
TOWN OF SOUTHEAST PLANNING BOARD AGENDA

February 13, 2017

CIVIC CENTER, 1360 Route 22

7:30 p.m.

PUBLIC HEARINGS:

REGULAR SESSION:

- 1 EMPIRE STATE LANDSCAPING, 2525 Carmel Avenue** – Review of Application for Conditional Use Permit
- 2 TURK HILL LOT 8, 10 Tea House Lane** – Review of Application for Final Wetland Permit Approval
- 3 BREWSTER FORD, 1024 Route 22** – Review of Application for Final Site Plan Approval
- 4 NYSEG DINGLE RIDGE SUBSTATION, 21 Branch Road** – Continued review of Application for Lot Line Adjustment
- 5 BREWSTER CENTRAL SCHOOL DISTRICT PRESENTATION** by Superintendent of Schools Valerie Henning-Piedmonte, Ed.D.

Approve Meeting Minutes from January 30, 2017

February 10, 2017

VAD

Agenda Subject to Change

**TOWN OF SOUTHEAST, NY
RESOLUTION
WETLAND PERMIT APPROVAL**

INTRODUCED BY: LaPerch
SECONDED BY: Wissel

DATE: February 13, 2017

WHEREAS, TURK HILL PARTNERS as the Applicant/Owner of certain properties located at **LOT 8**, 10 Tea House Lane in the R-60 Zoning District in Town of Southeast and known and designated as Tax Map Number 67.16-1-24 has submitted an application for a Wetland Permit to construct a single-family dwelling and septic within the Town of Southeast wetland buffer area where the proposed well and driveway are outside of the wetland buffer (“Proposed Action”); and,

WHEREAS, the Town of Southeast Wetlands Consultant issued a report and recommendation dated 1/27/17 in connection with the Proposed Action, as depicted on drawings dated 1/23/17 and prepared by Insite Engineering; and

WHEREAS, the Town of Southeast Planning Board, acting as Lead Agency for the purposes of the State Environmental Quality Review Act (SEQRA), and conducting a coordinated environmental review, issued a Negative Declaration on or about 1/9/17, indicating that no negative environmental impact would exist; and

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 1/27/17 (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 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>
P. Wissel, Boardmember	<u>yes</u>	D. Armstrong, Boardmember	<u>yes</u>
E. Cyprus, Boardmember	<u>yes</u>	M. Hecht, Boardmember	<u>yes</u>
E. Larca, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 7 to 0, with 0 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

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

INTRODUCED BY: LaPerch DATE: February 13, 2017
 SECONDED BY: Rush

WHEREAS, BREWSTER FORD as the Applicant/Owner of certain properties located 1024 Route 22 in the NB Zoning District in Town of Southeast and known and designated as Tax Map Number 68.5-2-32 has submitted an application for Site Plan and Conditional Use Permit approval to construct several additions to the existing Brewster Ford motor vehicle dealership, as well as associated changes to the parking area, outside storage area, lighting, and landscaping (the "Proposed Project");

WHEREAS, the Proposed Project requires a Special Permit from the Town Board for a Motor Vehicle Dealership use, and the proposed outside storage requires a Conditional Use Permit from the Planning Board;

WHEREAS, the existing building and parking are pre-existing non-conforming, the existing building encroaches on the front and side yard setbacks; the existing parking area utilizes a portion of the NYSDOT ROW along NYS Route 22 for the storage of vehicles, as such, the existing front and side parking setbacks are pre-existing non-conforming; and the total lot coverage exceeds the maximum coverage permitted in the NB district;

WHEREAS, the proposed additions consist of a 1,106 square foot 2 story addition facing NYS Route 22, a 796 square foot 2-bay service addition on the northwest side of the existing building, and a 602 square foot storage addition on the southwest side of the existing building;

WHEREAS, the applicant also proposes to remove the existing building entrance along NYS Route 22 and to construct new entrance pillars. The existing building façade would also be updated. Minor changes to the parking area, including the legalization of site work already initiated, is also proposed;

WHEREAS, the Town of Southeast Planning Board, acting as Lead Agency for the purposes of the State Environmental Quality Review Act (SEQRA), and conducting a coordinated environmental review, issued a Negative Declaration on or about 2/8/16, indicating that no negative environmental impact would exist;

WHEREAS, the Town of Southeast Planning Board (the "Planning Board") has thoroughly reviewed the application and the following documents and plans, as well as memos from its consultants:

Drawing No. & Title; submitted by	Original Date; Last Revised
Memorandum to Chairman LaPerch from Insite Engineering	1/4/17
Memorandum to John Watson of Insite Engineering from Putnam County Department of Health	10/5/16
Statement of Use, prepared by Insite Engineering	11/24/15
A-601, Brewster Ford Sales, Proposed Front Exterior Elevation, prepared by Ford Land Dealership Facility Design	6/11/13
A-602, Brewster Ford Sales, Proposed Exterior Elevations, prepared by Ford Land Dealership Facility Design	6/11/13
A-603, Brewster Ford Sales, Proposed Exterior Rendering, prepared by Ford Land Dealership Facility Design	6/11/13
L-1, Brewster-Meadowland Capitol LP, Architectural Site Plan, prepared by Nehring & Associates Architecture	9/8/14; 12/8/14
SK-1, Brewster-Meadowland Capitol LP, Proposed Foundation Plan,	9/8/14; 12/8/14

Drawing No. & Title; submitted by	Original Date; Last Revised
prepared by Nehring & Associates Architecture	
SK-2, Brewster-Meadowland Capitol LP, Proposed First Floor Plan, prepared by Nehring & Associates Architecture	9/8/14; 12/8/14
SK-3, Brewster-Meadowland Capitol LP, Proposed Second Floor Plan, prepared by Nehring & Associates Architecture, dated 9/8/14	9/8/14; 12/8/14
SK-4, Brewster-Meadowland Capitol LP, Proposed Roof Plan, prepared by Nehring & Associates Architecture	9/8/14; 12/8/14
SK-5, Brewster-Meadowland Capitol LP, Proposed Front & Side Elevation, prepared by Nehring & Associates Architecture	9/8/14; 12/8/14
Memorandum to ARB Chairman Goudey from Nehring & Associates re: color palette, materials list and renderings.	4/27/16
ASP-1, Brewster Ford Building Addition Amended Site Plan, Layout and Landscaping Plan, prepared by Insite Engineering	10/19/15; 2/6/17
ASP-2, Grading Utilities and Erosion & Sediment Control Plan, prepared by Insite Engineering	10/19/15; 2/6/17
LP-1, Lighting Plan, prepared by Insite Engineering	10/19/15; 2/6/17
D-1, Details & Notes, prepared by Insite Engineering	10/19/15; 2/6/17
D-2, Details & Notes, prepared by Insite Engineering	10/19/15; 2/6/17
VM-1, Vehicle Maneuvering Plan, prepared by Insite Engineering	6/27/16; 8/10/16
TM-1, Truck Maneuvering Plan, prepared by Insite Engineering	11/25/15
ERW-1, Existing Retaining Wall Section, prepared by Insite Engineering	1/29/16
ERW-2, Existing Retaining Wall Photos, prepared by Insite Engineering	1/30/16
ERW-3, Existing Retaining Wall Photos, prepared by Insite Engineering	1/30/16
ERW-4, Existing Retaining Wall Photos, prepared by Insite Engineering	1/30/16
Memorandum to NYS Department of Transportation with Attachments re: Entrance Plan, prepared by Insite Engineering	1/19/17
Memorandum to Chairman LaPerch from NYC Department of Environmental Protection	10/22/15
Memorandum to Chairman LaPerch from NYS Department of Environmental Conservation	10/13/15

; 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 report dated 4/19/16 from the Zoning Board of Appeals approving the variances required for the Proposed Project; and

WHEREAS, the Planning Board is in receipt of a referral dated 5/3/16 from the Architectural Review Board recommending approval of the architecture Proposed Project; and

WHEREAS, the Planning Board is in receipt of a resolution dated 5/19/16 from the Town Board approving the architecture of the Proposed Project; and

WHEREAS, the Planning Board is in receipt of a resolution dated 4/21/16 from the Town Board approving the Special Permit for a Motor Vehicle Dealership for the Proposed Project; and

WHEREAS, subject to NYSDOT approval, the Planning Board shall require the installation of a guiderail, or similar physical barrier to prevent the display or storage of vehicles from further entering the NYSDOT right-of-way; and

WHEREAS, the Applicant is directed to include the Town of Southeast Planning Board on all correspondence with the NYSDOT regarding the installation of a guiderail, or similar physical barrier; and

WHEREAS, should NYSDOT not approve the guiderail or similar physical barrier, additional hardy landscaping shall be required in lieu of the guiderail in this location; 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 Brewster Ford 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. Notwithstanding this condition, should NYSDOT not approve the above referenced guiderail or similar physical barrier, additional hardy landscaping of similar size and species previously approved by the Architectural Review Board shall be required in lieu of the guiderail in this location.
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 2017 construction costs. If the construction is not begun during the calendar year 2017, the Applicant must re-apply to the Planning Board for an adjustment of the bond amount to account for escalation of material and labor costs. Upon such request to the Planning Board, the Planning Board shall make a recommendation to the Town Board and the Town Board shall diligently set a new bond amount in accordance with the recommendation of the Town Engineer. The Performance Bond must be paid prior to the start of any work on the site and/or the filing for a Building Permit. The Southeast Planning Board requests that the Southeast Building Inspector withhold the Certificate of Occupancy until the Planning Board or its duly authorized representative has made an inspection of the subject improvements and determined that the Applicant has complied with all the conditions of this approval.

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

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

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

Construction Activity

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

2. The Town shall require a pre-construction conference between the Town Engineer and Town Highway Superintendent and the owner or owner's representative, general contractor and on-site engineer to review construction phasing plans, inspections schedules, and requirements for complying with all

regulations and conditions of this approval prior to commencing construction. The following items shall be completed by the Applicant prior to scheduling a pre-construction conference:

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

3. The Town of Southeast Building Inspector or its designee may make periodic inspections to ensure that all site work and site improvements are being made in conformance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall designate a responsible and competent person to be the on-site construction manager who shall be responsible for ensuring the continued compliance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall ensure that all remedial measures are taken within 72 hours of any notification of deficiencies relating to construction. If appropriate measures are not implemented to the satisfaction of the Town Engineer, a stop work order may be issued by the Town and/or a fine imposed according to Town Code.

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

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

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

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

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

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

10. Any drainage improvements that would affect a Town drainage structure or element or any improvements to Town of Southeast roads shall be made in accordance with the Town Road and Drainage Specifications (Chapter A143 of the Town Code) and shall be made under the direction and supervision of the Highway Superintendent.

11. The Town Highway Superintendent must be notified a minimum of 72 hours in advance of any construction activity affecting the Town drainage system or any Town Road except where emergency

repairs are required, in which case the Highway Superintendent must be notified as soon as possible after the affected area has been stabilized.

12. Existing trees, understory vegetation, and ground cover along all property lines shall remain undisturbed to the maximum extent practicable throughout the duration of construction. Should any disturbance be required to construct approved improvements, the area shall be replanted with comparable vegetation as soon as is practicable following completion of construction activity in that area.

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

14. The NYSDEC has determined in a letter dated 10/13/15 that the Project Site is located within or near record(s) of northern long-eared bats (*Myotis septentrionalis*), a species listed as threatened in New York State. To avoid impacts to the this species and the requirements of an Article 11, Title 5, Section 535 of the Environmental Conservation Law, Threatened and Endangered Species, an Article 11 "Take" Permit, the removal of any trees greater than 4-inches diameter at breast height (DBH) associated with this Project shall occur during the Northern Long-eared Bat's hibernation period. This period begins October 31 and ends March 31 (of any given year). If tree cutting cannot occur during the above time frames, the applicant shall contact the NYSDEC to determine if a Take Permit is required and shall copy the Town of Southeast Building Inspector and Planning Board Secretary on all correspondence.

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.

5. Additional landscaping shall be added to the entrance on Argonne Road.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board, pursuant to Article IX § 138-46.L, and the general and special conditions of Article X, hereby grants Conditional Use Permit approval for the outside storage of automobiles as an accessory use, subject to the following conditions:

1. The total area of outside storage shall not exceed 19% of the lot area, as granted by variance by the Zoning Board of Appeals.

2. Outside storage areas shall be clearly delineated, as indicated on ASP-1 Layout and Landscape Plan, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated 10/19/2015 and last revised 2/6/2017.

3. Subject to NYSDOT approval, a guiderail or similar physical barrier shall be installed to prevent the display or storage of vehicles from further entering the NYSDOT right-of-way. Should NYSDOT not approve the guiderail or similar physical barrier, additional hardy landscaping shall be required in lieu of the guiderail in this location. The landscaping shall be of a similar size, species, and quality to that previously approved by the Architecture Review Board.

4. The Code Enforcement Officer shall have right of entry for inspection, with reasonable notice, to determine compliance with the conditions of this permit.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman

yes
yes
yes
yes

D. Rush, Vice Chairman

yes
yes
yes

P. Wissel, Boardmember

D. Armstrong, Boardmember

E. Cyprus, Boardmember

M. Hecht, Boardmember

E. Larca, Boardmember

The resolution was passed by a vote of 7 to 0, with 1 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

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

INTRODUCED BY: T. LaPerch

DATE: February 13, 2017

SECONDED BY: Cyprus

WHEREAS, the Planning Board of the Town of Southeast is in receipt of an application for a subdivision, and other supporting documents for a project entitled **NYSEG DINGLE RIDGE SUBSTATION**; and

WHEREAS, the proposed project is located at 17 and 21 Branch Road in the SR-6 Zoning District in the Town of Southeast and identified as Tax Map IDs 68.-2-9 and 68.-2-8; and

WHEREAS, the applicants propose a Lot Line Adjustment to transfer 0.208 acres from 68.-2-8 to 68.-2-9 where no improvements are proposed at this time; and

WHEREAS, the Planning Board declared its Intent to be Lead Agency for the project on 12/12/16; and

WHEREAS, pursuant to §617.6(b)(3) of the State Environmental Quality Review Act (SEQRA), the aforementioned information was mailed to all involved agencies, notifying them that a Lead Agency must be agreed upon within thirty (30) days of the date that the aforementioned information was mailed, and

NOW, THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Southeast will serve as Lead Agency for purposes of SEQRA for this Unlisted and Coordinated Action.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman yes
P. Wissel, Boardmember yes
E. Cyprus, Boardmember yes
E. Larca, Boardmember yes

D. Rush, Vice Chairman yes
D. Armstrong, Boardmember yes
M. Hecht, Boardmember yes

The resolution was passed by a vote of 7 to 0, with 0 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

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

Date: February 13, 2017

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: NYSEG DINGLE RIDGE SUBSTATION LOT LINE ADJUSTMENT

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

Lot line adjustment to transfer 0.208 acres from 68.-2-8 to 68.-2-9. No improvements are proposed at this time.

Location:

17 & 21 Branch Road, Tax Map IDs 68.-2-9 & 68.-2-8

Reasons Supporting This Determination:

The following materials have been reviewed:

- Memorandum to Planning Board Secretary Desidero from LaBella Associates, DPC, dated 1/16/17
- Dingle Ridge Substation Expansion Lot Line Adjustment Aerial, undated
- Boundary Survey Land Acquisition & Right of Way, prepared by Keystone Associates Architects, Engineers and Surveyors, LLC, dated 8/12/16
- Project Narrative, prepared by LaBella Associates, DPC, undated
- Surveyor' Descriptions, prepared by Keystone Associates Architects, Engineers and Surveyors, LLC, undated
- Memorandum to Chairman LaPerch from NYC Department of Environmental Protection, dated 1/6/17

WHEREAS, on 12/12/16, 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 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 1 Geneva Road Brewster, New York 10509	Town Clerk 1360 Route 22 Brewster, NY 10509

SEQR Unit New York State Department of Transportation Traffic Engineering & Safety Division 4 Burnett Blvd. Poughkeepsie, NY 12603	Putnam County Highways & Facilities 842 Fair Street Carmel New York 10512
New York State Department of Environmental Conservation 625 Broadway Albany, NY 12233 ATTN: Commissioner	New York State Department of Environmental Conservation Region 3 21 South Putt Corners New Paltz, NY 12561 ATTN: Regional Director
New York City Department of Environmental Protection Bureau of Water Supply 465 Columbus Avenue Valhalla, New York 10595-1336	Putnam County Department of Planning/Development & Public Transportation Putnam County Transit Facility 841 Fair Street Carmel, New York 10512

UPON ROLL CALL VOTE:

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
P. Wissel, Boardmember	<u>yes</u>	D. Armstrong, Boardmember	<u>yes</u>
E. Cyprus, Boardmember	<u>yes</u>	M. Hecht, Boardmember	<u>yes</u>
E. Larca, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 7 to 0, with 0 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board