
**TOWN OF SOUTHEAST
PLANNING BOARD/ARCHITECTURAL REVIEW BOARD AGENDA**

April 26, 2021 7:00 p.m.

Please join from your computer, tablet or smartphone: When prompted, please type your full name

<https://us02web.zoom.us/j/88505176842>

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

PUBLIC HEARINGS:

REGULAR SESSION:

1. **SUBTRACT, INC., 20 Welfare Road, Tax Map ID 36.-1-44.2** – Review of an Application for a Conditional Use Permit for a Home-Based Business
2. **VALERO, 1675 Route 22, Tax Map ID 46.-3-16** – Architectural Review Application for a Sign and Changes to a Commercial Structure
3. **RITE AID, 1505-1515 Route 22, Tax Map ID 46.-1-1.-1** – Architectural Review of an Application for a Sign in a Plaza with an Approved Comprehensive Sign Program
4. **D’UVA, 231 Fields Lane, Tax Map ID 78.-2-90** – Review of a Request for Reduction of a Performance Bond
5. **PROVETTO BROTHERS FARM, 679 Milltown Road, Tax Map ID 47.-3-27** – Review of an Application for Special Permit for Farm Use
6. **LEGENDS COOKIES, 13 Mt. Ebo Road South, Tax Map IDs 46.-2-29** – Review Application for Conditional Use Permit
7. **WATERVIEW ESTATES ROAD, 1& 8 Waterview Lane, Tax Map IDs 67.-1-48.1 & 48.4** – Review of Application for a Wetland Permit
8. **NEW YORK AMERICAN WATER WELL, 36 Mt. Ebo Road North, Tax Map ID 46.3-5-12** – Review of an Application for a Wetland Permit
9. **ACE ENDICO EXPANSION, 71-81, 91 & 80 International Blvd., Tax Map IDs 45.-1-29, 31.1 & 31.2** – Continued Review of Application for Final Approval of Site Plan Amendment, Subdivision and Conditional Use Permit; Recommend Performance Bond to Town Board

APPROVE MEETING MINUTES of April 12, 2021

**Agenda Subject to Change
April 26, 2021/VAD**

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

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

***** ZOOM MEETING INSTRUCTIONS *****

New to Zoom? Please download the free app now so you are ready when the meeting starts: <https://zoom.us/download>

Please join from your computer, tablet or smartphone by clicking on this link:
<https://us02web.zoom.us/j/88505176842>

This is the preferred method so you can see the documents and plans being discussed. When prompted, please provide your full name. If you are representing an application, please also provide the name of your firm.

You can also dial in using your phone:

Call-in number: +1 929 436 2866 US

Meeting ID: 885 0517 6842

FROM YOUR SMARTPHONE

One tap mobile

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Additional Zoom FAQs and tutorials:

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

Town of Southeast
Planning Board / Architectural Review Board
One Main Street
Brewster, NY 10509

April 26, 2021

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

RE: D'UVA (aka FIELDS LANE DEVELOPMENT), 231 Fields Lane, Tax Map ID 78.-2-90

Dear Boardmembers:

At the April 26, 2021 regular meeting of the Town of Southeast Planning Board/Architectural Review Board, a motion was made to positively refer the above referenced application to the Town Board for the reduction of the Performance Bond currently being held.

<u>PROJECT</u>	<u>CURRENT AMOUNT</u>	<u>NEW AMOUNT</u>
D'UVA	\$412,000.00	\$131,000.00

The Town Engineer's Report is attached for your consideration. If you have any questions, please do not hesitate to contact the Planning Board/Architectural Review Board.

Sincerely,



Thomas LaPerch, Chairman
Southeast Planning Board/Architectural Review Board

cc: Town Attorney
Town Clerk
Town Engineer
Building Inspector
Lois D'Uva
File



Jacobson

April 20, 2021

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

Re: D'Uva Property
231 Fields Lane
Tax Map ID 78.-2-90
Request for Bond Reduction
NLJ #0001-0756

Dear Mr. LaPerch:

As requested, we have reviewed historical project information and made recent site inspections at the subject project to evaluate the extent of site improvements that have been completed, and based on that, provide a recommended reduced bond amount for remaining site work items.

The scope of this project includes two office/warehouse buildings and associated site improvements including access drives, parking, stormwater drainage, landscaping, and miscellaneous items such as outside storage areas and screening. The lower building and related improvements have been completed including the site stormwater management practices. The upper access drive and upper building is still to be completed.

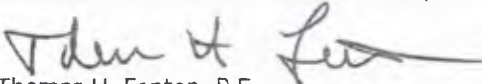
The attached opinion of probable construction costs (OPCC) reflects site improvements remaining to be completed and updates unit price items to reflect current costs. Our attached OPCC totals \$131,000. Of this amount \$6,100 is required for Erosion & Sediment Control / Site Restoration.

Based on the above, we are recommending reducing the required bond for the project from the previously established amount of \$412,000 to \$131,000.

Should you have any questions, please feel free to contact me.

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, P.C.


Thomas H. Fenton, P.E.

THF/thf

cc: T. Hay
M. Stancati
W. Stephens, Jr.
M. Levine
M. Burdick
A. Ley
S. Coleman
L. D'Uva

Nathan L. Jacobson & Associates, Inc.
Nathan L. Jacobson & Associates, P.C. (NY)
86 Main Street P.O. Box 337 Chester, Connecticut 06412-0337
Tel 860.526.9591 Fax 860.526.5416
Consulting Civil and Environmental Engineers Since 1972

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

OPINION OF PROBABLE CONSTRUCTION COSTS

Project: D'Uva Property
 Field Lane
 Southeast, New York

Done by: JMD
 Date: 6/18/2008
 Revised by: THF
 Date: 4/17/2021

Project No.: 0001-0861

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	STRIP & STOCKPILE TOPSOIL	\$0.51	S.Y.	4,500	\$2,295.00
2	CUT AND FILL WITH COMPACTION	\$9.06	C.Y.	1,200	\$10,872.00
3	SINGLE CATCH BASIN: Type C	\$3,860.00	EACH	1	\$3,860.00
4	6" Ø ACCMP UNDERDRAIN	\$22.70	L.F.	120	\$0.00
5	12" Ø HDPEP	\$36.00	L.F.	130	\$4,680.00
6	15" Ø HDPEP	\$31.52	L.F.	366	\$0.00
7	12" HDPE FLARED END SECTION	\$270.00	EACH	3	\$0.00
8	15" HDPE FLARED END SECTION	\$288.00	EACH	2	\$0.00
9	ROUGH GRADE SUBGRADE	\$1.35	S.Y.	2,100	\$2,835.00
10	PROCESSED AGREGATE BASE	\$50.16	C.Y.	465	\$23,324.40
11	FINE GRADE & ROLL BASE	\$2.52	S.Y.	2,100	\$5,292.00
12	BITUMINOUS CONCRETE	\$98.75	TON	500	\$49,375.00
13	BITUMINOUS CONC. LIP CURB	\$5.75	L.F.	400	\$2,300.00
14	C.I.P CONC. WALK	\$9.24	S.F.	600	\$5,544.00
15	MODIFIED RIP RAP	\$52.10	C.Y.	30	\$0.00
16	SPREAD STOCKPILED TOPSOIL TO 4"	\$0.78	S.Y.	2,750	\$2,145.00
17	HYDROSEED (FERT. & MULCH)	\$0.57	S.Y.	2,750	\$1,567.50
18	EROSION CONTROL BLANKET	\$2.50	S.Y.	1,915	\$4,787.50
19	SILT FENCE	\$5.00	L.F.	350	\$1,750.00
20	SILT SACK (Catch Basin Insert - Regular Flow)	\$73.00	EACH	2	\$146.00
21	CONSTRUCTION ENTRANCE	\$1,087.00	EACH	1	\$0.00
22	SAW CUT Existing Bit. Pavement (3" depth)	\$1.46	L.F.	105	\$0.00
23	PARKING STALL LINE PAINTING	\$11.29	EACH	17	\$191.93
24	RETAINING WALL	\$30.00	S.F.	615	\$0.00
25	GUIDE RAIL (METAL BEAM TYPE - RB)	\$19.50	L.F.	640	\$0.00
26	GUIDE RAIL END ANCHORAGE (Metal Beam)	\$563.00	EACH	3	\$1,689.00
27	REFUSE ENCLOSURE	\$3,000.00	EACH	1	\$3,000.00
28	OUTLET STRUCTURE	\$2,700.00	EACH	2	\$0.00
29	STORMWATER BASIN	\$9,200.00	L.S.	2	\$0.00
30	LANDSCAPING	\$5,000.00	L.S.	1	\$5,000.00

Subtotal: \$130,654.33

SAY \$131,000.00



TOWN OF SOUTHEAST

Planning Board / Architectural Review Board
1 Main Street
Brewster, NY 10509

April 26, 2021

Commissioner C/O
Barbara Barosa, AICP, Senior Planner
Putnam County Department of Planning, Development & Public Transportation
1 Route 164
Patterson, NY 12563

Re: Provetto Brothers Farm
GML §239-m

Dear Ms. Barosa,

The Planning Board/Architectural Review Board of the Town of Southeast is considering an application for Special Permit by PROVETTO BROTHERS FARM to operate a Farm Use with three greenhouses on a 1.38-acre property located at 679 Milltown Road in the R-60 Zoning District (47.-3-27). Pro Brothers Farm grows vegetables for sale as part of a community supported agriculture (CSA) program. The proposed farm use/commercial greenhouse requires Site Plan approval from the Planning Board and a Special Permit from the Town Board. In addition, the lot is undersized for the proposed use and requires an area variance from the Zoning Board of Appeals.

The Planning Board/Architectural Review Board, acting as Lead Agency under the State Environmental Quality Review Act (SEQRA), is herewith referring the subject application to the Putnam County Division of Planning and Development pursuant to General Municipal Law §239-m.

Enclosed is the application for your review. Please call Victoria Desidero, Secretary to Planning Board/Architectural Review Board and Zoning Board of Appeals, at (845) 279-7736, if you should have any questions. We thank you for your consideration and review of this application.

Sincerely,

Thomas LaPerch, Chairman
Town of Southeast Planning Board/Architectural Review Board

Attachment

cc: Town Attorney
Town Clerk
Michael V. Caruso, Attorney

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

INTRODUCED BY:

LaPerch

DATE: April 26, 2021

SECONDED BY:

Cyprus

WHEREAS, an application is being made by **DAVID LIEDERMAN a/k/a LEGENDS COOKIES** for a Conditional Use Permit for "Light Manufacturing" to occupy an existing space within the 16 Mount Ebo Road South building for the preparation of cookies where no exterior work is proposed; and

WHEREAS, the property is located in the Town of Southeast, New York, and identified as Tax Map Number 67.18-1-8, and is located in the R-60 Zoning District; and

WHEREAS, the Planning Board/Architectural Review Board has reviewed the following documents in support of this classification:

1. Short Environmental Assessment Form (EAF) dated 2/8/21
2. Memorandum to Secretary Desidero from Susan Liederman, dated 4/1/21
3. Statement of Use, prepared by Susan Liederman, undated
4. ALTA/ACSM Land Title Survey prepared for Mt. Ebo Associates, LLC by Terry Bergendorff Collins, dated 1/16/13
- 5.

NOW, THEREFORE BE IT RESOLVED, that the Town of Southeast Planning Board/Architectural Review Board, pursuant to the State Environmental Quality Review Act (SEQRA), reviewed the Short EAF, and pursuant to §617.5(c)(9), finds that the Proposed Action is a Type II Action under SEQRA, and no further environmental review is required; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Town of Southeast Planning Board/Architectural Review Board, finds the Proposed Action to be a Town of Southeast Minor Project as defined in Town Code Section 138-4, Definitions.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman

yes

D. Rush, Vice Chairman

yes

E. Cyprus, Boardmember

yes

M. Hecht, Boardmember

yes

J. King, Boardmember

yes

L. Eckardt, Boardmember

yes

G. Pangis, Boardmember

yes

The resolution was

passed

by a vote of

7

to

0

, with

0

absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board /
Architectural Review Board

**PLANNING BOARD/ARCHITECTURAL REVIEW BOARD
TOWN OF SOUTHEAST, NEW YORK
RESOLUTION – INTENT TO DECLARE LEAD AGENCY**

INTRODUCED BY: LaPerch

DATE: April 26, 2021

SECONDED BY: Rush

WHEREAS, the Planning Board/Architectural Review Board of the Town of Southeast is in receipt of an application for a Wetland Permit, and other supporting documents for a project entitled **NEW YORK AMERICAN WATER MT. EBO WELL 13**; and

WHEREAS, the proposed project is located at 36 Mt. Ebo Road South in the R-160/OP-2 Zoning Districts in the Town of Southeast and identified as Tax Map ID 46.-5-12; and

WHEREAS, the New York American Water (Mt. Ebo Water Works) is proposing to install a new public water supply well at 36 Mount Ebo Road to supplement the existing water supply system. The applicant received approval for Well 12 in 2020, but further water quality testing of that well revealed a trace concentration of 1,4-dioxane below the maximum contaminant level (MCL) in the groundwater of that well. As such, the applicant seeks to investigate an alternative water source. The proposed Well 13 would be outside of the NYSDEC wetland and the associated 100-foot wetland adjacent areas. The existing access road to Well 12 will be utilized, in part, to access Well 13. The total disturbed area for the installation of Well 13 is approximately 1,563 sq. ft. and this work area is located within the Town of Southeast wetland buffer area; and

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

NOW, THEREFORE BE IT RESOLVED, that the Planning Board/Architectural Review Board of the Town of Southeast hereby authorizes the mailing to all Involved Agencies of the aforementioned information, together with Notice that the Planning Board of the Town of Southeast intends to declare itself Lead Agency for purposes of SEQRA for this Unlisted and Coordinated Action, unless objection to such designation is received within thirty (30) days.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
E. Cyprus, Boardmember	<u>yes</u>	M. Hecht, Boardmember	<u>yes</u>
J. King, Boardmember	<u>yes</u>	L. Eckardt, Boardmember	<u>yes</u>
G. Pangis, 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 /
Architectural Review Board

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

INTRODUCED BY: *La Perch* DATE: April 26, 2021
SECONDED BY: *King*

WHEREAS, ACE ENDICO as the Applicant/Owner of certain properties located 71-81, 91 & 80 International Blvd. in the Town of Southeast and known and designated as Tax Map Numbers 45.-1-31.1, 45.-1-31.2, and 45.-1-29 has submitted an application for Preliminary Plat approval to the Planning Board, (the “Proposed Project”); and,

WHEREAS, the Applicant proposes to relocate an existing portion of International Boulevard, along with the existing utilities within the right-of-way, to Lots 31.1 and 31.2, which would be merged; and,

WHEREAS, the existing portion of International Boulevard would be merged with Lot 29; and,

WHEREAS, pursuant to New York Highway Law Section 171, the Town Board issued a resolution on March 4, 2021 consenting to the re-location and alteration of International Boulevard, including the acceptance of land from the Applicant for this purpose, and the abandonment to the Applicant of certain portions of the existing International Boulevard that would be useless to the Town following the improvement; and,

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

Drawing No. & Title	Original Date: Last
Lot Line Adjustment Map prepared for Ace Endico by Terry Bergendorff Collins	1/25/21

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

WHEREAS, pursuant to §123-13.D, the Planning Board referred the complete application to the Putnam County Division of Planning and Development on December 9, 2019 for its review under §239-n of Article 12-B of the General Municipal Law; and,

WHEREAS, the 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 February 22, 2021, indicating that no negative environmental impact would exist; 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 Project, 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 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.
3. 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

yes
yes
yes
yes

D. Rush, Vice Chairman

yes
yes
yes

E. Cyprus, Boardmember

M. Hecht, Boardmember

J. King, Boardmember

L. Eckardt, Boardmember

G. Pangis, Boardmember

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
FINAL PLAT APPROVAL**

INTRODUCED BY: *LaPerch* DATE: April 26, 2021
 SECONDED BY: *Cyprus*

WHEREAS, ACE ENDICO as the Applicant/Owner of certain properties located 71-81, 91 & 80 International Blvd. in the Town of Southeast and known and designated as Tax Map Numbers 45.-1-31.1, 45.-1-31.2, and 45.-1-29 has submitted an application for Final Plat approval to the Planning Board, (the “Proposed Project”); and,

WHEREAS, the Applicant proposes to relocate an existing portion of International Boulevard, along with the existing utilities within the right-of-way, to Lots 31.1 and 31.2, which would be merged; and,

WHEREAS, the existing portion of International Boulevard would be merged with Lot 29; and,

WHEREAS, pursuant to New York Highway Law Section 171, the Town Board issued a resolution on March 4, 2021 consenting to the re-location and alteration of International Boulevard, including the acceptance of land from the Applicant for this purpose, and the abandonment to the Applicant of certain portions of the existing International Boulevard that would be useless to the Town following the improvement; and,

WHEREAS, the Applicant received Preliminary Plat approval on April 26, 2021; and,

WHEREAS, the Applicant submitted an application for Final Plat approval on 4/20/21: and,

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

Drawing No. & Title; submitted by	Original Date;	Last Revised
Memorandum to Chairman LaPerch from Tecton Architects	4/16/21	
Statement of Use, prepared by Bibbo Associates, LLP	3/22/21	
CS-1, Cover Sheet, prepared by Bibbo Associates, LLP	11/15/19; 3/22/21	
ALP-1, Approved Layout Plan, prepared by Bibbo Associates, LLP	11/15/19; 3/22/21	
EX-1, Existing Conditions, prepared by Bibbo Associates, LLP	11/15/19; 3/22/21	
PLP-1, Proposed Layout Plan, prepared by Bibbo Associates, LLP	11/15/19; 3/22/21	
SC-1, Site Construction Plan, prepared by Bibbo Associates, LLP	11/15/19; 3/22/21	
EC-1, Erosion Control and Phasing Plan, prepared by Bibbo Associates, LLP	11/15/19; 3/22/21	
L-1, Landscaping Plan, prepared by Bibbo Associates, LLP	7/15/20; 3/22/21	
UP-1, Utility Profiles, prepared by Bibbo Associates, LLP	3/22/21	
P-1, Profile and Details, prepared by Bibbo Associates, LLP	11/15/19; 3/22/21	
D-1, Details, prepared by Bibbo Associates, LLP	11/15/19; 3/22/21	
D-2, Erosion Control Details, prepared by Bibbo Associates, LLP	11/15/19; 3/22/21	
VT-1, Vehicle Tracking, prepared by Bibbo Associates, LLP	11/15/19; 3/22/21	
Site Plan Layout, prepared by Tecton Architects	4/15/21	

Drawing No. & Title; submitted by	Original Date; Last Revised
Site Plan Layout, Page 2, prepared by Tecton Architects	4/15/21
Building Addition Elevations, prepared by Tecton Architects	4/15/21
View C- From Entrance Drive, prepared by Tecton Architects	4/15/21
View C- From Entrance Drive, Page 5, prepared by Tecton Architects	4/15/21
Repeating Existing Building Aesthetic, prepared by Tecton Architects	4/15/21
Structured Parking Plans, prepared by Tecton Architects	4/15/21
South Elevation H, prepared by Tecton Architects	4/15/21
Enlarged Design Plan, prepared by Tecton Architects	4/15/21
SL-IE, Exterior Lighting Photometric Calculation, prepared by APEX Lighting Solutions	4/16/21
GARDCO by Signify Lighting Specs	undated
Construction Cost Estimate, Relocation of International Blvd., prepared by Bibbo Associates, LLP	3/29/21
Lot Line Adjustment Map prepared for Ace Endico by Terry Bergendorff Collins	1/25/21
Memorandum to Michael Endico from Hardesty & Hanover re: Traffic Comments	2/2/21
Memorandum to Chairman LaPerch from NYS Department of Transportation	2/22/21
Memorandum to Hardesty & Hanover from NYS Department of Transportation	2/18/21
Traffic Access Impact Study, prepared by Hardesty & Hanover, LLC	October 2020
Memorandum to Chairman LaPerch from NYS Department of Environmental Conservation	1/16/20
Memorandum to Secretary Desidero from NYC Department of Environmental Protection	1/6/20

; and,

WHEREAS, the Planning Board has reviewed said drawings in addition to reports and correspondence filed with those drawings and has caused the same to be reviewed by its consultants; and,

WHEREAS, the Planning Board has determined on the basis of its own review and the review comments received from its consultants that the drawings and reports and other information submitted by the applicant are in substantial compliance with Chapter 123, "Subdivision of Land," (specifically §123-13.C and §123-31) and Chapter 138, "Zoning," of the Town of Southeast Code; and,

WHEREAS, pursuant to §123-13.D, the Planning Board referred the complete application to the Putnam County Division of Planning and Development on December 9, 2019 for its review under §239-n of Article 12-B of the General Municipal Law; and,

WHEREAS, the 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 February 22, 2021, indicating that no negative environmental impact would exist; 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 Final Plat approval for the Proposed Action, as defined above.

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 approved plat and all associated plans and drawings shall serve as the record of all approved improvements.
4. The Applicant shall submit revised Final Plat drawings 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.
5. Prior to submission of the Final Plat for the signature of the duly authorized officer of the Planning Board the Applicant shall obtain final approval of all street names from the Town Board (§123-35.E) and Town Tax Assessor (§54-A.4).
6. 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.
7. 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.
8. 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.
9. 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.
10. The Final Plat may be submitted in sections (pursuant to §123-13.I) and the Town Engineer shall review such sections to ensure the orderly development of the subdivision. All conditions within this approval, as well as any other permit or approval from a separate agency, shall apply to any and all subdivision sections filed for the Proposed Project.

Financial & Legal Considerations

1. The Applicant shall comply with all provisions of §123-13.H(1) with respect to establishment of a Performance Bond.
2. 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.

3. Immediately following filing of the Final Plat, and no later than issuance of the first certificate of occupancy for any constructed residence, the Applicant shall submit a plan for ownership, construction, operation and maintenance of all proposed drainage improvements in a form satisfactory to the Town Attorney and Town Highway Superintendent and in satisfaction of §123-48.D(2).

Construction Activity

1. At least ten (10) days prior to commencing construction of any required improvements, the Applicant shall notify the Planning Board and the Town Engineer, in writing, of the time when it proposes to commence construction of such improvements so that the Planning Board may cause an inspection to be made to ensure that all Town specifications and requirements shall be met during the construction of required improvements (§123-19). The Applicant shall provide a general construction phasing schedule to the Planning Board and Town Engineer and shall update that schedule, and provide copies to the Planning Board and Town Engineer, throughout the construction process, as necessary. 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.

2. The Town of Southeast Planning Board 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 (§123-54).

3. 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 (see §123-13.K and §123-17).

4. The Applicant shall retain the services of a professional engineer throughout the construction process who shall 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 shall certify, 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 (§123-21).

5. 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.

6. The Applicant shall submit a Notice of Intent (NOI) to comply with the New York State Department of Environmental Conservation General Permit for Construction Activity (GP-0-20-001). A copy of the completed NOI shall be maintained at the on-site construction office, and a copy shall be submitted to the Southeast Planning Board.

7. All sediment and erosion control measures or Best Management Practices indicated on the approved plans and/or required for compliance with GP-0-20-001 shall be installed at the

commencement of grading activities and shall be inspected on a weekly basis (or following any storm event) to ensure proper function. All construction activities shall adhere to the provisions for sediment and erosion control contained in the New York State Department of Environmental Conservation's *New York Standards and Specifications for Erosion and Sediment Control*.

8. In accordance with the provisions of GP-0-20-001, clearing of land shall be limited to five (5) acre phasing, unless specifically waived by NYSDEC approval of the NOI.

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. All wetlands shall be protected by silt fencing and demarked with signs indicating "Protected Area." There shall be no disturbance of any kind within a wetland or its controlled area except as specifically provided in the Wetland Permit granted by the Planning Board and subject to all conditions contained in that approval.

13. All wetland controlled areas shall be flagged every 100 feet and demarked with signs indicating "Protected Area." There shall be no storage of construction vehicles, construction equipment, or construction materials within any wetland controlled area. Disturbance within the wetland controlled area shall be limited to the minimum amount of clearing and grading to construct any improvements shown on approved plans and as permitted by the Wetland Permit granted by the GP-0-20-001 and subject to all conditions contained in that approval.

14. 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.

15. All disturbed areas shall be stabilized if left in a disturbed state for more than 48 hours. Should disturbed areas remain disturbed for periods longer than one month, more permanent stabilization measures shall be installed.

16. 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 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.

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.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
E. Cyprus, Boardmember	<u>yes</u>	M. Hecht, Boardmember	<u>yes</u>
J. King, Boardmember	<u>yes</u>	L. Eckardt, Boardmember	<u>yes</u>
G. Pangis, 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
PLANNING BOARD / ARCHITECTURAL REVIEW BOARD RESOLUTION
SITE PLAN, CONDITIONAL USE PERMIT, AND ARCHITECTURAL APPROVAL**

INTRODUCED BY: LaPerch DATE: April 26, 2021
 SECONDED BY: Cyprus

WHEREAS, ACE ENDICO CORP. as the Applicant/Owner of certain properties located 71-81, 91 & 80 International Blvd. in the OP-2 Zoning District in Town of Southeast and known and designated as Tax Map Numbers 45.-1-31.1, 45.-1-31.2, and 45.-1-29 has submitted an application for Site Plan and Conditional Use Permit approval for an amended site plan, subdivision, and conditional use permit approval for a proposed 117,600 sq. ft. addition and 63,405 sq. ft. parking garage for the existing Ace Endico warehouse and office building, located on 80 International Boulevard (Tax Map IDs: 45.-1-31.2, 45.-1-31.3, and 45.-1-29) in the OP-2 Zoning District. The proposed project requires the relocation of an existing portion of International Boulevard, along with the existing utilities within the right-of-way, to Lots 31.1 and 31.2. The proposed addition and parking garage would be located on Lot 29 and would be in lieu of the previously approved buildings for Lots 31.1 and 31.2, which totaled 119,906 square feet. Existing stormwater management infrastructure would remain on Lots 31.2 (the “Proposed Project”); and,

WHEREAS, pursuant to New York Highway Law Section 171, the Town Board issued a resolution on March 4, 2021 consenting to the re-location and alteration of International Boulevard, including the acceptance of land from the Applicant for this purpose, and the abandonment to the Applicant of certain portions of the existing International Boulevard that would be useless to the Town following the improvement; and,

WHEREAS, on April 26, 2021 the Planning Board granted Final Plat approval for the expansion of Lot 29 to include the former International Boulevard right-of-way and the merger of Lots 31.1 and 31.2; and

WHEREAS, the Town of Southeast Planning Board/Architecture Review Board (the “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 2/22/21, indicating that no negative environmental impact would exist;

WHEREAS, 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 Tecton Architects	4/16/21
Statement of Use, prepared by Bibbo Associates, LLP	3/22/21
CS-1, Cover Sheet, prepared by Bibbo Associates, LLP	11/15/19; 3/22/21
ALP-1, Approved Layout Plan, prepared by Bibbo Associates, LLP	11/15/19; 3/22/21
EX-1, Existing Conditions, prepared by Bibbo Associates, LLP	11/15/19; 3/22/21
PLP-1, Proposed Layout Plan, prepared by Bibbo Associates, LLP	11/15/19; 3/22/21
SC-1, Site Construction Plan, prepared by Bibbo Associates, LLP	11/15/19; 3/22/21
EC-1, Erosion Control and Phasing Plan, prepared by Bibbo Associates, LLP	11/15/19; 3/22/21
L-1, Landscaping Plan, prepared by Bibbo Associates, LLP	7/15/20; 3/22/21

Drawing No. & Title; submitted by	Original Date; Last Revised
UP-1, Utility Profiles, prepared by Bibbo Associates, LLP	3/22/21
P-1, Profile and Details, prepared by Bibbo Associates, LLP	11/15/19; 3/22/21
D-1, Details, prepared by Bibbo Associates, LLP	11/15/19; 3/22/21
D-2, Erosion Control Details, prepared by Bibbo Associates, LLP	11/15/19; 3/22/21
VT-1, Vehicle Tracking, prepared by Bibbo Associates, LLP	11/15/19; 3/22/21
Site Plan Layout, prepared by Tecton Architects	4/15/21
Site Plan Layout, Page 2, prepared by Tecton Architects	4/15/21
Building Addition Elevations, prepared by Tecton Architects	4/15/21
View C- From Entrance Drive, prepared by Tecton Architects	4/15/21
View C- From Entrance Drive, Page 5, prepared by Tecton Architects	4/15/21
Repeating Existing Building Aesthetic, prepared by Tecton Architects	4/15/21
Structured Parking Plans, prepared by Tecton Architects	4/15/21
South Elevation H, prepared by Tecton Architects	4/15/21
Enlarged Design Plan, prepared by Tecton Architects	4/15/21
SL-IE, Exterior Lighting Photometric Calculation, prepared by APEX Lighting Solutions	4/16/21
GARDCO by Signify Lighting Specs	undated
Construction Cost Estimate, Relocation of International Blvd., prepared by Bibbo Associates, LLP	3/29/21
Lot Line Adjustment Map prepared for Ace Endico by Terry Bergendorff Collins	1/25/21
Memorandum to Michael Endico from Hardesty & Hanover re: Traffic Comments	2/2/21
Memorandum to Chairman LaPerch from NYS Department of Transportation	2/22/21
Memorandum to Hardesty & Hanover from NYS Department of Transportation	2/18/21
Traffic Access Impact Study, prepared by Hardesty & Hanover, LLC	October 2020
Memorandum to Chairman LaPerch from NYS Department of Environmental Conservation	1/16/20
Memorandum to Secretary Desidero from NYC Department of Environmental Protection	1/6/20

; and,

WHEREAS, the Planning Board has reviewed said drawings in addition to reports and correspondence filed with those drawings and has caused the same to be reviewed by its consultants; and,

WHEREAS, according to the Traffic Impact Study (TIS) prepared by Hardesty & Hanover, the proposed project would generate a maximum of 45 peak hour trips that would be added to the NYS Route 312 corridor; and

WHEREAS, the Applicant has agreed, if requested by NYSDOT, to provide NYSDOT with one or two modems for the signalized intersections of NYS Route 312 at International Boulevard and NYS Route 312 at Independent Way/Interstate 84 westbound ramps, or other low-cost communication equipment or software if identified and requested by NYSDOT; and

WHEREAS, in a letter dated February 22, 2021, the NYSDOT granted conditional approval with the understanding that the mitigation requirement of a modem will be provided by the Applicant to NYSDOT as part of the Proposed Project; 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,

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 expansion of a Light Manufacturing Use, as described 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).

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 RESOLVED, that after reviewing the architectural elevations, renderings, and landscaping plans, and submissions of the Applicant, the Planning Board of the Town of Southeast hereby APPROVES the architecture of the Proposed Project.

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 Expansion including all stormwater and wastewater treatment systems and conveyance systems.
6. The Applicant is granted approval based on generic review by the Planning Board of the building design and elevations. Substantial deviation from the approved building design shall require a second review. The Proposed Project shall be constructed in accordance with the approved plans and drawings for the specific tenant as reviewed and approved by the Planning Board.
7. Pursuant to §138-41.E(4), the applicant shall provide to the Town of Southeast Planning Board two full set of final full-sized plans and four 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 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.
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.
9. The Application included conceptual locations of proposed signage. However, prior to the installation of any permanent signage, a sign permit application shall be submitted to the Building Inspector for review and referral to the PB/ARB for review and approval.

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 2021 construction costs. If the construction is not begun during the calendar year 2021, the Applicant must re-apply to the Planning Board for an adjustment of the bond amount to account for escalation of material and labor costs. Upon such request to the Planning Board, the Planning Board shall make a recommendation to the Town Board and the Town Board shall diligently set a new bond amount in accordance with the recommendation of the Town Engineer. The Performance Bond must be paid prior to the start of any work on the site and/or the filing for a Building Permit. The Southeast Planning Board requests that the Southeast Building Inspector withhold the Certificate of Occupancy until the Planning Board or its duly authorized representative has made an inspection of the subject improvements and determined that the Applicant has complied with all the conditions of this approval.
2. No certificate of occupancy for the structures depicted on the project development plan/site plan shall be issued or occupancy permitted unless and until the site improvements associated with the development shall be fully completed by the developer or substantially completed to the satisfaction of the building inspector and a valid performance bond is posted, in an amount equal to the amount

necessary to fully complete the outstanding site improvements, to ensure faithful completion thereof within a reasonable period of time not to exceed six months.

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

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

Construction Activity

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

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

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

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

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

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

that all approved improvements have been constructed substantially as required and approved by the Planning Board or as such requirements have been modified.

6. Prior to commencing any site clearing, grading, or construction activity, the Applicant shall have the boundary of the property staked out by a licensed surveyor.
7. A copy of the completed NOI to comply with the New York State Department of Environmental Conservation (NYSDEC) General Permit for Construction Activity shall be maintained at the on-site construction office.
8. All sediment and erosion control measures or Best Management Practices indicated on the approved plans and/or required for compliance with the NYSDEC General Permit for Construction Activity shall be installed at the commencement of grading activities and shall be inspected on a weekly basis (or following any storm event in excess of one-half inch) to ensure proper function. All construction activities shall adhere to the provisions for sediment and erosion control contained in the NYSDEC's *New York Standards and Specifications for Erosion and Sediment Control*.
9. The design and construction of all proposed water quantity and water quality best management practices shall adhere to the *New York State Stormwater Management Design Manual*.
10. Any drainage improvements that would affect a Town drainage structure or element or any improvements to Town of Southeast roads shall be made in accordance with the Town Road and Drainage Specifications (Chapter A143 of the Town Code) and shall be made under the direction and supervision of the Highway Superintendent.
11. The Town Highway Superintendent must be notified a minimum of 72 hours in advance of any construction activity affecting the Town drainage system or any Town Road except where emergency repairs are required, in which case the Highway Superintendent must be notified as soon as possible after the affected area has been stabilized.
12. Existing trees, understory vegetation, and ground cover along all property lines shall remain undisturbed to the maximum extent practicable throughout the duration of construction. Should any disturbance be required to construct approved improvements, the area shall be replanted with comparable vegetation as soon as is practicable following completion of construction activity in that area.
13. All disturbed areas shall be stabilized pursuant to NYSDEC regulations. Should disturbed areas remain disturbed for periods longer than one month, more permanent stabilization measures shall be installed.
14. The NYSDEC has determined in a letter dated 1/16/20 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 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.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman

yes
yes
yes
yes

D. Rush, Vice Chairman

yes
yes
yes

E. Cyprus, Boardmember

M. Hecht, Boardmember

J. King, Boardmember

L. Eckardt, Boardmember

G. Pangis, Boardmember

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
Planning Board / Architectural Review Board
One Main Street
Brewster, NY 10509

April 26, 2021

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

RE: **ACE ENDICO EXPANSION**, 71-81, 91 & 80 International Blvd., TAX MAP IDs 45.-1-31.1, 45.-1-31.2, and 45.-1-29

Dear Boardmembers:

At the 4/26/21 regular meeting of the Town of Southeast Planning Board/Architectural Review 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.

PROJECT	BOND AMOUNT
ACE ENDICO EXPANSION	\$ 61,500.00

The Town Engineer's memo is attached for your consideration and includes the estimate for all site improvements, which totals \$1,781,000.00. Inspection Fees, based on the total cost of site improvements, in the amount of \$71,240.00, 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/Architectural Review Board.

Sincerely,


Thomas LaPerch, Chairman
Southeast Planning Board/Architectural Review Board

Attachment

cc: Town Attorney
Town Clerk
Town Engineer
Building Inspector
Bibbo Associates, LLP
File



April 8, 2021

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

Re: Ace Endico
International Boulevard
Tax Map ID 45.-1-29,31.1,31.2
Bond Estimate
NLJA #0001-0794

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 \$1,781,000.

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 \$71,240.

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 \$61,500.

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

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, P.C.

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

Joseph M. Dillon, P.E.

JMD:jmd

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

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

2021 OPINION OF PROBABLE CONSTRUCTION COSTS
 Performance Bond

Project: Ace Endico Amended Site Plan
 International Boulevard
 Southeast, New York

Done by: KAW
 Date: 4/8/2021

Project No.: 0001-0794

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	CLEAR AND GRUB	\$2,000.00	ACRE	4.6	\$9,200.00
2	STRIP & STOCKPILE TOPSOIL	\$0.52	S.Y.	22085	\$11,484.20
3	CUT & FILL W/ COMPACTION	\$9.06	C.Y.	3290	\$29,807.40
4	12" FOUNDATION COURSE	\$40.00	C.Y.	4755	\$190,200.00
5	STORM MANHOLES	\$3,380.00	EACH	2	\$6,760.00
6	RETAINING WALL	\$250.00	L.F.	555	\$138,750.00
7	BOX BEAM GUIDERAIL	\$56.51	L.F.	1510	\$85,330.10
8	6" Ø SDR 35	\$40.76	L.F.	115	\$4,687.40
9	8" Ø SDR 35	\$61.70	L.F.	1860	\$114,762.00
10	SINGLE CATCH BASIN	\$3,860.00	EACH	22	\$84,920.00
11	SANITARY MANHOLES	\$5,120.00	EACH	9	\$46,080.00
12	SEWER TESTING	\$3,500.00	L.S.	1	\$3,500.00
13	18" Ø HDPEP	\$191.00	L.F.	1500	\$286,500.00
14	10" DR-18 PVC FOR FIRE	\$55.00	L.F.	1445	\$79,475.00
15	6" DR-18 PVC	\$45.00	L.F.	90	\$4,050.00
16	HYDRANTS W/ FITTINGS AND VALVES	\$2,500.00	EACH	2	\$5,000.00
17	4" DR-18 PVC FOR RW	\$27.00	L.F.	1445	\$39,015.00
18	WATERMAIN TESTING	\$1,500.00	L.S.	1	\$1,500.00
19	BITUMINOUS CONCRETE BINDER (5")	\$94.50	TON	4101	\$387,544.50
20	BITUMINOUS CONCRETE TOP (2")	\$98.75	TON	1641	\$162,048.75
21	BITUMINOUS CONCRETE LIP CURB	\$5.75	L.F.	5960	\$34,270.00
22	SPREAD STOCKPILED TOPSOIL TO 4"	\$0.78	S.Y.	16290	\$12,706.20
23	HYDROSEED	\$0.57	S.Y.	16290	\$9,285.30
24	SIGNS	\$500.00	L.S.	1	\$500.00
25	SILT FENCE	\$5.00	L.F.	4960	\$24,800.00
26	SILT SACK (Catch Basin Insert - Regular Flow)	\$105.00	EACH	23	\$2,415.00
27	CONSTRUCTION ENTRANCE	\$1,265.00	EACH	3	\$3,795.00
28	PAVEMENT MARKINGS	\$2,500.00	L.S.	1	\$2,500.00
Total:					\$1,780,885.85

SAY \$1,781,000

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

2021 OPINION OF PROBABLE CONSTRUCTION COSTS
Erosion & Sediment Control and Site Restoration Bond

Project: Ace Endico Amended Site Plan
International Boulevard
Southeast, New York

Done by: JMD
Date: 4/8/2021

Project No.: 0001-0794

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	SPREAD STOCKPILED TOPSOIL TO 4"	\$0.78	S.Y.	22085	\$17,226.30
2	HYDROSEED	\$0.57	S.Y.	22085	\$12,588.45
3	SILT FENCE	\$5.00	L.F.	4960	\$24,800.00
4	SILT SACK (Catch Basin Insert - Regular Flow)	\$136.00	EACH	23	\$3,128.00
5	CONSTRUCTION ENTRANCE	\$1,254.00	EACH	3	\$3,762.00
Total:					\$61,504.75

SAY **\$61,500.00**