
TOWN OF SOUTHEAST PLANNING BOARD AGENDA

December 10, 2018

CIVIC CENTER, 1360 Route 22

7:30 p.m.

PUBLIC HEARINGS:

1. **NEW YORK AMERICAN WATER, 85 Fieldstone Drive, Tax Map ID 46.-2-1** – Public Hearing to Review an Application for Site Plan Amendment and Wetland Permit

REGULAR SESSION:

1. **ROTH NURSERY SUBDIVISION, 291 Foggintown Road, Tax Map ID 46.-3-38.1** – Continued Review of an Application for Subdivision
2. **MONAHON ACCESSORY APARTMENT, 200 Dingle Ridge Road, Tax Map ID 80.5-1-11** – Review of an Application for Final Approval of Conditional Use Permit
3. **RRACI'S RESTAURANT, 3670 Danbury Road, Tax Map ID 68.-2-13** – Review of an Application for Final Site Plan Approval
4. **RUFFIAN, LLC, 3834 Danbury Road, Tax Map ID 69.-1-9** – Review of an Application for Final Approval of Site Plan, Conditional Use Permit and Wetland Permit and Recommendation of Bond to Town Board

**December 7, 2018/VAD
Agenda Subject to Change**

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

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

State Environmental Quality Review
Determination of Significance

NEGATIVE DECLARATION

Date: December 10, 2018

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:

SEQR Status: Type 1
Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

Roth Nursery, Inc. is proposing a 5-lot residential subdivision on a 37.8 acre parcel of land (Tax ID 46.-3-38.1) with access from a new cul-de-sac off Acorn Road in the R-160 Zoning District in the Town of Southeast. The proposed lots would range from 2.58 acres to 22.31 acres and would be served by individual wells and septic systems.

Location:

291 Foggintown Road, Southeast, NY (Tax ID 46.-3-38.1)

Reasons Supporting This Determination:

The following materials have been reviewed:

- EX-1 Existing Conditions, prepared by Bibbo Associates, last revised 11/12/2018
- SP-1 Subdivision Plan, prepared by Bibbo Associates, last revised 12/5/2018
- SP-2 Subdivision Plan, prepared by Bibbo Associates, last revised 11/12/2018
- EC-1 Erosion Control & Phasing, prepared by Bibbo Associates, last revised 11/12/2018
- EC-2 Erosion Control Details, prepared by Bibbo Associates, last revised 11/12/2018
- DP Drainage Profiles, prepared by Bibbo Associates, last revised 11/12/2018
- RP Road Profiles and Details, prepared by Bibbo Associates, last revised 12/5/2018
- D Drainage Details, prepared by Bibbo Associates, last revised 11/12/2018
- STS-1 Subsurface Sewage Treatment Systems, prepared by Bibbo Associates, last revised 11/12/2018
- Letter from Joseph Buschynski, PE, dated 9/24/18
- Letter from Joseph Buschynski, PE, dated 11/24/18
- E-mail from Joseph Buschynski, PE, dated 12/6/18
- Full EAF, prepared by Joseph Buschynski, PE, dated 9/20/18

WHEREAS, the Planning Board had declared itself Lead Agency for the proposed project on October 15, 2018;

WHEREAS, a public hearing on the proposed project was held on November 26, 2018;

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:

- Town Board, Town of Southeast
- New York City Department of Environmental Protection
- Commissioner, New York State Department of Environmental Conservation
- Regional Director, New York State Department of Environmental Conservation, Region 3

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>	Vacant	<u>/</u>
J. Gress, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 5 to 0, with 1 absent.

T. LaPerch
 T. LaPerch, Chairman
 Southeast Planning Board

**TOWN OF SOUTHEAST, NY
RESOLUTION
PRELIMINARY SUBDIVISION PLAT APPROVAL**

INTRODUCED BY: *LaPerch*
SECONDED BY: *Hecht*

DATE: December 10, 2018

WHEREAS, Roth Nursery, Inc., as the Applicant/Owner of 291 Foggintown Road in the Town of Southeast and known and designated as Tax Map Number 46.-3-38.1 (the "Project Site") has submitted an application for Preliminary Subdivision Plat Approval for a proposed five (5) lot residential subdivision on lands totaling 37.8 acres in the R-160 Zoning District of the Town of Southeast (the "Proposed Project"); and,

WHEREAS, the Proposed Project would be accessible from a new cul-de-sac to be located off Acorn Road and would be served by individual water supply wells and septic systems; and,

WHEREAS, the southwest corner of the Project Site is located in the Town of Southeast Ridgeline Overlay District, however no development is proposed for this portion of the Project Site; and,

WHEREAS, the Proposed Project would not encroach on any regulated wetlands, wetland buffers, or watercourses; and,

WHEREAS, the Proposed Project would disturb existing stone walls for purposes of lot access; and,

WHEREAS, the Southeast Planning Board (the "Planning Board") is in receipt of the following drawings, prepared by Bibbo Associates, LLP, related to the subdivision application:

Drawing No. & Title		Last Revised
EX-1	Existing Conditions	11/12/2018
SP-1	Subdivision Plan	12/5/2018
SP-2	Subdivision Plan	11/12/2018
EC-1	Erosion Control & Phasing	11/12/2018
EC-2	Erosion Control Details	11/12/2018
DP	Drainage Profiles	11/12/2018
RP	Road Profiles and Details	12/5/2018
D	Drainage Details	11/12/2018
STS-1	Subsurface Sewage Treatment Systems	11/12/2018

; and,

WHEREAS, the Planning Board is in receipt of the following documents related to the subdivision application:

1. Letter from Joseph Buschynski, PE, dated 9/24/18; and
2. Letter from Joseph Buschynski, PE, dated 11/24/18; and
3. Full EAF, prepared by Joseph Buschynski, PE, dated 9/20/18; and
4. Stormwater Pollution Prevention Plan, prepare by Bibbo Associates, LLP, dated 9/19/2018.

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 123, "Subdivision of Land," (specifically §123-13.C and §123-31) and Chapter 138, "Zoning," of the Town of Southeast Code; and,

WHEREAS, the Planning Board has confirmed that the requirements of the State Environmental Quality Review Act (SEQRA) have been met and adopted a Negative Declaration on November 26, 2018; and

NOW, THEREFORE, BE IT 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 Preliminary Plat 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 Action, shall be enforceable by the Town of Southeast in accordance with the Town Code of the Town of Southeast). Approval of the Preliminary Plat shall not constitute approval of the Final Plat, but, instead, shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Final Plat, which shall be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of Chapter 123 of Town Code.

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 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 approval of the Final Plat.
3. Any and all easement and maintenance agreements, including relating to ongoing maintenance of all stormwater management facilities, shall be submitted to the Planning Board and Town Attorney for review prior to the issuance of Final Subdivision Approval.
4. The Applicant is hereby bound by any statements offering modifications, improvements, or offerings to the Town of Southeast made by himself or his representatives in relation to approval of the Proposed Action.
5. Pursuant to 138-12.J of the Town Code, the Applicant shall obtain Town of Southeast Town Board approval for modifications to the onsite stone walls prior to Final Plat approval.
6. In consultation with the Town Engineer, Town Highway Superintendent, and adjacent property owners, prior to Final Plat approval, a planting plan shall be prepared to provide screening along the new entrance road and to mitigate glare from headlights.
7. A note shall be added to the plat indicating that individual lots will be required to obtain Architecture Review Board approval prior to issuance of a building permit for construction of a new dwelling.
8. A note shall be added to the Final Plat indicating that no further subdivision of the land shall be permitted.
9. The New York State Department of Environmental Conservation (NYSDEC) required buffer for the New York Status Endangered Bog Turtle (*Clemmys muhlenbergii*) shall be added to the Final Plat.
10. The Applicant shall submit a complete application for Final Plat approval within six (6) months of the date of this resolution.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman
 D. Armstrong, Boardmember
 M. Hecht, Boardmember
 J. Gress, Boardmember

yes
~~absent~~
yes
yes

D. Rush, Vice Chairman
 E. Cyprus, Boardmember
 Vacant

yes
yes

The resolution was passed by a vote of 5 to 0, with 1 absent.

T. LaPerch
 T. LaPerch, Chairman
 Southeast Planning Board

**TOWN OF SOUTHEAST, NY
PLANNING BOARD RESOLUTION FOR A CONDITIONAL USE PERMIT
FOR MONAHON ACCESSORY APARTMENT**

INTRODUCED BY: LePerch DATE: December 10, 2018
SECONDED BY: Gross

WHEREAS, an application is being made by **JANE & ROBERT MONAHON** for a Conditional Use Permit for a one-bedroom accessory apartment in a detached garage located at 200 Dingle Ridge Road, in the Town of Southeast, New York; and

WHEREAS, the property is identified as Tax Map Number 80.5-1-11, and is located in the R-60 Zoning District; and

WHEREAS, the Town of Southeast Planning Board, pursuant to the State Environmental Quality Review Act (SEQRA), reviewed the Short Environmental Assessment Form (EAF) dated 3/17/18, and pursuant to §617.5(c)(7), finds that the Proposed Action is a Type II Action under SEQRA, and no further environmental review is required; and

WHEREAS, the Planning Board is in receipt of the following documents in support of this application:

1. Planning Board Application for Conditional Use Permit, prepared by Jane & Robert Monahon, dated 3/14/18
2. Statement of Use, prepared by Jane & Robert Monahon, dated 3/19/18
3. Views of the Property, prepared by Jane & Robert Monahon, dated March 2018
4. Memorandum to Jane & Robert Monahon from the Putnam County Department of Health, dated 1/11/18
5. Survey of Property prepared for Jane Monahon by Terry Bergendorff Collins, dated 7/17/97
6. Plans & Elevations of Monahon Residence, Brewster, NY, prepared by Tasos Kokoris, AIA, dated 1/26/96; last revised 1/3/97

WHEREAS, pursuant to §138-56.1.D(6) of the Code of the Town of Southeast, the Putnam County Department of Health approved the water supply and sewage disposal systems on 1/11/18; and

WHEREAS, on 9/17/18 the Zoning Board of Appeals granted a variance for lot size to permit the accessory apartment in a detached structure where five (5) acres is required and 2.25 acres is provided;

WHEREAS, the Planning Board has determined on the basis of its own review, and the review of comments received from its consultants, that the information submitted by the applicant is in substantial compliance with Chapter 138, "Zoning," of the Town of Southeast Code; 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

Conditional Use Permit 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).

- 1. 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
absent

D. Rush, Vice Chairman

yes
byes

D. Armstrong, Boardmember

E. Cyprus, Boardmember

M. Hecht, Boardmember

yes
yes

Vacant

J. Gress, Boardmember

The resolution was passed by a vote of 5 to 0, with 1 ^{absent} ~~abstentions~~.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board /rad

TOWN OF SOUTHEAST, NY
RESOLUTION
SITE PLAN APPROVAL

INTRODUCED BY: LaPerch DATE: December 10, 2018
SECONDED BY: Rush

WHEREAS, RRACI'S RESTAURANT as the Applicant/Owner of certain properties located 3670 Danbury Road in the SR-6 Zoning District in Town of Southeast and known and designated as Tax Map Number 68.-2-13 has submitted an application for Site Plan approval for a proposed 90 sq. ft. vestibule addition to existing restaurant (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 as a Type II Action on or about 11/26/18, 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:

- Short Environmental Assessment Form (EAF), prepared by Phillip Ceradini, Architect, dated 11/1/18.
- Rendering prepared by Phillip Ceradini, Architect
- SK-1, Foundation Plan and Floor Plan, prepared by Phillip Ceradini, Architect, dated 11/1/18
- SK-2, Side Elevation Plan, prepared by Phillip Ceradini, Architect, dated 11/1/18
- SK-3, Front Elevation Plan, prepared by Phillip Ceradini, Architect, dated 11/1/18
- Survey prepared by Terry Bergendorff Collins, dated 8/19/95.

; 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 11/28/18 from the Architectural Review Board recommending approval of the architecture Proposed Action; and

NOW THEREFORE BE IT RESOLVED, that pursuant to the authority vested in the Planning Board by Chapter 138, "Zoning," of the Town Code, the Planning Board hereby grants Final Approval for the Proposed Action, as defined above, subject to the following Conditions identified below. (For purposes of compliance, these conditions, and any other conditions identified in the environmental review of the Proposed Action, shall be enforceable by the Town of Southeast in accordance with the Town Code of the Town of Southeast).

General Conditions

1. The Applicant must conform to all the rules, regulations, and ordinances of the Town of Southeast, County of Putnam, and State of New York.

2. The Applicant is hereby bound by any statements offering modifications, improvements, or offerings to the Town of Southeast made by itself or its representatives in relation to approval of the Proposed Project.
3. The Proposed Action shall be constructed in coordination with the approved site improvements for the Rraci's Restaurant including all stormwater and wastewater treatment systems and conveyance systems.
4. The Applicant is granted approval based on generic review by the Architectural Review Board of building design and elevations and will have to seek a second review if modifications to the approved design are made. The Proposed Action shall be constructed in accordance with the approved plans and drawings for the specific tenant as reviewed by the Architectural Review Board and approved by the Planning Board.
5. Pursuant to §138-41.E(4), the applicant shall provide to the Town of Southeast Planning Board one full set of final full-sized plans and five copies of the filed plans on eleven-inch by seventeen-inch, or similar, paper, with a graphic scale indicated (to allow for scale measurements of photo-reduced drawings), for distribution to the Town Engineer, the Planning Board, the Town Clerk, the Building Inspector, and the Town Planner. This final plan set shall include the final architectural plans recommended by the Architectural Review Board and approved by the Planning Board.. Each of these sets shall be bound, and shall contain a signature box on the Index or Title Page for the Planning Board Chairman's Signature. No Building Permits shall be issued until these plan sets have been submitted to the Planning Board Secretary and signed by the Planning Board Chairman.
6. 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. 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.
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. 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.

2. 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.

3. 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.

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. 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>	Vacant	<u>-</u>
J. Gress, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 5 to 0, with 1 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board */vad*

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

INTRODUCED BY:

LaPerchDATE: December 10, 2018

SECONDED BY:

Rush

WHEREAS, RUFFIAN, LLC as the Applicant/Owner of certain properties located 3834 Danbury Road in the SR-6 Zoning District in Town of Southeast and known and designated as Tax Map Number 69.-1-9 has submitted an application for Site Plan, Conditional Use Permit, and Wetland Permit approval for a proposal to construct a new driveway, a three-space parking lot near the existing one-story garage and two-story residence/office, and gravel outside storage area with 19 parking spaces for a general business use (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, issued a Negative Declaration on or about 10/29/18, 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 J. Robert Folchetti & Associates	11/19/18
G-1, Index, Legend, Symbols and General Notes, prepared by J Robert Folchetti & Associates	August 2018
G-2, Property Survey, prepared by J. Robert Folchetti & Associates	August 2018
G-3, Overall Site Plan Layout, prepared by J. Robert Folchetti & Associates	August 2018
G-4, General Site Plan Layout, prepared by J. Robert Folchetti & Associates	August 2018
G-5, Grading Plan, prepared by J. Robert Folchetti & Associates	August 2018
G-6, Driveway Plan and Profile, prepared by J. Robert Folchetti & Associates	August 2018
G-7, Lighting Plan and Details, prepared by J. Robert Folchetti & Associates	August 2018
G-8, Site Landscaping & Wetland Buffer Mitigation Planting Plan-I, prepared by J. Robert Folchetti & Associates	August 2018
G-9, Site Landscaping & Wetland Buffer Mitigation Planting Plan-II, prepared by J. Robert Folchetti & Associates	August 2018
G-10, Site Drainage Plan and Stormwater Piping Profiles, prepared by J. Robert Folchetti & Associates	August 2018
G-11, Flow Control Structure (FCS-1) Details, prepared by J. Robert Folchetti & Associates	August 2018
G-12, Erosion & Sediment Control Plan and Notes, prepared by J. Robert Folchetti & Associates	August 2018
G-13, Erosion & Sediment Control Plan Details, prepared by J. Robert Folchetti & Associates	August 2018
G-14, Typical Details I, prepared by J. Robert Folchetti & Associates	August 2018
G-15, Typical Details II, prepared by J. Robert Folchetti & Associates	August 2018
G-16, Stormwater Infiltration System Details & Notes, prepared by J. Robert Folchetti & Associates	August 2018
Memorandum to Secretary Desidero from NYC Department of Environmental Protection	11/25/18

Drawing No. & Title; submitted by	Original Date; Last Revised
Memorandum to Wetland Inspector from J. Robert Folchetti & Associates	10/5/18
Memorandum to Town Engineer from J. Robert Folchetti & Associates	10/1/18
Stormwater Pollution Prevention Plan Narrative Report, prepared by J. Robert Folchetti & Associates	August 2018; October 2018
Statement of Use, prepared by J. Robert Folchetti & Associates	August 2018

; 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 11/28/18 from the Architectural Review Board recommending approval of the architecture Proposed Action; and

WHEREAS, the Planning Board is in receipt of a resolution dated 11/29/18 from the Town Board approving the architecture of the Proposed Action; and

WHEREAS, the Town of Southeast Wetlands Consultant issued a report and recommendation dated 10/28/18 in connection with the Proposed Action, as depicted on drawings dated 10/5/18 and prepared by J. Robert Folchetti & Associates; 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 10/28/18 (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 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).

1. 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 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. **Furthermore, where a proposed use would utilize an existing sewage disposal system and proposes no changes to such system, no building permit shall be issued until the Putnam County Department of Health has issued a determination of adequacy of the existing wastewater system.**
5. The Proposed Action shall be constructed in coordination with the approved site improvements for the Ruffian, LLC including all stormwater and wastewater treatment systems and conveyance systems.
6. The Applicant is granted approval based on generic review by the Architectural Review Board of building design and elevations and will have to seek a second review if modifications to the approved design are made. The Proposed Action shall be constructed in accordance with the approved plans and drawings for the specific tenant as reviewed by the Architectural Review Board and approved by the Town Board.
7. Pursuant to §138-41.E(4), the applicant shall provide to the Town of Southeast Planning Board one full set of final full-sized plans and five copies of the filed plans on eleven-inch by seventeen-inch, or similar, paper, with a graphic scale indicated (to allow for scale measurements of photo-reduced drawings), for distribution to the Town Engineer, the Planning Board, the Town Clerk, the Building Inspector, and the Town Planner. This final plan set shall include the final architectural plans recommended by the Architectural Review Board and approved by the Town Board. Each of these sets shall be bound, and shall contain a signature box on the Index or Title Page for the Planning Board Chairman's Signature. No Building Permits shall be issued until these plan sets have been submitted to the Planning Board Secretary and signed by the Planning Board Chairman.
8. The Applicants shall submit two (2) sets of as-built plans to the Town of Southeast Building Department and one (1) full size set to the Planning Board after final construction is completed. The as-built plans must show all buildings and site improvements, the impervious surfaces, landscaping, and final design specifications for all stormwater management facilities. The plans must be certified by a professional engineer.

Financial & Legal Considerations

1. The Applicant shall post a Performance Bond in an amount determined by the Town Engineer and recommended by the Planning Board for Town Board approval to ensure all site grading, stormwater management, and road improvements will be made in accordance with the approved drawings, Town of Southeast Code and to the satisfaction of the Town Engineer and/or Highway Superintendent. The Performance Bond may also be used to finance necessary work to stabilize the project site should the Applicant abandon the project and the Town is forced to complete necessary improvements. The establishment of the Performance Bond shall be done in a form acceptable to the Town Counsel. The bond amount will be based upon 2018 construction costs. If the construction is not begun prior to June of 2019, the Applicant must re-apply to the Planning Board for an adjustment of the bond amount to account for escalation of material and labor costs. Upon such request to the Planning Board, the Planning Board shall make a recommendation to the Town Board and the Town Board shall diligently set a new bond amount in

accordance with the recommendation of the Town Engineer. The Performance Bond must be paid prior to the start of any work on the site and/or the filing for a Building Permit. The Southeast Planning Board requests that the Southeast Building Inspector withhold the Certificate of Occupancy until the Planning Board or its duly authorized representative has made an inspection of the subject improvements and determined that the Applicant has complied with all the conditions of this approval.

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

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

4. 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.

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>	Vacant	<u>-</u>
J. Gress, Boardmember	<u>yes</u>		<u>_____</u>

The resolution was passed by a vote of 5 to 0, with 1 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

Town of Southeast

Planning Board
One Main Street
Brewster, NY 10509

December 11, 2018

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

RE: RUFFIAN, LLC, 3834 Danbury Road, TAX MAP ID 69.-1-9

Dear Boardmembers:

At the 12/10/18 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>
RUFFIAN, LLC	\$ 20,300.00

The Town Engineer's memo is attached for your consideration and includes the estimate for all site improvements, which totals \$339,000.00. Inspection Fees, based on the total cost of site improvements, in the amount of \$13,560.00 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
J.R. Folchetti & Associates
Planning Board File



December 10, 2018

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

Re: Commercial Site Plan
3834 Danbury Road
Tax Map ID 69.-1-9
Bond Estimate
NLJA #0001-1032

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 \$339,000.

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 \$13,560.

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 \$20,300.

Should you have any questions, please feel free 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. Bruen J.R. Folchetti

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

2018 OPINION OF PROBABLE CONSTRUCTION COSTS
Performance Bond

Project: Ruffian, LLC Site Development
3834 Danbury Road
Southeast, New York

Done by: MAL
Date: 12/5/2018
Checked by: JMD
Date: 12/11/2018

Project No.: 0001-1032

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	CLEAR TREES (Cut & Chip / Grub)	\$11,389.00	ACRE	1.9	\$21,752.99
2	STRIP & STOCKPILE TOPSOIL	\$0.48	S.Y.	9,245	\$4,437.60
3	EXCAVATION & REMOVAL (Surplus)	\$19.51	C.Y.	140	\$2,731.40
4	CUT AND FILL WITH COMPACTION	\$8.23	C.Y.	1,883	\$15,497.09
5	GRASSED SWALE	\$13.20	L.F.	1,890	\$24,948.00
6	RIPRAP SWALE	\$35.57	S.Y.	78	\$2,774.46
7	SINGLE CATCH BASIN: Type C	\$3,055.00	EACH	1	\$3,055.00
8	SINGLE CATCH BASIN: Type CL	\$3,045.00	EACH	1	\$3,045.00
9	CULTEC INFILTRATION SYSTEM CHAMBERS	\$15,500.00	L.S.	1	\$15,500.00
10	PRE-CAST CONC. STORMWATER FLOW CONTROL	\$3,000.00	EACH	1	\$3,000.00
11	6" Ø HDPEP	\$28.30	L.F.	82	\$2,320.60
12	12" Ø HDPEP	\$34.00	L.F.	45	\$1,530.00
13	12" Ø HDPEP (PERF./F.F./STONE)	\$35.00	EACH	1	\$35.00
14	ROUGH GRADE SUBGRADE - ROADS	\$0.54	S.Y.	6,150	\$3,321.00
15	1-1/2" & 1-1/4" PROCESSED AGGREGATE BASE	\$47.44	C.Y.	1,365	\$64,755.60
16	FINE GRADE & ROLL BASE - ROADS	\$1.24	S.Y.	6,150	\$7,640.98
17	BITUMINOUS CONCRETE BINDER	\$93.36	TON	120	\$11,203.20
18	BITUMINOUS CONCRETE TOP	\$98.77	TON	72	\$7,111.44
19	6" CONCRETE CURB	\$17.50	L.F.	411	\$7,192.50
20	LIGHTING	\$3,050.00	L.S.	1	\$3,050.00
21	PLANTING	\$25,500.00	L.S.	1	\$25,500.00
22	TEMP. DEER FENCE	\$7.77	L.F.	974	\$7,567.98
23	CHAIN LINK FENCE	\$35.00	L.F.	773	\$27,055.00
24	SPLIT RAIL FENCE	\$25.89	L.F.	346	\$8,957.94
25	STONE RETAINING WALL	\$341.68	L.F.	150	\$51,252.00
26	SPREAD STOCKPILED TOPSOIL TO 6"	\$1.10	S.Y.	2,910	\$3,201.00
27	HYDROSEED (FERT. & MULCH)	\$0.57	S.Y.	2,910	\$1,658.70
28	INLET PROTECTION	\$140.00	EACH	2	\$280.00
29	SILT FENCE	\$5.00	L.F.	550	\$2,750.00
30	HAY BALES (Staked)	\$14.42	L.F.	280	\$4,037.60
31	CONSTRUCTION ENTRANCE	\$1,253.00	EACH	1	\$1,253.00
32	PARKING PAINTING & SIGNAGE	\$452.00	L.S.	1	\$452.00
Subtotal:					\$338,867.08

SAY **\$339,000.00**

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

2018 OPINION OF PROBABLE CONSTRUCTION COSTS
Erosion & Sediment Control and Site Restoration Bond

Project: Ruffian, LLC Site Development
3834 Danbury Road
Southeast, New York

Done by: MAL
Date: 12/5/2018
Checked by: JMD
Date: 12/11/2018

Project No.: 0001-1032

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	SPREAD STOCKPILED TOPSOIL, SEED & MULCHING	\$1.30	S.Y.	9,245	\$12,018.50
2	HAY BALES (Staked)	\$14.42	L.F.	280	\$4,037.60
3	INLET PROTECTION	\$140.00	EACH	2	\$280.00
4	SILT FENCE	\$5.00	L.F.	550	\$2,750.00
5	CONSTRUCTION ENTRANCE	\$1,253.00	EACH	1	\$1,253.00
	Subtotal:				\$20,339.10
	SAY				\$20,300.00