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**TOWN OF SOUTHEAST PLANNING BOARD AGENDA**

**September 25, 2017**

**CIVIC CENTER, 1360 Route 22**

**7:30 p.m.**

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**PUBLIC HEARINGS:**

**REGULAR SESSION:**

- 1. TOBACCO & SONS LANDSCAPING, 201 Foggintown Road, Tax Map ID 46.6-1-1** – Review of an Application for a Conditional Use Permit
- 2. FARM TO MARKET ROAD SUBDIVISION, 83 & 85 Farm to Market Road., Tax Map ID 45.-2-22** – Review of a Request for an Extension of Subdivision Approval
- 3. ACE ENDICO, 80, 81 & 71 International Blvd., Tax Map IDs 45.-1-29, 45.-1-31.2 & 45.-1-31.3** – Continued Review of Application for Site Plan Amendment, Lot Merger, Wetland Permit and Conditional Use Permit

**Approve Meeting Minutes from September 11, 2017**

**September 21, 2017**

**VAD**

**Agenda Subject to Change**

**TOWN OF SOUTHEAST, NY  
PLANNING BOARD RESOLUTION  
SEQRA CLASSIFICATION  
TOWN OF SOUTHEAST MINOR PROJECT**

INTRODUCED BY: LaPerch                      DATE: September 25, 2017  
 SECONDED BY: Wissel

**WHEREAS**, an application is being made by **TOBACCO & SONS LANDSCAPING, INC.**, for a Conditional Use Permit to operate a home based occupation (landscaping business) out of an existing home and barn, where no new structures are proposed, on a property located at 201 Foggintown Road, in the Town of Southeast, New York; and

**WHEREAS**, the property is identified as Tax Map Number 46.6-1-31, and is located in the R-60 Zoning District; and

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

1. Short Environmental Assessment Form (EAF), prepared by Tobacco & Sons Landscaping, Inc., dated 8/24/17
2. Statement of Use, prepared by Tobacco & Sons Landscaping, Inc., dated 8/24/17
3. Survey for Susan and Anthony Tobacco, prepared by Terry Bergendorff Collins, dated 5/15/14

**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)(7) finds that the Proposed Action is a Type II Action under SEQRA, and Minor Project as defined in §138-4 of the Code of the Town of Southeast, and no further environmental review is required.

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>absent</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 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

September 26, 2017

Zoning Board of Appeals  
1 Main Street  
Brewster, NY 10509

RE: TOBACCO & SONS LANDSCAPING, INC., 201 Foggintown Road, TAX ID 46.6-1-31

Dear Boardmembers:

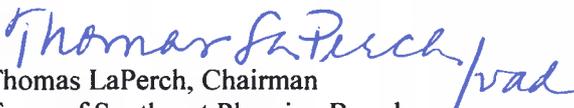
At the 9/25/17 regular meeting of the Town of Southeast Planning Board a motion was made to refer the above referenced application to your Board for the following:

1. Area variance to permit the "Home Occupation" landscaping business to be located in an accessory structure (the detached barn).
2. A variance for the number of commercial vehicles permitted to be parked outside overnight on the site where 1 commercial vehicle is permitted and 1 dump truck, 1 backhoe loader, 1 pick-up truck, and 1 equipment trailer are proposed (see §138 Attachment 3, Town of Southeast, Table of General Use Requirements Residential Zoning Districts).

It is noted that the ZBA may determine that the trailer and backhoe loader are "equipment" as opposed to "commercial vehicles". In which case, the outside storage of these items would be permitted as an accessory use to the Home Occupation subject to Planning Board approval.

A copy of the Town Planner's memorandum is attached for your information.

Sincerely,

  
Thomas LaPerch, Chairman  
Town of Southeast Planning Board

Attachment

cc: Town Attorney  
Town Clerk  
Susan & Anthony Tobacco  
Planning Board File  
Zoning Board of Appeals File



**Environmental, Planning, and Engineering Consultants**

34 South Broadway  
Suite 401  
White Plains, NY 10601  
tel: 914 949-7336  
fax: 914 949-7559  
[www.akrf.com](http://www.akrf.com)

## Memorandum

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**To:** Town of Southeast Planning Board  
**From:** Ashley Ley, AICP  
**Date:** September 22, 2017  
**Re:** Tobacco and Sons Landscaping  
**cc:** Susan Tobacco

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AKRF, Inc. has reviewed the following documents and plans for the above referenced application

1. Application for Conditional Use Permit, prepared by Susan Tobacco, dated 8/23/17
2. Statement of Use
3. Survey of Property, prepared by Terry Bergendorff Collins, dated 5/15/14
4. Short EAF

### PROJECT DESCRIPTION

The applicant proposes to utilize the existing single family home and detached barn of a residence located at 201 Foggintown Rd in the R-60 Zoning District of the Town of Southeast to operate a landscaping business. The Applicant has indicated that the barn is used to store equipment, but that no materials are stored on site. The Applicant has also indicated that they have a separate off-site location where larger equipment is stored. The Applicant is seeking a Conditional Use Permit from the Planning Board to operate their landscaping business as a "Home Occupation."

### COMMENTS

1. The Town of Southeast Code (§138-4) defines a "Home Occupation" as a "customary personal service occupation...*conducted principally by members of the resident family and in the main building only...*" As such, an area variance from the ZBA will be required to permit the landscaping business to be located in an accessory structure (the detached barn).
2. The existing parking and driveway should be shown on the survey.
3. The Applicant has indicated that 3 trucks and 2 trailers may be parked on the property. However, §138 Attachment 3, Town of Southeast, Table of General Use Requirements Residential Zoning Districts limits the number of trucks that can be parked on a residential property as follows:

*The parking of not more than 1 commercial vehicle in a residential zone. Such vehicle shall not exceed 10,000 pounds as indicated on a valid state registration, nor shall such vehicle be more than 25 feet in length. Any commercial vehicle other than this one exception shall be parked in a*

*garage. There shall be no parking of commercial vehicles in a residential zone other than described herein between the hours of 11:00 p.m. and 6:00 a.m., 7 days a week.*

Therefore, only one of the trucks may be parked outside overnight on-site. The other truck must either be in the barn, or must be relocated. The trailers should also be parked in the barn overnight. If additional overnight parking is required, the Applicant will need to seek a variance from this code provision.

4. As a condition of approval, the Planning Board may consider:
  - a. A limit on the number of trucks accessing the site;
  - b. A limit on the hours of operation;
  - c. A prohibition on the delivery of landscaping materials or supplies (other than for use on-site) to the site; and
  - d. A prohibition of outside storage.

#### **RECOMMENDED ACTIONS**

At the 9/25/17 Planning Board meeting, AKRF recommends that the Planning Board classify the project as a Type II Action under SEQRA and a Town of Southeast "minor project," consider setting the public hearing, and refer the application to the ZBA.

**TOWN OF SOUTHEAST  
RESOLUTION GRANTING EXTENSION OF TIME IN WHICH TO SATISFY THE  
CONDITIONS OF CONDITIONAL FINAL PLAT APPROVAL**

INTRODUCED BY: LaPerch

DATE: September 25, 2017

SECONDED BY: Cyprus

WHEREAS, the Planning Board of the Town of Southeast previously granted conditional approval of the Final Plat by resolution dated 5/9/16, and two 90-day extensions of the conditional approval by resolution dated 10/24/16, and two 90-day extensions of the conditional approval by resolution dated 4/10/17 for a certain Project Development Plan known as **FARM TO MARKET ROAD SUBDIVISION**, located at 83 & 85 Farm to Market Road in the R-160 Zone, also known and designated as Tax Map Numbers 45.-2-21 and 45.-2-22, and;

WHEREAS, pursuant to Section 123-13.G(2) of the Code of the Town of Southeast, conditional approval of the final plat shall expire within 180 days of the resolution granting such approval, provided that the Planning Board may extend the approval by twelve periods of 90 days each if in the Planning Board's opinion such extension is warranted; and

WHEREAS, the Planning Board is in receipt of a letter from the owner or their representative requesting an extension of time in which to satisfy the conditions of the conditional final plat approval; and

WHEREAS, the applicant has demonstrated that it has been diligently pursuing the conditions of final approval; and

**NOW THEREFORE BE IT RESOLVED**, that the Planning Board of the Town of Southeast hereby grants the applicant two 90 day extensions of time, commencing on 11/9/17, in which to satisfy the conditions of the conditional final plat approval. The applicant shall be eligible for six (6) more 90-day extensions per Section 123-13.G(2).

**It is the responsibility of the applicant to track the time frame within which this extension will expire. There will be no written or verbal notification to the applicant from the Planning Board office prior to the expiration of this extension.**

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>absent</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 6 to 0, with 1 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board

**TOWN OF SOUTHEAST, NY  
RESOLUTION  
SITE PLAN, CONDITIONAL USE PERMIT, LOT LINE MERGER,  
AND WETLAND PERMIT APPROVAL**

INTRODUCED BY: LaPerch DATE: September 25, 2017  
 SECONDED BY: Armstrong

**WHEREAS, ACE ENDICO** as the Applicant/Owner of certain properties located 80, 81 & 71 International Blvd. in the OP-2 Zoning District in Town of Southeast and known and designated as Tax Map Numbers 45.-1-29, 45.-1-31.2 and 45.-1-31.3 has submitted an application for Site Plan, Conditional Use Permit, Lot Line Merger, and Wetland Permit to permit the phased expansion of the Ace Endico Campus (the “Proposed Project”); and,

**WHEREAS,** Ace Endico is a light manufacturing and warehouse use with accessory retail which has been operating on lot 45.-1-29 (“Lot 1”); and,

**WHEREAS,** the Proposed Project would merge lots 45.-1-31.2 and 45.-1-31.3 (formerly known as Terravest Lots 3 and 4), which will now be known as “Lot 3”; and,

**WHEREAS,** the Proposed Project would permit the installation of a new parking area, crosswalk, sidewalk, landscaping, and lighting to connect Lot 1 with Lot 3; and,

**WHEREAS,** no physical changes are proposed to the buildings approved as part of the former Terravest application, except that these buildings would be constructed at a later phase of the Ace Endico Campus build-out; and,

**WHEREAS,** minor wetland buffer disturbance is required to connect the proposed parking area on Lot 3 to the existing stormwater management system that was substantially constructed as part of the Terravest application; 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 7/10/17, indicating that no negative 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>
Memorandum to Chairman LaPerch from LADA, P.C.	9/15/17
Ace Endico Campus, Analysis of Existing Built Water Quality Basins, prepared by LADA, P.C.	9/15/17
Ace Endico Campus, Analysis of Existing Built Water Quality Basins, Sheets 1 - 5, prepared by LADA, P.C.	9/15/17
T2-C1.1, Utility Plan, Terravest Corp., prepared by LADA, P.C.	2/18/00; 3/5/04
Partial Topographic Survey prepared for Ace Endico Corp., Lots 1, 3 & 4 by Terry Bergendorff Collins	5/31/17
T2-L3.1, Planting Plan, Terravest Corp., prepared by LADA, P.C.	2/18/00; 10/8/03
Memorandum to Chairman LaPerch from LADA, P.C.	8/10/17
Ace Endico Campus, Construction Schedule, prepared by LADA, P.C.	12/28/16; 8/10/17
Ace Endico Campus, Zoning Analysis, prepared by LADA, P.C.	6/19/17; 8/10/17

Drawing No. & Title; submitted by	Original Date; Last Revised
L-1, Cover, Ace Endico Campus, prepared by LADA, P.C.	6/19/17; 8/10/17
L-1A, Abbreviation, Legend & General Notes, Ace Endico Campus, prepared by LADA, P.C.	6/19/17; 8/10/17
L-2, Existing Conditions, Ace Endico Campus, prepared by LADA, P.C.	6/19/17; 8/10/17
L-3, Master Plan, Ace Endico Campus, prepared by LADA, P.C.	6/19/17; 8/10/17
L-4, Master Grading Plan, Ace Endico Campus, prepared by LADA, P.C.	6/19/17; 8/10/17
L-4A, Grading Plan, Phase 2, Ace Endico Campus, prepared by LADA, P.C.	6/19/17; 8/10/17
L-5, Master Layout Plan, Ace Endico Campus, prepared by LADA, P.C.	6/19/17; 8/10/17
L-5A, Layout Plan, Phase 2, Ace Endico Campus, prepared by LADA, P.C.	6/19/17; 8/10/17
L-6, Master Planting Plan, Ace Endico Campus, prepared by LADA, P.C.	6/19/17; 8/10/17
L-6A, Planting Plan, Phase 2 Ace Endico Campus, prepared by LADA, P.C.	6/19/17; 8/10/17
L-7, Planting List & Details, Ace Endico Campus, prepared by LADA, P.C.	6/19/17; 8/10/17
L-8, Master Erosion Control Plan, Ace Endico Campus, prepared by LADA, P.C.	6/19/17; 8/10/17
L-8A, Erosion Control Plan, Phase 2, Ace Endico Campus, prepared by LADA, P.C.	6/19/17; 8/10/17
L-9, Stormwater Pollution Prevention Plan Notes, Ace Endico Campus, prepared by LADA, P.C.	6/19/17
L-10.1, Stormwater Pollution Prevention Plan Details, Ace Endico Campus, prepared by LADA, P.C.	6/19/17
L-10.2, Stormwater Pollution Prevention Plan Details, Ace Endico Campus, prepared by LADA, P.C.	6/19/17; 8/10/17
L-11, Master Lighting Plan, Ace Endico Campus, prepared by LADA, P.C.	6/19/17; 8/10/17
L-11A, Lighting Plan, Phase 2, Ace Endico Campus, prepared by LADA, P.C.	6/19/17; 8/10/17
L-12, Site Details, Ace Endico Campus, prepared by LADA, P.C.	6/19/17
U-1, Master Utility Plan (Storm Drainage), Ace Endico Campus, prepared by LADA, P.C.	8/10/17
U-1A, Phase 2 Utility Plan (Storm Drainage), Ace Endico Campus, prepared by LADA, P.C.	8/10/17
C-1.1, Master Utility Plan (Sewer & Water Only), Ace Endico Campus, prepared by LADA, P.C.	6/19/17
Approved Utility Details, Ace Endico Campus, prepared by LADA, P.C.	6/19/17
Approved Utility Details, Ace Endico Campus, prepared by LADA, P.C.	6/19/17
Lot Line Adjustment for Lots 3 & 4 prepared for Ace Endico Corp., Lots 1, 3 & 4 by Terry Bergendorff Collins	5/31/17
Memorandum to Chairman LaPerch from NYS Department of Environmental Conservation	2/27/17
Memorandum to Chairman LaPerch from NYC Department of Environmental Protection	2/22/17
Memorandum to Secretary Desidero from NYS Department of Transportation	2/17/17
Statement of Use, prepared by LADA, P.C.	12/28/16
Full Environmental Assessment Form, prepared by LADA, P.C.	12/28/16

; 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 8/29/17 from the Architectural Review Board recommending approval of the architecture Proposed Project; and

**WHEREAS**, the Planning Board is in receipt of a resolution dated 9/7/17 from the Town Board approving the architecture of the Proposed Project; and

**WHEREAS**, the Town of Southeast Wetlands Consultant issued a report and recommendation dated 9/25/17 in connection with the Proposed Project, as depicted on drawings dated 9/15/17 and prepared by LADA, P.C.; 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 9/25/17 (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/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.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that pursuant to the authority vested in the Planning Board by Chapter 138, "Zoning," of the Town Code, the Planning Board hereby grants Conditional Use Permit Approval for the light manufacturing and warehouse use of the Proposed Project, as defined above, and 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).

1. Lots 1 and 3 shall be considered the Ace Endico Campus and shall be brought under common ownership and shall be considered one development site for the purposes of this Conditional Use Permit.
2. The parking lot on Lot 3 shall be for use by Ace Endico and its employees only. The parking area shall be gated and lighting shall be on a timer or motion sensor as noted on sheet L-11 of the site plan drawing set identified above.
3. Any changes, other than a "field change" as defined by the Code of the Town of Southeast, to the phasing plan or layout of the Ace Endico Campus shall require Planning Board review and approval.
4. The Code Enforcement Officer shall have right of entry for inspection, with reasonable notice, to determine compliance with the conditions of this permit.

**NOW THEREFORE BE IT FURTHER 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 Ace Endico 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 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. 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.
14. The NYSDEC has determined in a letter dated February 22, 2017 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.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that pursuant to the authority vested in the Planning Board by Chapter 123, "Subdivision of Land," of the Town Code, the Planning Board hereby grants Final Conditional Plat approval for the lot line merger as described above subject to the following conditions:

1. The Applicant shall submit a Final Plat drawing for the signature of the duly authorized officer of the Planning Board within one-hundred and eighty (180) days of the date of this Final Approval (§123-13.G(2)) to show compliance with all conditions of this approval.

2. Prior to submission of the Final Plat for the signature of the duly authorized officer of the Planning Board the Applicant shall first obtain the required signatures of the Putnam County Department of Health on the Final Plat.

3. All changes or modifications to the Final Plat made in response to compliance with the conditions of this Final Approval shall be reviewed by the Town Engineer who may require the Applicant to present such changes to the Planning Board prior to having the Final Plat signed by the duly authorized officer of the Planning Board if such changes constitute a substantial alteration to the Final Plat.

4. The Applicant shall file the signed approved Final Plat with the County Clerk within sixty (60) days of the date upon which the Final Plat was signed by the duly authorized officer of

the Planning Board or the Final Plat shall be considered null and void (see §123-13.J). The Applicant shall provide the Town of Southeast with five (5) copies of the filed plat.

5. The Applicant shall provide any and all deed easements and road dedications, as noted on the subdivision drawings and where applicable, to the satisfaction and approval of the Town Attorney prior to filing of the Final Plat (see §123-13.H(2)) with the County Clerk.

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>absent</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 6 to 0, with 1 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board *pad*