of New York, City of New York or any regulatory agency having jurisdiction as required by law. No certificate of occupancy shall be issued until such a system has been completed and approved by such an agency as required by law or until the use or building or structure has been provided with the connections to a previously completed and approved sanitary sewer and public water supply system.
5. The Proposed Action shall be constructed in coordination with the approved site improvements for Eurotech 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 Board. Each of these sets shall be bound, and shall contain a signature box on the Index or Title Page for the Planning Board Chairman's Signature. No Building Permits shall be issued until these plan sets have been submitted to the Planning Board Secretary and signed by the Planning Board Chairman.
8. The Applicants shall submit two (2) sets of as-built plans to the Town of Southeast Building Department and one (1) full size set to the Planning Board after final construction is completed. The as-built plans must show all buildings and site improvements, the impervious surfaces, landscaping, and final design specifications for all stormwater management facilities. The plans must be certified by a professional engineer.

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

1. The Applicant shall post a Performance Bond in an amount determined by the Town Engineer and recommended by the Planning Board for Town Board approval to ensure all site grading, stormwater management, and road improvements will be made in accordance with the approved drawings, Town of Southeast Code and to the satisfaction of the Town Engineer and/or Highway Superintendent. The Performance Bond may also be used to finance necessary work to stabilize the project site should the Applicant abandon the project and the Town is forced to complete necessary improvements. The

establishment of the Performance Bond shall be done in a form acceptable to the Town Counsel. The bond amount will be based upon 2020 construction costs. If the construction is not begun during the calendar year 2020, the Applicant must re-apply to the Planning Board for an adjustment of the bond amount to account for escalation of material and labor costs. Upon such request to the Planning Board, the Planning Board shall make a recommendation to the Town Board and the Town Board shall diligently set a new bond amount in accordance with the recommendation of the Town Engineer. The Performance Bond must be paid prior to the start of any work on the site and/or the filing for a Building Permit. The Southeast Planning Board requests that the Southeast Building Inspector withhold the Certificate of Occupancy until the Planning Board or its duly authorized representative has made an inspection of the subject improvements and determined that the Applicant has complied with all the conditions of this approval.

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

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

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

#### **Construction Activity**

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

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

- a) Performance Bond and Erosion and Sediment (E&S) Control Bond shall be posted with the Town Clerk;
- b) Inspection Fees shall be paid to the Planning Board;
- c) Escrow Account shall be in good standing;
- d) In accordance with item #7 under "General Conditions" above, approved/signed plans shall be on file with the Planning Board and the Building Department; and
- e) The MS4 Acceptance, proof of mailing of Notice of Intent (NOI), and E&S shall be completed and on file with MS4 Administrator.

3. The Town of Southeast Building Inspector or its designee may make periodic inspections to ensure that all site work and site improvements are being made in conformance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall designate a responsible and competent person to be the on-site construction manager who shall be responsible for ensuring the continued compliance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall ensure that all remedial measures are taken within 72 hours of any notification of

deficiencies relating to construction. If appropriate measures are not implemented to the satisfaction of the Town Engineer, a stop work order may be issued by the Town and/or a fine imposed according to Town Code.

4. Should project changes be required that would represent a significant change to the approved plans, the Applicant may be required to seek an amended approval from the Planning Board.

5. The Applicant shall retain the services of a professional engineer and/or a landscape architect (in accordance with the drawings prepared) throughout the construction process who shall periodically observe the construction of all approved improvements, except improvements to Town of Southeast roads and drainage (which shall be inspected by the Town Engineer and/or Highway Superintendent). The Applicant's professional engineer and/or landscape architect shall provide a statement, in writing, that all approved improvements have been constructed substantially as required and approved by the Planning Board or as such requirements have been modified.

6. Prior to commencing any site clearing, grading, or construction activity, the Applicant shall have the boundary of the property staked out by a licensed surveyor.

7. A copy of the completed NOI to comply with the New York State Department of Environmental Conservation (NYSDEC) General Permit for Construction Activity shall be maintained at the on-site construction office.

8. All sediment and erosion control measures or Best Management Practices indicated on the approved plans and/or required for compliance with the NYSDEC General Permit for Construction Activity shall be installed at the commencement of grading activities and shall be inspected on a weekly basis (or following any storm event in excess of one-half inch) to ensure proper function. All construction activities shall adhere to the provisions for sediment and erosion control contained in the NYSDEC's *New York Standards and Specifications for Erosion and Sediment Control*.

9. The design and construction of all proposed water quantity and water quality best management practices shall adhere to the *New York State Stormwater Management Design Manual*.

10. Any drainage improvements that would affect a Town drainage structure or element or any improvements to Town of Southeast roads shall be made in accordance with the Town Road and Drainage Specifications (Chapter A 143 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>yes</u>	J. King, Boardmember	<u>yes</u>
L. Eckardt, Boardmember	<u>yes</u>		

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

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board

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

August 10, 2020

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

RE: **EUROTECH**, 19 Sutton Place, TAX MAP ID 78.-2-16.6

Dear Boardmembers:

At the 2/11/19 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>
EUROTECH	\$ 3,900.00

The Town Engineer's memo is attached for your consideration and includes the estimate for all site improvements, which totals \$29,600.00. Inspection Fees, based on the total cost of site improvements, in the amount of \$1 184.00, 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  
Pw Scott Engineering  
Planning Board File



August 4, 2020

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

Re: Eurotech  
19 Sutton Place  
Bond Estimate  
NLJ #0001-1048

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 \$29,600.

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 \$1,184.

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 \$3,900.

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

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, P.C.

Joseph M. Dillon, P.E.

JMD:jmd

cc: T. Hay, M. Stancati  
M. Levine, S. Coleman  
W. Stephens, Jr. A. Ley  
M. Burdick P.W. Scott

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

OPINION OF PROBABLE CONSTRUCTION COSTS

Project: Eurotech  
 19 Sutton Place  
 Southeast, New York

Done by: JMD  
 Date: 7/31/2020

Project No.: 0001-1048

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	STRUCTURAL FILL	\$36.62	C.Y.	200	\$7,324.00
2	3/4" PROCESSED AGGREGATE BASE	\$59.46	C.Y.	106	\$6,302.76
3	BITUMINOUS CONCRETE	\$102.33	TON	4	\$409.32
4	BITUMINOUS CONC. LIP CURB	\$5.25	L.F.	50	\$262.50
5	FURNISH AND SPREAD TOPSOIL TO 4"	\$5.12	S.Y.	167	\$855.42
6	F. GRADE, FERT, LIME, SEED & MULCH	\$3.99	S.Y.	167	\$666.33
7	SILT FENCE	\$5.00	L.F.	200	\$1,000.00
8	SAFETY FENCE	\$5.50	L.F.	200	\$1,100.00
9	SILT SACK ( Catch Basin Insert - Regular Flow )	\$136.00	EACH	1	\$136.00
10	DUMPSTER ENCLOSURE	\$4,360.00	EACH	1	\$4,360.00
11	CONSTRUCTION ENTRANCE	\$1,254.00	EACH	1	\$1,254.00
12	SAW CUT Existing Bit. Pavement	\$2.45	L.F.	25	\$61.25
13	RETAINING WALL	\$3,444.00	L.S.	1	\$3,444.00
14	REMOVE Existing Concrete Block Retaining Wall	\$84.07	C.Y.	7	\$588.49
15	LANDSCAPING	\$600.00	L.S.	1	\$600.00
16	REMOVE TREE	\$420.00	EACH	3	\$1,260.00
				Subtotal:	\$29,624.07

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

OPINION OF PROBABLE CONSTRUCTION COSTS

Project: Eurotech  
19 Sutton Place  
Southeast, New York

Done by: JMD  
Date: 7/31/2020

Project No.: 0001-1048

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	FURNISH AND SPREAD TOPSOIL TO 4"	\$5.12	S.Y.	167	\$855.42
2	F. GRADE, FERT, LIME, SEED & MULCH	\$3.99	S.Y.	167	\$666.33
3	SILT FENCE	\$5.00	L.F.	200	\$1,000.00
4	SILT SACK ( Catch Basin Insert - Regular Flow )	\$136.00	EACH	1	\$136.00
5	CONSTRUCTION ENTRANCE	\$1,254.00	EACH	1	\$1,254.00
				Subtotal:	\$3,911.75

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

INTRODUCED BY: La Perch                      DATE: August 10, 2020  
SECONDED BY: Rush

**WHEREAS**, an application is being made by **CRR TOP SPIN REALTY CORP aka HARDCRABBLE CLUB** for a Site Plan Amendment on a property located at 22 Sutton Place, in the Town of Southeast, New York; and

**WHEREAS**, the property is identified as Tax Map Number 78.-2-16.3, and is located in the OP-1 Zoning District; and

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

1. Short Environmental Assessment Form (EAF), dated 7/20/20
2. Site Plan, prepared by PW Scott Engineering, dated 7/14/00; last revised by owner
3. Memorandum to Town of southeast Planning Board from Randy Mani, President, Hardscrabble Club, dated 7/16/20

**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>yes</u>	J. King, Boardmember	<u>yes</u>
L. Eckardt, Boardmember	<u>yes</u>		

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

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board



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

August 10, 2020

TO: Architectural Review Board

FROM: Thomas LaPerch, Chairman  
Southeast Planning Board

RE: Hardscrabble Club  
22 Sutton Place  
Tax Map ID 78.-2-16.3

At the regular meeting of the Town of Southeast Planning Board on 8/10/20, 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 8/10/20. 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  
PW Scott Engineering

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

INTRODUCED BY: LaPerch DATE: August 10, 2020  
 SECONDED BY: Rush

**WHEREAS, BARRETT HILL ASSOCIATES LLC, WILDER-BALTER PARTNERS and COVINGTON MANAGEMENT** as the Applicant/Owner of certain properties located at Mt. Ebo Lot 6, Mt. Ebo Road North in the Multi-Family Workforce Housing District (MFWH) in Town of Southeast and known and designated as Tax Map Number 45.-5-2 has submitted an application for Site Plan approval for the proposed Barrett Hill development which consists of 168 multi-family housing units (64 1-bedroom and 104 2-bedroom apartments), including 17 affordable units, a clubhouse with pool, and associated parking (the “Proposed Project”); and,

**WHEREAS,** the Town of Southeast Town 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 September 8, 2016, indicating that no environmental impact would exist; and

**WHEREAS,** the Town of Southeast Town Board, considering new information related to changes in background conditions, affirmed the Negative Declaration on or about July 23, 2020, 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:

<b>Drawing No. &amp; Title; submitted by</b>	<b>Original Date; Last Revised</b>
Statement of Use	August 29, 2019
L-1 Cover; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-1A Existing Conditions; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-1B Demolition Plan; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-2 Overall Site Plan; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-3 Grading Plan; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-4 Planting Plan; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-4.1 Planting List & Details; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-5 Details; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-5.1 Details; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-6.1 Erosion & Sediment Control Plan; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-6.2.1 Erosion & Sediment Control Plan; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-6.2.2 Erosion & Sediment Control Plan; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-6.2A.1 Erosion & Sediment Control Plan; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-6.2A.2 Erosion & Sediment Control Plan; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-6.3 Erosion & Sediment Control Plan; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-6.3A Erosion & Sediment Control Plan; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019

<b>Drawing No. &amp; Title; submitted by</b>	<b>Original Date; Last Revised</b>
L-6.4 Erosion & Sediment Control Plan; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-6.5 Erosion & Sediment Control Plan; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-7 Erosion Control Details; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-7.1 Erosion Control Details; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-8 Erosion Control Notes; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-8.1 Inspection and Maintenance Notes; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-9 Layout Plan; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-10 Materials Plan; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
L-11 E911 PLAN; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
XC-1 Existing Conditions Plan; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
UP-1 Utilities Site Plan; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
DP-1 Drainage Profiles; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
DP-2 Drainage Profiles; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
DP-3 Drainage Profiles; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
D-1 Drainage Details; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
D-2 Drainage Details; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
D-3 Drainage Details; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
D-4 Drainage Details; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
WP-1 Water System Profiles; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
SP-1 Sewer System Profiles; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
SD-1 Sewer System Details; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
WD-1 Water System Details; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
LGT-1 Lighting Plan - Sheet 1 of 2; LADA, PC and Bibbo Associates LLP	4/28/2017; 8/16/2019
Letter from Nathan L. Jacobson and Associates, Inc.	8/4/2020
Concept Design [Building Type 1: Front Elevation]; L&M Design LLC	5/19/2017
Concept Design [Building Type 1: Rear Elevation]; L&M Design LLC	5/19/2017
Concept Design [Exhibit 1]; L&M Design LLC	5/1/2017
Concept Design [Exhibit 2]; L&M Design LLC	5/1/2017
Concept Design [Exhibit 3]; L&M Design LLC	5/1/2017
Concept Design [Exhibit 4]; L&M Design LLC	5/1/2017
Concept Design [Exhibit 5]; L&M Design LLC	5/1/2017
Concept Design [Exhibit 6]; L&M Design LLC	5/1/2017
Concept Design [Exhibit 7]; L&M Design LLC	5/1/2017
Concept Design [Exhibit 8]; L&M Design LLC	5/1/2017
Concept Design [Exhibit 9]; L&M Design LLC	5/1/2017
Concept Design [Club: Front Elevation]; L&M Design LLC	5/19/2017
Concept Design [Club: Rear Elevation]; L&M Design LLC	5/19/2017
Concept Design [Exhibit 10]; L&M Design LLC	5/19/2017
Memorandums from AKRF	4/6/2017, 5/18/2017, 6/23/2017, 8/11/2017, 8/22/2017; 10/18/2017; and 10/11/2019
Letter from Nathan L. Jacobson and Associates, Inc.	8/4/2020

; 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 held a public hearing on the Proposed Project on May 22, 2017, June 26, 2017, August 14, 2017, and September 11, 2017; and,

**WHEREAS**, there is a wetland to the east of the property on lands of the Mount Ebo Water Works and a small portion of this wetland extends into the Project Site, however no wetland or wetland buffer area would be disturbed as part of the Proposed Project; and,

**WHEREAS**, the Proposed Project will be serviced by the Mount Ebo water supply system and wastewater treatment plant; and

**WHEREAS**, approvals have been granted from New York City Department of Environmental Protection (NYCDEP) and Putnam County Department of Health (PCDOH) for the wastewater collection system, and from PCDOH for the connection to the water supply system; and

**WHEREAS**, New York American Water Company is the supplier of potable water for the project and a new well was developed by New York American Water Company and Barrett Hill Associates, LLC to be integrated into the Mount Ebo Water system. The Applicant and New York American Water demonstrated in a letter from WSP hydrogeologist Stacy Stieber, CPG, PG (NY) dated June 3, 2020 that with the improvements to the existing water system and establishment of new wells, sufficient water is available to serve the Proposed Project, and that no significant adverse impacts to aquifers or surface water resources would result from the operation of the Proposed Project; and

**WHEREAS**, the Planning Board is in receipt of a referral dated August 29, 2017 from the Architectural Review Board recommending approval of the architecture Proposed Project; and

**WHEREAS**, the Planning Board is in receipt of a resolution dated September 7, 2017 from the Town Board approving the architecture of the Proposed Project; and

**WHEREAS**, the Planning Board is in receipt of a resolution dated July 23, 2020 from the Town Board approving the Special Permit for the Proposed Project; 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 Site Plan Approval for the Proposed Project, 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 Project, 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 Project shall be constructed in coordination with the approved site improvements for the Barrett Hill 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 Project 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.
5. As specified in the resolution of the Town Board granting the Special Permit dated July 23, 2020, the Applicant shall be responsible for the following recreation fees and facilities to meet the needs of the Proposed Project:
  - a. The Applicant shall make cash payment to the Town per unit as per the AKRF memorandum dated August 22, 2017, payable at the time of building permit issuance on a per unit/building basis. Such payments when made shall be deposited in the Town's Recreation reserve Fund and be utilized by the Town exclusively for park, playground or other recreational purposes, and totals \$263,796.
  - b. The Applicant shall donate and install the replacement of the Castle Park Play – Structure deemed in need of replacement, estimated to be in the range of \$100,000. Notwithstanding the 2017 estimate of a \$100,000 installed value, Barrett Hill will purchase and install the play equipment at its sole cost and expense even if actual cost exceeds \$100,000.
  - c. Land owned by Longridge Associates (which is controlled by Barrett Hill's principal) of 46.28± acres of land adjacent and contiguous to Tonetta Lake Park identified on the tax map as Tax Map # 56-1-41 shall be offered as a donation to the Town.
  - d. The actions outlined in paragraphs "b" and "c" above shall occur within one hundred fifty (150) days of the filing with the Town Clerk of the resolutions granting Final Site Plan approval from the Planning Board.

#### **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

yes

D. Rush, Vice Chairman

yes

D. Armstrong, Boardmember

absent

E. Cyprus, Boardmember

yes

M. Hecht, Boardmember

yes

J. King, Boardmember

yes

L. Eckardt, Boardmember

no

The resolution was passed by a vote of 5 to 1, with 1 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board



## **Town of Southeast**

### **Planning Board**

One Main Street

Brewster, NY 10509

August 10, 2020

Tony Hay, Supervisor  
Town Board  
1360 Route 22  
Brewster, NY 10509

Re: Town of Southeast Local Law to Permit Indoor Shooting Ranges

Dear Supervisor Hay,

The Planning Board has reviewed the proposed Local Law to permit indoor shooting ranges and issues this report and recommendation pursuant to Section 138-92 of the Town Code. The majority of the Planning Board members recommend adding an indoor shooting range as a Special Permit use within the Zoning districts specified in the draft Local Law.

The majority of the Planning Board members who voted recommended that the Local Law be revised to include the following noise mitigation provisions for indoor shooting ranges:

1. No indoor shooting range shall be permitted or operated in such a manner which causes the exterior noise level to exceed the ambient noise level by more than five (5) decibels during daytime hours nor more than three (3) decibels during nighttime hours. The indoor shooting range shall be designed, engineered, and constructed to ensure compliance with this section:
  - a. Ambient noise measurements shall be taken within 5 feet of the exterior wall of the proposed indoor shooting range.
  - b. All soundproofing shall comply with accepted industry standards. Adequate noise baffling or buffering shall be installed to prevent injury to the hearing of unprotected persons outside of the area where firearms are being discharged, and to prevent disturbance to adjacent businesses, residences, and other sensitive uses surrounding the shooting range.
  - c. Applications for indoor shooting ranges shall be required to submit a certified report from a licensed sound engineer that demonstrates compliance with this section. Prior to the issuance of a Certificate of Occupancy, the Applicant shall

be required to submit sound readings to the Town Building Inspector that demonstrate the effectiveness of the installed noise baffling or buffering. No Certificate of Occupancy shall be issued until the noise levels are compliant with the certified report.

2. The indoor shooting range shall be located in a stand-alone building.

Thank you for your consideration of these recommendations to the proposed Local Law.

Sincerely,

  
Thomas LaPerch, Chairman  
Town of Southeast Planning Board

COPY TO:

Michele Stancati, Town Clerk  
Willis Stephens, Town Attorney