
TOWN OF SOUTHEAST
PLANNING BOARD/ARCHITECTURAL REVIEW BOARD AGENDA
November 22, 2021 7:00 p.m. Public Hearings / Regular Session
Town Hall, 1360 Route 22, Brewster, NY 10509

PUBLIC HEARINGS:

REGULAR SESSION:

1. **SUBTRACT, INC., 20 Welfare Road, Tax Map ID 36.-1-44.2** – Continued Review of an Application for Conditional Use Permit
2. **ABB PROPERTIES, 357 & 361 Route 312, Tax Map ID 45.-2-46 & 47** – Review an Application for Final Approval of Site Plan Amendment
3. **NEW CINGULAR WIRELESS, d/b/a AT&T, 1 Geneva Road, Tax Map ID 45.-1-26** – Review of a Request for Exemption from Site Plan and Conditional Use Permit Review
4. **J&M HEATING & AC, 20 Farrington Road, Tax Map ID 68.-2-18** – Review of an Application for Final Approval of Conditional Use Permit
5. **HOULIHAN LAWRENCE, 1511 Route 22, Tax Map ID 46.-1-1.-1** – Architectural Review of an Application for a Sign
6. **STATELINE RETAIL CENTER/SUBARU, 3685, 3711 & 3751 Danbury Road, Tax Map IDs 68.-2-48.1, 48.2 & 48.3** – Continued Review of an Application for Site Plan, Special Permit, Wetland Permit and Subdivision

APPROVE MEETING MINUTES of November 8, 2021

Agenda Subject to Change
November 19, 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#>

**TOWN OF SOUTHEAST, NY
PLANNING BOARD RESOLUTION
DENIAL OF CONDITIONAL USE PERMIT
FOR SUBTRACT, INC.**

INTRODUCED BY: LaPerch DATE: November 22, 2021
SECONDED BY: Rush

WHEREAS, an application is being made by **SUBTRACT, Inc.** (the “Applicant”) for a Conditional Use Permit for a “Home Occupation” on a property located at 20 Welfare Road, in the Town of Southeast, New York; and

WHEREAS, the property is identified as Tax Map Number 36.-1-44.2, and is located in the R-160 Zoning District; and

WHEREAS, the Applicant has described the proposed use as an internet-based Federal Firearms Licensed (FFL) business that manufactures and sells small-volume firearm parts on a Haas Mini Mill Computer Numerical Control (CNC) machine. All transactions for the manufacturing portion of the business would occur via the internet and deliveries would take place via standard residential delivery services. The property is a single-family home; and

WHEREAS, in the statement of use dated June 16, 2021, the Applicant indicated that the business would conduct FFL Transfers where the Applicant acts as a facilitator in a private firearm transaction, and that customers would visit the premises by appointment for the purpose of background checks and transfer of firearms; and

WHEREAS, on July 26, 2021, the Planning Board referred the application to the Zoning Board of Appeals for an interpretation of whether or not the proposed use met the criteria of a permissible home occupation as listed in 138-56.2.A, and whether or not the proposed on-site transfer of firearms is prohibited under 138-56.2.A(3); and

WHEREAS, on August 16, 2021, the Zoning Board of Appeals determined that the proposed use does not meet the criteria for a permissible “Home Occupation” for the reasons referenced in their resolution dated August 16, 2021; and

WHEREAS, on August 26, 2021, the Applicant submitted a revised statement of use that removed the FFL Transfer aspect of the proposed business; and

WHEREAS, on September 14, 2021, the Planning Board referred the application to the Zoning Board of Appeals for an interpretation of whether or not the proposed use, as defined by the Revised Statement of Use prepared by Jason Smith, dated 8/26/21 met the criteria of a permissible home occupation as listed in 138-56.2.A; and

WHEREAS, on October 18, 2021, the Zoning Board of Appeals determined that the proposed use does not meet the criteria for a permissible “Home Occupation” for the reasons referenced in their resolution dated October 18, 2021; and

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

1. Town of Southeast Application Form, dated 3/24/21
2. Statement of Use, prepared by Ashley and Jay Smith, dated 6/16/21
3. Affidavit of Fact and Research Support, dated 6/23/21
4. Short EAF, signed 3/24/21
5. Zoning Board of Appeals Resolution, dated 8/16/21
6. Revised Statement of Use, prepared by Ashley and Jay Smith, dated 8/26/21
7. Zoning Board of Appeals Resolution, dated 10/18/21

WHEREAS, the Planning Board has determined on the basis of its own review, the review of comments received from its consultants, and the determinations of the Zoning Board of Appeals, that the information submitted by the Applicant is not in 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 **DENIES** Conditional Use Permit Approval for the Proposed Action, as defined above.

UPON ROLL CALL VOTE:

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

The resolution was passed by a vote of 4 to 0, with 2 absent. & 1 abstain

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

TOWN OF SOUTHEAST, NY
PLANNING BOARD / ARCHITECTURAL REVIEW BOARD RESOLUTION
SITE PLAN APPROVAL

INTRODUCED BY:

LaPerch

DATE: November 22, 2021

SECONDED BY:

Rush

WHEREAS, ABB PROPERTIES, LLC as the Applicant/Owner of certain properties located 357 & 361 Rte. 312 in the ED Zoning District in Town of Southeast and known and designated as Tax Map Numbers 45.-2-46 & 47 has submitted an application for Site Plan approval for a proposal to formalize the 35-space parking area and relocate the dumpsters (the "Proposed Project"); 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, classified this as a Type II Action on or about 9/27/21, indicating that no 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:

Table with 2 columns: Drawing No. & Title; submitted by, Original Date; Last Revised. Rows include Memorandum to Chairman LaPerch from Bibbo Associates, LLP and Site Plan documents (SP-1, SP-2) prepared by Bibbo Associates, LLP.

; 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,

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 ABB Properties, LLC 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.

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) Inspection Fees in the amount of \$750.00 shall be paid to the Planning Board;
- b) Escrow Account shall be in good standing;
- c) 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

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

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

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

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

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

Landscaping

1. Prior to planting according to the approved landscape plan, the Applicant shall stake the location of all proposed landscaping and allow for a site inspection by the Planning Board or its designees to ensure that the proposed landscaping will provide the maximum screening benefit and/or that the proposed landscaping is suitable for the visual setting and overall appearance of the project site.
2. All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season. Landscaping shall be maintained for the life of the facility. In the event that said landscaping is not maintained to the satisfaction of the Building Inspector or Code Enforcement Officer (CEO), the Building Inspector or CEO shall notify the applicant in writing of the violation. If the required landscaping maintenance is not performed within 30 days to the satisfaction of the Building Inspector or CEO, the Town shall correct the violation and be reimbursed for Town costs by the applicant.
3. The Applicant shall provide an on-site and qualified arborist or landscape architect to supervise construction activity within 100 feet of any tree designated to be preserved on the approved plans. The arborist or landscape architect shall ensure that the tree protection measures indicated on the approved plans are in place and properly maintained throughout construction activity.
4. After final construction is complete, and prior to the issuance of a Certificate of Occupancy, the Applicant shall submit an as-built landscaping plan to the Town of Southeast Building Department. The as-

built plan shall identify any discrepancies between the approved plan and the installed landscaping. The plans must be certified by a professional landscape architect, architect, or engineer.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman

yes

D. Rush, Vice Chairman

yes

E. Cyprus, Boardmember

absent

M. Hecht, Boardmember

yes

J. King, Boardmember

absent

L. Eckardt, Boardmember

yes

G. Pangis, Boardmember

yes

The resolution was passed by a vote of 5 to 0, with 2 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

**TOWN OF SOUTHEAST
PLANNING BOARD / ARCHITECTURAL REVIEW BOARD
RESOLUTION TO EXEMPT
SITE PLAN AND CONDITIONAL USE PERMIT APPROVAL (§138-54.1.B(3))**

INTRODUCED BY: *LaPerch*

DATE: November 22, 2021

SECONDED BY: *Rush*

WHEREAS, the Planning Board/Architectural Review Board of the Town of Southeast is in receipt of a request for an exemption by New Cingular Wireless d/b/a AT&T for a like-kind antenna replacement at a wireless telecommunications services facility located at 1 Geneva Road, Tax Map No. 45.-1-26, in the Town of Southeast; and

WHEREAS, the Applicant proposes the installation of antennas and associated equipment on the existing monopole and within the existing American Tower compound; and

WHEREAS, the Planning Board/Architectural Review Board is in receipt of the following drawings and documents related to the Exemption Request, and has caused same to be reviewed by its consultants:

Drawing No. & Title; submitted by	Original Date; Last Revised
Letter to Chairman LaPerch from Brendan Shields of Airo Smith Development	10/25/21
Exhibit A: Eligible Facilities Request, prepared by Airo Smith Development	10/25/21
Exhibit B: Planning Board Application, prepared by Airo Smith Development	10/25/21
Exhibit C: Building Permit Application, prepared by Airo Smith Development	7/28/21
Letter of Authorization from American Tower Corporation	7/28/21
Exhibit D: Certificates of Insurance	Various dates
Exhibit E: Existing Zoning Approval	12/7/16
Exhibit F: Ground Lease	1/18/17
Exhibit G: Structural Analysis Report, prepared by American Tower	5/6/21
Exhibit H: Construction Drawings, prepared by Airo Smith Development	8/9/21; 10/12/21

WHEREAS, the Planning Board/Architectural Review Board has determined on the basis of its own review and the review comments that it has received from its consultants, that all proposed improvements are would reduce the overall bulk of the tower, and are consistent with the existing Conditional Use Permit for the facility;

NOW, THEREFORE be it RESOLVED, the Planning Board/Architectural Review Board is empowered under §138-54.1B(3) to exempt the requirements for Conditional Use approval and related Site Development Plan approval for the location of antennas upon existing and approved structures, as appropriate) and finds that:

1. The addition involves the installation of antennas or other equipment clearly indicated as part of the original approval for the communication tower and facilities, including approved additional users and collocation of approved equipment and including approved accessory structures (§138-54.1B(3)(a));

2. The addition of the replacement antennas or other equipment shall not result in any increase in the total height of the structure, as originally approved, including the height of any antenna protruding above the tower facility or other structure (§138-54.1E(3)(b));
3. The addition of replacement antennas or other equipment onto an existing tower facility shall not result in any increase in bulk (i.e., volume) greater than 25% over the total bulk of antennas or other equipment approved for installation on said tower as per the original approval of said tower facility (§138-54.1B(3)(c));
4. The removal of the existing antennas or other equipment shall result in a net reduction in the bulk (i.e., volume) of the total bulk of antennas or other equipment approved for installation on said tower as per the original approval of said tower facility. The removal of the existing antennas shall not result in any significant alteration of the remaining antennas or equipment on the tower structure (§138-54.1B(3)(d));
5. The addition of the replacement antennas shall not include the construction of any new accessory structures such as equipment buildings, fencing or other site improvements unless such accessory structures or improvements are clearly indicated as part of the original approval for the communications tower and facilities (§138-54.1B(3)(e));
6. The existing structure previously obtained a conditional use approval for a telecommunications tower or facility (§138-54.1B(3)(f));

NOW THEREFORE, be it RESOLVED, the Planning Board/Architectural Review Board finds that the application from New Cingular Wireless d/b/a AT&T is consistent with the original approval and is exempt from Site Development Plan Approval and Conditional Use Approval.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman
 E. Cyprus, Boardmember
 J. King, Boardmember
 G. Pangis, Boardmember

yes
absent
absent
yes

D. Rush, Vice Chairman
 M. Hecht, Boardmember
 L. Eckardt, Boardmember

yes
yes
yes

The resolution was passed by a vote of 5 to 0, with 2 absent.

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

**TOWN OF SOUTHEAST, NY
PLANNING BOARD / ARCHITECTURAL REVIEW BOARD RESOLUTION
CONDITIONAL USE PERMIT APPROVAL**

INTRODUCED BY: La Perch DATE: 11/22/21
 SECONDED BY: Hecht

WHEREAS, J&M HEATING & AC as the Applicant/Owner of certain properties located 20 Farrington Road in the SR-6 Zoning District in Town of Southeast and known and designated as Tax Map Number 68.-2-18 has submitted an application for Conditional Use Permit approval for a proposal to proposes to occupy an existing 11,000 sq. ft. commercial building for a General Business Use where no exterior changes or outside storage are proposed (the “Proposed Project”); 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, Classified this as a Type II Action on or about 10/25/21, indicating that no 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 James Woodward, President of J&M Heating & Air Conditioning, Inc.	11/5/21
20 Farrington – Proposed Layout, prepared by J&M Heating & Air Conditioning	9/7/21; 10/20/21
Property Survey prepared for Eleventh Jam Development, LLC, by Terry Bergendorff Collins	5/3/04; 10/20/21
Statement of Use, prepared by James Woodward	10/10/21

; 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 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 a General Business 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 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.

Financial & Legal Considerations

1. 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.

UPON ROLL CALL VOTE:

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

The resolution was passed by a vote of 5 to 0, with 2 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

TOWN OF SOUTHEAST

PLANNING BOARD / ARCHITECTURAL REVIEW BOARD

APPLICATION REVIEW

MEETING DATE: November 22, 2021

SIGN REVIEW

STRUCTURE REVIEW

Residential

Commercial

NAME OF APPLICATION: Houlihan Lawrence

ADDRESS & TAX NUMBER: 1511 Route 22, Tax Map ID 46.-1-1.-1.

REPRESENTATIVE: C&M Signs

PLANNING BOARD REFERRAL DATE (IF APPLICABLE):

ZONING COMPLIANCE APPROVAL DATE: 11/1/21

APPLICATION DETAILS (INCLUDE DRAWING NUMBERS AND DATES, IF APPLICABLE):

1. PB/ARB Application, prepared by C&M Sign Company, undated
2. Owner Consent Form signed by UB Brewster, LLC, dated 10/18/21
3. Photos of Plaza with Sign Superimposed on Building and Sign Specs, no preparer, undated
4. Mounting Diagram, no preparer, undated
5. Hanley LED PE-2 & PN2-24 Spec Sheets, undated
6. Photos of Plaza showing location of tenant space and neighboring signs, no preparer, undated
7. Copy of Lakeview Plaza Multi-Tenant Sign Program

Please Circle:

APPROVED

DENIED

Recommendations:

- ① Raceway painted to match facade for life of sign;
- ② Approval for Wall Sign ONLY

PB/ARB ACTING CHAIRMAN:

D. Rush
/rad

DATE:

11/22/21

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

Date: November 22, 2021

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/Architectural Review 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: Stateline Retail Center/Subaru

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The Applicant, PLI, LLC, proposes to construct a new Subaru Motor Vehicle Dealership on a portion of the 44-acre Stateline Retail Center project site, which was last approved as a Large Retail Establishment on March 14, 2019. The Stateline Retail Center project was the subject of an Environmental Impact Statement. The current project requires a site plan, special permit, and subdivision approval to accommodate a new use, Motor Vehicle Dealership, and layout not previously contemplated. The Applicant proposes to subdivide the existing 3 lots into 5 lots. The proposed 40,964 square foot Motor Vehicle Dealership would be on Lot 5, and would include associated parking, lighting, landscaping and mitigation plantings, a subsurface sewage treatment system, well, and stormwater management areas. Proposed Lots 1, 2, 3, and 4 would collectively be the "Large Retail Establishment." The previously approved Restaurant Depot is currently under construction on proposed Lot 2. Proposed Lots 1, 3, and 4 would remain vacant for future development, with a conceptually proposed 3,200 square foot building on Lot 1, a 49,500 square foot building on Lot 3, and a 3,600 square foot bank on Lot 4. A lot line adjustment between Lots 1 and 2 is proposed to convey 0.45 acres to the existing Lot 2. The resulting Lot 1 would be 3.53 acres, Lot 2 would be 11.8 acres, Lot 3 would be 5.69 acres, Lot 4 would be 2.0 acres, and Lot 5 would be 21.00 acres. The property is located on US Route 6/202 to the east of Old Nichols Road, to the west of Dingle Ridge Road and immediately north of Interstate 84, in the Town of Southeast, Putnam County, New York, and identified as tax map numbers 68.-2-48.1, 68.-2-48.2, and 68.-2-48.3, and Zoned Special Route 6 (SR-6). The proposed project requires Town Board amended Special Permit and Site Plan Approval of the Large Retail Establishment and Special Permit approval for the Motor Vehicle Dealership; Planning Board Subdivision approval, Site Plan and Wetland Permit approval for the Motor Vehicle Dealership, and Site Plan and Wetland Permit approval for Lot 1; and ZBA approval of several area variances.

Location:

3685, 3711 & 3751 Danbury Road, Tax Map IDs 68.-2-48.1, 48.2 & 48.3

Reasons Supporting This Determination:

The following materials have been reviewed:

- Memorandum to Chairman LaPerch from Insite Engineering, dated 11/1/22
- Level of Service Summary Table, no preparer, undated
- SMP-1, Site Master Plan, prepared by Insite Engineering, dated 6/21/21; last revised 11/1/21

- EX-1, Existing Conditions, prepared by Insite Engineering, dated 6/21/21; last revised 11/1/21
- SP-1, Proposed Layout and Landscape Plan, prepared by Insite Engineering, dated 6/21/21; last revised 11/1/21
- SP-2, Grading & Utilities Plan, prepared by Insite Engineering, dated 6/21/21; last revised 11/1/21
- SP-3, Erosion & Sediment Control Plan, prepared by Insite Engineering, dated 6/21/21; last revised 11/1/21
- SP-4, Buffer Enhancement Planting Plan, prepared by Insite Engineering, dated 8/23/21; last revised 11/1/21
- SP-5, Invasive Species Management Plan, prepared by Insite Engineering, dated 8/23/21; last revised 11/1/21
- VMP-1, Vehicle Maneuvering Plan, prepared by Insite Engineering, dated 6/21/21; last revised 11/1/21
- D-1, Details, prepared by Insite Engineering, dated 8/23/21; last revised 11/1/21
- D-2, Details, prepared by Insite Engineering, dated 6/21/21; last revised 11/1/21
- D-3, Details, prepared by Insite Engineering, dated 6/21/21; last revised 11/1/21
- D-4, Well & Septic Details, prepared by Insite Engineering, dated 6/21/21; last revised 11/1/21
- D-5, Stream Crossing Details, prepared by Insite Engineering, dated 6/21/21; last revised 11/1/21
- Memorandum to Chairman LaPerch from Colliers Engineering & Design, dated 9/25/21
- 10 Color Renderings of Site, prepared by Claris Design-Build, undated
- Wetland Buffer Enhancement Monitoring & Maintenance Plan, no preparer, dated 10/4/21
- Table 1, Stateline Retail Center Plan Comparison, dated 10/4/21
- Statement of Use, prepared by Insite Engineering, dated 6/21/21
- Full Environmental Assessment Form, prepared by Insite Engineering, dated 6/21/21
- Memorandum to Chairman LaPerch from Tim Miller Associates, Inc., dated 8/20/21
- Memorandum to Chairman LaPerch from Collins Engineering & Design, dated 8/17/21
- Lighting Plans, prepared by Damin Sales, dated 8/20/21
- Preliminary Subdivision Plat, prepared by Insite Engineering, dated 8/23/21; last revised 6/21/21
- AO-1 Overlay Plan, prepared by Insite Engineering, dated 8/23/21
- A-1 Aerial Photo, prepared by Insite Engineering, dated 8/6/21
- Memorandum to Acting Chairman Rush from NYC Department of Environmental Protection, dated 8/4/21
- Traffic Impact Study, prepared by Colliers Engineering & Design, dated 6/9/21
- Memorandum to Paul Camarda from Tim Miller Associates, Inc, dated 6/14/21
- 2nd Amended Stormwater Pollution Prevention Plan, prepared by Insite Engineering, dated 6/21/21
- Elevations and Color Board, prepared by Claris Design-Build, undated
- A-101, First Floor-Proposed Layout Option A, prepared by Claris Construction, Inc., dated 6/4/21

- A-102, Second Floor-Proposed Layout Option A, prepared by Claris Construction, Inc., dated 6/4/21
- A-201, Elevations-Proposed Layout Option A, prepared by Claris Construction, Inc., dated 6/4/21

WHEREAS, the Planning Board, as Lead Agency, previously conducted a Coordinated Review for the Stateline Retail Center Project, which had the same overall square footage, similar land uses, and a similar development footprint to the current Stateline Retail/Restaurant Depot project, and issued a Statement of Findings on or about September 28, 2009 (the “2009 Stateline Project”); and

WHEREAS, between 2009 and 2019, the Applicant maintained Site Plan, Special Permit, and Wetland Permit Approval for the 2009 Stateline Project through a series of extensions and re-approvals, which included updates to the environmental analyses; and

WHEREAS, the Stateline Retail Center / Restaurant Depot shall meet the conditions set forth in the SEQRA Findings Statement, dated September 28, 2009, and affirmed April 28, 2014, and April 9, 2018, as applicable; and

WHEREAS, the SEQRA Findings Statement included the following statement, “As the project moves forward through Special Permit review and Site Plan review, including amendments thereto, certain modifications may be made to the project design relating to building location, building footprint, and total square footage. If such plan modifications result in substantially similar amounts of square footage, construction activity staying substantially within the same limits of disturbance, and with substantially similar amounts of impervious surface area as set forth in the DEIS and FEIS, then no further environmental review under SEQRA will be required. If, however, the plans are modified in a manner that may increase the amount or extent of environmental impact beyond that analyzed in the DEIS and FEIS, then the Town may require additional environmental review,” and

WHEREAS, as required by the SEQRA Findings Statement, the Stateline Retail Center / Restaurant Depot project would maintain the same square footage and similar development footprint as the 2009 Stateline Project, and

WHEREAS, as recommended and approved by the New York State Department of Transportation (NYSDOT), the Stateline Retail Center / Restaurant Depot project would realign Farrington Road to create a four-way intersection with the new driveway entrance to Lots 2 and 3. The intersection has been designed to accommodate a traffic signal, which would be installed contemporaneous to the development of Lot 3; and

WHEREAS, primary access to the Subaru dealership would be from an internal site driveway that connects to the new four-way intersection. Secondary access would be from a right turn in right turn out only from the Subaru site to Route 6; and

WHEREAS, on July 12, 2021, the Planning Board/Architectural Review Board classified the proposed action as a Type I Action and circulated its intent to serve as Lead Agency in a coordinated review of the project, to which no other agency has objected; and

WHEREAS, the Planning Board/Architectural Review Board held a publicly noticed meetings on 10/25/21 and 11/8/21, at which time members of the public were given the opportunity to comment on the proposed project; and

WHEREAS, the Planning Board/Architectural Review Board has reviewed the full Environmental Assessment Form (EAF) and has thoroughly analyzed the information concerning relevant areas of environmental concern both submitted by the applicant and gather by the Planning Board through its consultants and the public; and

WHEREAS, in addition to the factors considered above, the Planning Board considered the following guidance from the State Environmental Quality Review Act and its implementing regulations and determined that the Proposed Action would:

- (i) Not result in "a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;" (§617.7(c)(1)(i))
- (ii) Not result in "the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;" (§617.7(c)(1)(iii))
- (iii) Not result in "the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;" (§617.7(c)(1)(iii))
- (iv) Not result in "the creation of a material conflict with a community's current plans or goals as officially approved or adopted;" (§617.7(c)(1)(iv))
- (v) Not result in "the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;" (§617.7(c)(1)(v))
- (vi) Not result in "a major change in the use of either the quantity or type of energy;" (§617.7(c)(1)(vi))
- (vii) Not result in "the creation of a hazard to human health;" (§617.7(c)(1)(vii))
- (viii) Not result in "a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;" (§617.7(c)(1)(viii))
- (ix) Not result in "the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;" (§617.7(c)(1)(ix))
- (x) Not result in "the creation of a material demand for other actions that would result in one of the above consequences;" (§617.7(c)(1)(x))
- (xi) Not result in "changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or (§617.7(c)(1)(xi))

NOW, THEREFORE BE IT RESOLVED that the Planning Board/Architectural Review 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 / ARB Department
 One Main Street
 Brewster, NY 10509
 Telephone Number: (845) 279-7736

A Copy of this Notice has been filed with:

INVOLVED/INTERESTED AGENCY	
Putnam County Department of Health 1 Geneva Road Brewster, New York 10509	Town Board 1360 Route 22 Brewster, NY 10509

SEQR Unit New York State Department of Transportation Traffic Engineering & Safety Division 4 Burnett Blvd. Poughkeepsie, NY 12603 e-mail: dot.sm.r08.hwpermits@dot.ny.gov	Town Clerk 1360 Route 22 Brewster, NY 10509
New York State Department of Environmental Conservation 625 Broadway Albany, NY 12233 Commissioner	Zoning Board of Appeals 1 Main Street Brewster, NY 10509 ATTN:
New York State Department of Environmental Conservation Region 3 21 South Putt Corners New Paltz, NY 12561 Director	Building Inspector 1 Main Street Brewster, NY 10509 ATTN: Regional
New York City Department of Environmental Protection Bureau of Water Supply 465 Columbus Avenue Valhalla, New York 10595-1336	E-911 Coordinator / Assessor 1360 Route 22 Brewster, NY 10509
Putnam County Highways & Facilities 842 Fair Street Carmel New York 10512	Fire Inspector 1 Main Street Brewster, NY 10509
Putnam County Department of Planning/Development & Public Transportation Putnam County Transit Facility 2 Route 164 Patterson, New York 12563	Environmental Notice Bulletin e-mail: enb@gw.dec.state.ny.us website: http://www.dec.ny.gov/enb/enb.html

UPON ROLL CALL VOTE:

- | | | | |
|------------------------|----------------|-------------------------|------------|
| T. LaPerch, Chairman | <u>recused</u> | D. Rush, Vice Chairman | <u>yes</u> |
| E. Cyprus, Boardmember | <u>absent</u> | M. Hecht, Boardmember | <u>yes</u> |
| J. King, Boardmember | <u>absent</u> | L. Eckardt, Boardmember | <u>yes</u> |
| G. Pangis, Boardmember | <u>yes</u> | | |

The resolution was passed by a vote of 4 to 0, with 2 absent. 1 recused

P. Rush / vac
D Rush, Acting Chairman
Southeast Planning Board /
Architectural Review Board

**TOWN OF SOUTHEAST
PLANNING BOARD / ARCHITECTURAL REVIEW BOARD
SPECIAL PERMIT REFERRAL**

INTRODUCED BY: *Rush*
SECONDED BY: *Pangis*

DATE: November 22, 2021

WHEREAS, STATELINE RETAIL CENTER / BREWSTER SUBARU located at 3685, 3711 & 3751 Danbury Road, in the Town of Southeast, has applied for a Special Permit from the Town Board of the Town of Southeast to construct a Motor Vehicle Dealership for Brewster Subaru in the SR-6 Zoning District, on property designated as Tax Map IDs 68.-2-48.1, 48.2 & 48.3; and,

WHEREAS, the Planning Board/Architectural Review Board, as Lead Agency under the State Environmental Quality Review Act (SEQRA) conducted a thorough review of the proposed project and potential environmental impacts and adopted a Negative Declaration on the Proposed Project on November 22, 2021; and

WHEREAS, the Town Board has requested a report from the Planning Board/Architectural Review Board on the said proposal; and,

WHEREAS, the Planning Board/Architectural Review Board has reviewed the above request for a Special Use Permit for this particular project and finds that it is substantially in conformance with Article X of Chapter 138 of the Zoning Code of the Town of Southeast except as noted in the table below; and,

Motor Vehicle Dealership – Brewster Subaru	
§138-63.9:	CONFORMS (Yes/No):
B.(1) The minimum lot size shall be 4.0 acres.	<i>Yes.</i>
B.(2) A minimum fifty-foot-wide landscaped buffer shall be provided in the front, rear, and side yards. Vehicle parking and storage shall be prohibited within the fifty-foot buffer.	<i>No. 17 feet is provided in the rear and side yards.</i>
B.(3) A minimum of 10% of the parking lot and vehicle storage area shall be landscaped. The fifty-foot-wide buffer shall not contribute towards this requirement. Bioswales and rain gardens within landscaped islands may be counted towards this requirement.	<i>Yes.</i>
C. No exterior public address systems shall be permitted.	<i>Yes.</i>
D. No exterior display of banners, pennants, ribbons, dancing tube signs, or similar temporary advertising materials shall be permitted.	<i>Yes.</i>
E. Employee parking shall be designated and provided on site. Parking areas designated for employees shall not be used for vehicle storage, repair or finishing work, display or customer parking.	<i>Yes.</i>
F. Customer parking shall be designated and provided on site. Parking areas designated for customers shall not be used for	<i>Yes.</i>

vehicle storage, repair or finishing work, display or employee parking.	
G. All employee parking and on-site motor vehicle storage shall be located in the rear of the building and shall be screened from adjacent properties and public rights-of-way.	Yes.
H. Outdoor vehicle display areas shall be designated on the site plan. Vehicle display areas should be landscaped, and should not be part of the customer parking area. Metal vehicle display ramps or similar movable vehicle display devices are prohibited. Vehicle display areas are not permitted within the fifty-foot buffer.	Yes.
I. Off-site new motor vehicle storage shall be permitted subject to the following conditions.	NA. No off-site storage proposed.
J. The hours of loading and unloading of vehicles shall be determined by the Town Board. All loading and unloading shall occur on the subject site and not in or on the public right-of-way	Yes. Sufficient space for loading is available onsite. Approved hours should be indicated on the site plan.
K. Vehicles to be repaired or serviced shall not be parked or stored on any street or public right-of-way.	Yes.

WHEREAS, where the proposed project does not comply with the special permit criteria noted above, the Planning Board recommends that the Town Board refer the application to the Zoning Board of Appeals for area variances pursuant to § 138-52.B of the Zoning Code; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board/Architectural Review Board recommends that the Town Board of the Town of Southeast grant the Special Permit for a Motor Vehicle Dealership; and

BE IT FURTHER RESOLVED, that a copy of this resolution be circulated to the Town Board of the Town of Southeast.

UPON ROLL CALL VOTE:

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

The resolution was passed by a vote of 4 to 0, with 2 absent. & 1 recused.

D. Rush
D. Rush, Acting Chairman / md
Planning Board/
Architectural Review Board

**TOWN OF SOUTHEAST PLANNING BOARD
RESOLUTION TO POSITIVELY RECOMMEND AN AMENDMENT TO THE
LARGE RETAIL CENTER SPECIAL PERMIT AND SITE PLAN APPROVAL
FOR STATELINE RETAIL CENTER / RESTAURANT DEPOT**

INTRODUCED BY: Rush **DATE:** November 22, 2021
SECONDED BY: Pangis

WHEREAS, the Applicant, PLI, LLC, proposes to amend the Site Plan, Special Permit, and Subdivision of the Stateline Retail Center project located on US Route 6/202 to the east of Old Nichols Road, to the west of Dingle Ridge Road and immediately north of Interstate 84, in the SR-6 Zoning District of the Town of Southeast, Putnam County, New York, to accommodate a new Subaru Motor Vehicle Dealership on a portion of the 44-acre Stateline Retail Center project site;

WHEREAS, the Stateline Retail Center project was last approved as a Large Retail Establishment on March 14, 2019, for the construction of a new Restaurant Depot;

WHEREAS, the Applicant proposes to subdivide the existing 3 lots into 5 lots. The proposed 40,964 square foot Motor Vehicle Dealership would be on Lot 5, and would include associated parking, lighting, landscaping and mitigation plantings, a subsurface sewage treatment system, well, and stormwater management areas. Proposed Lots 1, 2, 3, and 4 would collectively be the “Large Retail Establishment.” The previously approved Restaurant Depot is currently under construction on proposed Lot 2. Proposed Lots 1, 3, and 4 would remain vacant for future “Large Retail Establishment” development, with a conceptually proposed 3,200 square foot building on Lot 1, a 49,500 square foot building on Lot 3, and a 3,600 square foot bank on Lot 4. A lot line adjustment between Lots 1 and 2 is proposed to convey 0.45 acres to the existing Lot 2 (the Restaurant Depot lot). The resulting Lot 1 would be 3.53 acres, Lot 2 would be 11.8 acres, Lot 3 would be 5.69 acres, Lot 4 would be 2.0 acres, and Lot 5 would be 21.00 acres;

WHEREAS, the Planning Board, as Lead Agency under the State Environmental Quality Review Act (SEQRA) conducted a thorough review of the proposed project and potential environmental impacts and adopted a Negative Declaration on the Proposed Project on November 22, 2021; and

WHEREAS, the proposed project requires an amendment to the site plan and Large Retail Establishment Special Permit for Stateline Retail Center / Restaurant Depot from the Town Board; and

WHEREAS, recognizing that the authority to issue the Special Permit rests with the Town Board, the Planning Board has reviewed the proposed project’s conformance with the Special Permit criteria in order to assist the Town Board in its review and to provide the Planning Board’s input; and

WHEREAS, the table below summarizes the Planning Board’s review of the Special Permit criteria; and

Stateline Retail Center – Special Use Permit Criteria	
§138-63.4:	CONFORMS (Yes/No):
A. Any parcel shall consist of not less than 35 acres and have access via a state or county road; and	<i>No. The proposed change reduces the lot area dedicated to the Large Retail Establishment to 22.9 acres. As such, the project would no</i>

	<i>longer conform to this provision.</i>
B. Any retail use in connection with any zoning lot shall be limited to a floor area ratio (FAR) not to exceed 0.15. All other dimensional standards for any parcel shall be the same as those contained in the Commercial Zoning Schedule for the HC-1 and GC-2 zones except as they are superseded by the Town of Southeast Design Guidelines for Large Retail Establishments; and	<i>Yes.</i>
C. Design guidelines. All Large Retail Establishments shall comply with the following Town of Southeast Design Guidelines for Large Retail Establishments. The Planning Board, when considering the site plan, and the Town Board, when considering the Special Permit, shall consider the application's conformance to these Design Guidelines in considering approval or denial of the application. Drawing L-1 shows a schematic layout for a Large Retail Establishment showing, in general, a number of the design elements contained in these Design Guidelines. Users of the Design Guidelines shall refer to this drawing and other drawings for clarification of the guidelines but not as a prescriptive site or building design. Table 1 provides a listing of preferred native plant species.	<i>See below for conformance with each provision of the Design Guidelines.</i>
(1) SITE DESIGN	
[a] Buffers	
[1] All Large Retail Establishments shall include a 75-foot minimum Environmental Conservation Buffer vegetated buffer along the entire frontage with the exception of areas necessary for ingress or egress from the site. Stormwater management features may be included in the Environmental Conservation Buffer as long as the margins of any such feature are planted with vegetation that will reach an appropriate height for screening proposed uses within ten (10) years.	<i>No. Proposed Lot 4 would not comply with this buffer requirement.</i>
[2] An Environmental Conservation Buffer of at least 50 feet in width shall be provided along side and rear property lines. Where a Large Retail Establishment abuts a Residential Zoning District, a minimum 100-foot Environmental Conservation Buffer shall be provided along the boundary line, unless the Town Board determines that a larger buffer is required. No building containing a Large Retail Establishment shall be closer than 250 feet from any residential use.	<i>No. Proposed Lot 3 would not comply with this buffer requirement.</i>
[3] Existing mature vegetation shall be retained where feasible within the Environmental Conservation Buffers and within the interior of the site.	<i>Yes.</i>
[4] New vegetation shall be planted to create a mix of species. Native species or species known to be tolerant to urban stressors (see Table 1) are preferred to non-native species;	<i>Yes.</i>

although non-native ornamental species may be used as accents.	
[5] If any significant habitat is found on-site, no disturbance shall occur within that area or within 100 feet of the area.	<i>No significant habitat was identified. Some disturbance would occur within the wetland buffer area, however the mitigation measures set forth in the Environmental Impact Statement (EIS) for the Stateline Retail Center Project, as updated for the Stateline Retail Center / Restaurant Depot project, will adequately mitigate any adverse impacts to onsite and offsite wetlands and associated wetland control areas.</i>
[6] A vegetated berm not less than 3 feet in height and 6 feet in width at its top may be used where existing mature vegetation would not provide adequate screening.	<i>NA</i>
[7] All landscaping as shown on the approved site plan shall be maintained in a healthy growing condition throughout the duration of the use or uses being served. Any plants not so maintained shall be replaced by the property owner with healthy, new plants of comparable size, type and quality at the beginning of the next immediately following growing season.	<i>This provision would be included as a condition of approval and would be handled as an enforcement action should the need arise.</i>
[b] Building Location	
[1] Buildings shall be oriented on-site to avoid disturbance to sensitive natural and topographic features to the maximum extent practicable while presenting a “public face” to major roads.	<i>Yes.</i>
[2] Multiple buildings on a single site shall be oriented to achieve a unified character for the site. Individual buildings shall not be isolated by large expanses of parking lots in order to encourage safe pedestrian movement within the site.	<i>NA. The site is proposed to be divided into four building lots with one building on each lot.</i>
[c] Site Access	
[1] Driveway entrances and exits onto any street shall be provided in such a manner that no undue traffic hazards or traffic congestion will be created. A minimum of two (2) driveways shall be provided. Driveway entrances shall be spaced a minimum of 300 feet apart. Driveways shall not exceed 30 feet in width at the street line unless a greater width is required by the County of Putnam or State of New York.	<i>Yes.</i>
[d] Parking Lots	
[1] Large Retail Establishments that have more than 10 percent Gross Leasable Area in dining or entertainment uses shall use the Urban Land Institute Shared Parking methodology to calculate appropriate parking requirements in place of the required 4.0 spaces per 1,000 square feet of Gross Floor Area.	<i>NA. Restaurant Depot will not have dining for entertainment. Other tenants have not been specified.</i>

<p>[2] Any parking spaces provided above the required number shall be in a separate parking area utilizing a pervious paving technique (see Drawing L-1). Alternatively, additional parking areas may be “land-banked” for future development depending on use.</p>	<p><i>NA. Only Lot 2 is being developed at this time. It is anticipated that this would be accommodated on Lots 1, 3, or 4.</i></p>
<p>[3] All required parking shall be provided in parking areas that are designed and laid out to avoid uninterrupted stretches of paved surfaces. Parking areas may be separated from each other by drive aisles, pedestrian walkways, stormwater management facilities, or landscaped areas (see Drawing L-1). Parking areas to the rear or side of buildings are preferred to parking areas in front of (between the major street and any side of) a building. Rear entrances to tenant spaces shall be considered in the overall site design process. Underground or structured parking may be considered and shall not be included in Gross Floor Area.</p>	<p><i>Parking has primarily been proposed for the front of the building, however, due to the topography and proposed landscaping it will be minimally visible from Route 6.</i></p> <p><i>It is anticipated that additional landscaping and screening of parking areas will be provided on Lot 3, the details of which will be provided during site plan approval for those parcels.</i></p>
<p>[4] Individual parking stalls shall be nine (9) feet by eighteen (18) feet except as required to meet Americans with Disabilities Act (ADA) requirements. Parking stalls in employee parking areas may be eight (8) feet by eighteen (18) feet.</p>	<p><i>Yes.</i></p>
<p>[5] Parking areas shall have a minimum 10-foot wide, curbed planting island around the perimeter with appropriate gaps for vehicular access. Such raised planting islands and the landscaping within them shall be designed and arranged in such a way as to provide vertical definition to major traffic circulation aisles, entrances and exits, to channel internal traffic flow and prevent indiscriminate diagonal movement of vehicles and to provide relief from the visual monotony and shadeless expanse of a large parking area. Planted bio-swales may be substituted for raised parking islands (see Drawings LD-4, LD-5, and LD-6).</p>	<p><i>Yes.</i></p> <p><i>It is anticipated that additional landscaping and screening of parking areas will be provided on Lots 1, 3, or 4, the details of which will be provided during site plan approval for those parcels.</i></p>
<p>[6] Large parking areas of 50 spaces or more shall have additional planting islands a minimum of eight (8) feet in width within the parking area between every second parking module (defined as a 60-foot-wide area containing two rows of parking separated by a drive aisle).</p>	<p><i>Yes.</i></p>
<p>[7] There shall be a provision for separate pedestrian flow to building entrance(s) outside of drive aisles for each parking area.</p>	<p><i>Yes.</i></p>
<p>[8] Twenty-five (25) percent of calculated required parking shall be provided in a designated employee-only parking area that utilizes a pervious paving technique. Where possible, this parking area shall be located to the rear of any building(s).</p>	<p><i>NA. Only Lot 2 is being developed at this time. It is anticipated that this would be accommodated on Lots 1, 3, or 4.</i></p>
<p>[9] Twenty-five (25) percent of calculated required parking shall be provided in an overflow area that shall be physically</p>	<p><i>NA. Only Lot 2 is being developed at this time. It is</i></p>

separated from other parking areas by lawn or other vegetated area.	<i>anticipated that this would be accommodated on Lots 1, 3, or 4.</i>
[10] At least one tree, not less than three (3) inches in caliper measured three (3) feet above ground level at time of planting, shall be provided within a planting island for each ten (10) parking spaces in the parking area (see Drawing LD-3).	<i>Yes.</i>
[11] Bicycle parking racks shall be provided in a location no further than 200 feet from a building entrance and not to the rear of any building.	<i>It is anticipated that this would be accommodated on Lots 1, 3, or 4, the details of which would be provided during site plan approval for those parcels.</i>
[e] Circulation to Adjoining Parcels	
[1] Where a Large Retail Establishment adjoins another parcel with existing commercial development every opportunity for connecting parking areas and/or driveways shall be explored to avoid separate curb-cuts onto major roads.	<i>Connections are proposed between Lots 2, 3, 4 and 5. Connection to Lot 1 would require significant wetland disturbance.</i>
[2] Where a Large Retail Establishment adjoins a vacant commercially-zoned parcel a stub driveway shall be established in a location conducive to creating a future internal connection point.	<i>No. However, compliance would require significant wetland disturbance and is not appropriate at this time.</i>
[f] Pedestrian Environment	
[1] Pedestrian-scale public spaces (pedestrian walkway, square, or plaza) shall be integrated into the overall site plan to provide meaningful circulation and seating areas.	<i>It is anticipated that this would be accommodated on Lots 1, 3, or 4, the details of which would be provided during site plan approval for those parcels.</i>
[2] Pedestrian amenities such as seating or dining areas, fountains, gazebos, kiosks, or other such features shall be provided in any square or plaza. Amenities associated with public transit or bicycle use (bus waiting shelter, information kiosk with bus schedule, bicycle racks, or taxi waiting area) shall be incorporated into public spaces on the site.	<i>It is anticipated that this would be accommodated on Lots 1, 3, or 4, the details of which would be provided during site plan approval for those parcels.</i>
[3] A pedestrian walkway shall be a minimum of ten (10) feet in width and shall have street trees planted forty (40) feet on center at a minimum (not less than three (3) inches in caliper measured three (3) feet above ground level at time of planting) (see Drawing LD-3). Pedestrian walkways offering access between buildings and/or providing access to rear parking areas are not required to have planting areas or street trees.	<i>It is anticipated that this would be accommodated on Lots 1, 3, or 4, the details of which would be provided during site plan approval for those parcels.</i>
[4] A square or plaza shall be a minimum of thirty (30) feet in any dimension and shall include a vegetated area covering a minimum of fifty (50) percent of the total area when any one linear dimension of the square or plaza equals or exceeds fifty (50) feet (see Drawings L-2, L-3, and LD-1). (Pedestrian walkways shall not be required to meet this standard).	<i>It is anticipated that this would be accommodated on Lots 1, 3, or 4, the details of which would be provided during site plan approval for those parcels.</i>

[5] Building(s) shall be designed to have a front façade that has at least one (1) principal functional entry from a pedestrian walkway, square, or plaza.	Yes.
[6] No ground-level façade shall have blank (without doors or windows) walls longer than 50 feet along any pedestrian walkway, square, or plaza. Public art installations such as murals are exempt from this requirement.	<i>The façade has been designed with architectural elements to break up the façade.</i>
[7] Pedestrian walkways, squares, or plazas shall provide continuous pedestrian flow throughout the site and shall provide protected access through a designated crosswalk or walkway between building entrances and all parking areas.	<i>It is anticipated that this would be accommodated on Lots 1, 3, or 4, the details of which would be provided during site plan approval for those parcels.</i>
[8] Pedestrian walkways, squares, and plazas shall be integrated into the overall landscaping and lighting plans for the site.	<i>It is anticipated that this would be accommodated on Lots 1, 3, or 4, the details of which would be provided during site plan approval for those parcels.</i>
[9] Pedestrian walkways and other surface areas of paving material shall offer a variety of pigments and textures that are in harmony with nearby buildings and other paved surfaces and are safe for pedestrian traffic, including the handicapped. Pervious surfaces shall be used wherever practicable to minimize the need for stormwater infrastructure.	<i>It is anticipated that this would be accommodated on Lots 1, 3, or 4, the details of which would be provided during site plan approval for those parcels.</i>
[g] Loading & Refuse Collection Areas	
[1] All loading and refuse collection areas shall be screened from public views from primary driveways and pedestrian walkways, squares, or plazas and shall not be located along the front façade of any building or within any parking area. Loading and refuse collection areas shall be internal to a structure to the extent possible.	Yes.
[h] Signage	
[1] All signs shall be carefully integrated with other site design elements. Signs shall be designed so that they are visible and informative at the pedestrian scale. Signs shall not be mounted above the eave line of any structure or be placed in or attached to any window. Signs must comply with the provisions in Article XII of the Zoning Code.	<i>The applicant is required to submit an application to the Planning Board / ARB.</i>
[i] Lighting	
[1] A site lighting plan shall be provided in conformance with Article XIII of the Zoning Code. Pedestrian-scale lighting fixtures shall be provided in parking areas and along pedestrian walkways and in squares or plazas.	Yes.
[j] Storage of Merchandise	
[1] Any areas intended for storage or display of merchandise shall be identified on the site plan and shall be approved by the Town Board as part of the Special Permit process.	<i>No outside storage is proposed for Lot 2. It is anticipated that this would be accommodated on Lots 1, 3, or 4, the details</i>

	<i>of which would be provided during site plan approval for those parcels.</i>
[2] Vending machines, ice machines, newspaper boxes, or similar equipment may not be located outside of any building.	Yes.
(2) BUILDING DESIGN	
[a] Building Size	
[1] Large single-use buildings are to be avoided. Where a large tenant is considered, the same building shall include several smaller tenants with separate exterior access to balance the scale of the larger tenant and to facilitate improved building design. In all cases, all buildings shall comply with the design parameters set forth herein.	<i>Restaurant Depot is a large single tenant on a separate lot. It is anticipated that this would be accommodated on Lots 1, 3, or 4, the details of which would be provided during site plan approval for those parcels.</i>
[b] Building Height	
[1] Buildings may be one (1) or two (2) stories to a maximum height of 35 feet. Vertical elements such as clocktowers, cupolas, or other architectural embellishments may extend the total height of the building but shall be no greater than 50 feet in height (see Drawing LD-2).	Yes.
[c] Building Style	
[1] Buildings shall be designed to be compatible with buildings in the surrounding area, but in all cases shall be of high-quality design and materials. Colonial or Classic design style is considered appropriate for any location within the Town of Southeast. Examples of the types of architecture compatible with the Town's vision are shown in the Typology of Architecture pages included at the end of this Chapter. These images are not prescriptive but do show what is preferred.	Yes.
[d] Building Facades & Materials	
[1] Building facades shall present a varied appearance at street level and be designed to give individual identity to each building and/or use as well as to help achieve the planned pedestrian scale using features such as: <ul style="list-style-type: none"> • The height of cornices, lintels and sill levels, articulated floor levels and other horizontal building features. • The spacing and proportion of columns, piers and other elements of the basic structural grid. • The spacing and proportion of window and door openings, bays or other aspects of building fenestration. • Colors, textures and the general nature of exterior materials and treatment, including building ornament and trim. 	Yes.
[2] Blank wall exposures shall be limited. No ground-level façade shall have blank (without doors or windows) walls longer than 50 feet along any pedestrian walkway, square, or plaza. Public art installations such as murals are exempt from this requirement.	Yes.

<p>[3] The design of building facades shall reflect the scale of existing or planned building development through modulation of vertical and horizontal elements by features such as:</p> <ul style="list-style-type: none"> • Variation in roof heights. • Changes in the predominant wall plane and/or in facade elements such as window openings and balconies. • Use of horizontal projections or recesses in the building facade such as bay windows, cornices, balustrades, etc. • Use of pitched roofs and other roof elements such as cross gables, dormer windows, turrets, and clocktowers to provide visual interest, reduce the scale of continuous roofs and break the line where the building meets the sky. 	<p>Yes.</p>
<p>[4] Treatment of the sides and rear of proposed buildings shall be in a manner substantially consistent in appearance, amenity and quality of materials to the treatment given to their front facade.</p>	<p><i>The rear façade has minimal articulation. However, those portions of the rear façade that would be intermittently visible from I-84 would be articulated.</i></p>
<p>[5] Building facades shall be architecturally articulated horizontally so that there are breaks in the façade plane where building entrances, windows, or landscaped areas may be located.</p>	<p>Yes.</p>
<p>[6] Building facades shall be architecturally articulated vertically to define a pedestrian scale along any pedestrian walkway, square, or plaza. Arcades, awnings, roof- or eave-lines, or second-story windows may be used to define the pedestrian scale. (Any awning, roof, or eave that extends above a pedestrian walkway, square, or plaza shall have a minimum clear height (height from sidewalk to the bottom of any awning, roof, or eave) of eight (8) feet six (6) inches and a maximum clear height of ten (10) feet above the sidewalk and shall extend beyond the building face a minimum of five (5) feet).</p>	<p>Yes.</p>
<p>[7] All buildings shall have an appropriate rhythm of entrances and windows consistent with the overall size of the building and orientation to any pedestrian walkways, squares, or plazas.</p>	<p>Yes.</p>
<p>[8] Exterior cladding shall be consistent with the overall building style and shall include a variety of colors and textures to help articulate the main facades.</p>	<p>Yes.</p>
<p>[e] Building Roofs</p>	
<p>[1] Fully-enclosed gabled roofs (minimum pitch of 8:12) are preferred to flat roofs with parapets. On larger buildings a variety of roof-lines shall be used to break up the horizontal extent of the building. Where parapets are used, the parapet shall be provided along each façade. Parapet height is limited to ten (10) feet above the flat roof.</p>	<p>Yes.</p>

[2] Where flat roofs are required due to building size, roofing materials having a Solar Reflectance Index (SRI) equal to or greater than the values in the table below for a minimum of 75 percent of the roof surface shall be used or a green roof on at least 50 percent of the roof area shall be used.	Yes.
[f] Building Materials	
[1] While synthetic materials may be acceptable, natural building materials including, but not limited to, clapboard and shingle siding, brick, stone, glass, or glass block are preferred and encouraged over synthetic materials. Generic, unadorned Concrete Masonry Units (CMUs) shall not be used as a primary exposed building material on any facade. CMUs with any type of variegated surface (e.g., Architectural Block or Split-Faced CMUs) are permitted but shall not comprise the majority of the surface area of any one facade.	Yes.
[2] Treatment of the sides and rear of proposed buildings shall be in a manner substantially consistent in appearance, amenity and quality of materials to the treatment given to their street frontage.	<i>The rear façade has minimal articulation. However, those portions of the rear façade that would be intermittently visible from I-84 would be articulated.</i>
[3] Windows and doors shall be trimmed with wood or stone a minimum of four (4) inches in width.	Yes.
[g] Mechanical Equipment	
[1] All HVAC or similar equipment shall be screened from ground-level views and views from any roads or adjoining properties at a higher elevation.	<i>HVAC layout has not been provided, however, the applicant proposes to fully shield all HVAC equipment with RTU screening.</i>
D. The developer shall provide adequate proof to the Town Board, prior to the issuance of any certificate of occupancy, that the developer has contracted with a private security company for the purpose of patrolling the premises for the safety and security of its customers, employees and businesses invitees and to ensure that the premises do not become a focal point for loitering or vagrancy. Such contract, or replacements thereof, shall remain in full force and effect during the occupancy of any premises developed hereunder. Failure to adequately maintain security services for the premises shall result in the revocation of any certificate of occupancy by the Town of Southeast; and	TBD
E. The Town Board may require the inclusion of any of the foregoing conditions in a declaration of restrictive covenants executed in recordable form and to be recorded by the applicant/owner as a condition of any Special Permit approval.	TBD

WHEREAS, the Planning Board, in its review of the proposed project, believes that the proposed project substantially complies with the Special Permit criteria and where it does not comply, the Planning Board

recommends that the Town Board refer the application to the Zoning Board of Appeals for area variances pursuant to § 138-52.B of the Zoning Code; and

WHEREAS, the Town of Southeast Planning Board (the “Planning Board”) is in receipt of the following documents and plans:

- Memorandum to Chairman LaPerch from Insite Engineering, dated 11/1/22
- Level of Service Summary Table, no preparer, undated
- SMP-1, Site Master Plan, prepared by Insite Engineering, dated 6/21/21; last revised 11/1/21
- EX-1, Existing Conditions, prepared by Insite Engineering, dated 6/21/21; last revised 11/1/21
- SP-1, Proposed Layout and Landscape Plan, prepared by Insite Engineering, dated 6/21/21; last revised 11/1/21
- SP-2, Grading & Utilities Plan, prepared by Insite Engineering, dated 6/21/21; last revised 11/1/21
- SP-3, Erosion & Sediment Control Plan, prepared by Insite Engineering, dated 6/21/21; last revised 11/1/21
- SP-4, Buffer Enhancement Planting Plan, prepared by Insite Engineering, dated 8/23/21; last revised 11/1/21
- SP-5, Invasive Species Management Plan, prepared by Insite Engineering, dated 8/23/21; last revised 11/1/21
- VMP-1, Vehicle Maneuvering Plan, prepared by Insite Engineering, dated 6/21/21; last revised 11/1/21
- D-1, Details, prepared by Insite Engineering, dated 8/23/21; last revised 11/1/21
- D-2, Details, prepared by Insite Engineering, dated 6/21/21; last revised 11/1/21
- D-3, Details, prepared by Insite Engineering, dated 6/21/21; last revised 11/1/21
- D-4, Well & Septic Details, prepared by Insite Engineering, dated 6/21/21; last revised 11/1/21
- D-5, Stream Crossing Details, prepared by Insite Engineering, dated 6/21/21; last revised 11/1/21
- Memorandum to Chairman LaPerch from Colliers Engineering & Design, dated 9/25/21
- 10 Color Renderings of Site, prepared by Claris Design-Build, undated
- Wetland Buffer Enhancement Monitoring & Maintenance Plan, no preparer, dated 10/4/21
- Table 1, Stateline Retail Center Plan Comparison, dated 10/4/21
- Statement of Use, prepared by Insite Engineering, dated 6/21/21
- Full Environmental Assessment Form, prepared by Insite Engineering, dated 6/21/21
- Memorandum to Chairman LaPerch from Tim Miller Associates, Inc., dated 8/20/21
- Memorandum to Chairman LaPerch from Collins Engineering & Design, dated 8/17/21
- Lighting Plans, prepared by Damin Sales, dated 8/20/21
- Preliminary Subdivision Plat, prepared by Insite Engineering, dated 8/23/21; last revised 6/21/21
- AO-1 Overlay Plan, prepared by Insite Engineering, dated 8/23/21
- A-1 Aerial Photo, prepared by Insite Engineering, dated 8/6/21
- Memorandum to Acting Chairman Rush from NYC Department of Environmental Protection, dated 8/4/21
- Traffic Impact Study, prepared by Colliers Engineering & Design, dated 6/9/21
- Memorandum to Paul Camarda from Tim Miller Associates, Inc, dated 6/14/21
- 2nd Amended Stormwater Pollution Prevention Plan, prepared by Insite Engineering, dated 6/21/21
- Elevations and Color Board, prepared by Claris Design-Build, undated
- A-101, First Floor-Proposed Layout Option A, prepared by Claris Construction, Inc., dated 6/4/21
- A-102, Second Floor-Proposed Layout Option A, prepared by Claris Construction, Inc., dated 6/4/21
- A-201, Elevations-Proposed Layout Option A, prepared by Claris Construction, Inc., dated 6/4/21

; 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 RESOLVED, that the Town of Southeast Planning Board hereby recommends the approval of an amendment to the Site Plan and Special Use Permit for the Large Retail Center known as Stateline Retail Center / Restaurant Depot; and

BE IT FURTHER RESOLVED, that a copy of this resolution be circulated to the Town Board of the Town of Southeast.

UPON ROLL CALL VOTE:

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

The resolution was passed by a vote of 4 to 0, with 2 absent. 1 recused.

D. Rush / vad
D. Rush, Acting Chairman
Southeast Planning Board /
Architectural Review Board

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

November 22, 2021

Zoning Board of Appeals
1 Main Street
Brewster, NY 10509

RE: STATELINE RETAIL CENTER/SUBARU, 3685, 3711 & 3751 Danbury Road,
Tax Map IDs 68.-2-48.1, 48.2 & 48.3

Dear Boardmembers:

At the 11/22/21 regular meeting of the Town of Southeast Planning Board/Architectural Review Board a motion was made to refer the above referenced application to your Board for the following:

- Area variances for Lot 3 as follows:
 - Building coverage: 20% proposed where 15% maximum permitted.
 - Lot coverage: 59.1% proposed where 45% maximum permitted.
 - Open space: 40.9% proposed where minimum 55% required.

Please note the following variances are required for this project and may be referred to your Board at a later date by the Town Board as part of their review of the Special Permit Application:

- Area variances from the Special Permit conditions for a Large Retail Establishment (Authorization from the Town Board required per 138-52.B):
 - Minimum Lot Area: 22.9 acres is provided where 35 acres is required.
 - Minimum Environmental Conservation Buffer (Front) on Lot 4: 35 feet is provided where 75 feet is required.
 - Minimum Environmental Conservation Buffer (Side) on Lot 3: 13 feet is provided where 50 feet is required.
- Area variances from the Special Permit conditions for a Motor Vehicle Dealership (Authorization from the Town Board required per 138-52.B):
 - Minimum Landscape Buffer (Side): 17 feet provided where 50 feet is required.
 - Minimum Landscape Buffer (Rear): 17 feet provided where 50 feet is required.

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

Sincerely,

A handwritten signature in blue ink that reads "David Rush". The signature is written in a cursive style with a horizontal line extending from the end of the name.

David Rush, Acting Chairman
Town of Southeast Planning Board/Architectural Review Board

Attachment

cc: Town Attorney
Town Clerk
Insite Engineering
File



Environmental, Planning, and Engineering Consultants

34 South Broadway
Suite 401
White Plains, NY 10601
tel: 914 949-7336
fax: 914 949-7559
www.akrf.com

Memorandum

To: Town of Southeast Planning Board
From: AKRF, Inc. (A. Ley, A. Russo, A. Auld)
Date: November 15, 2021 (Revised 11/19/21)
Re: Stateline Retail Center/Subaru
cc: Insite Engineering, Surveying & Landscape Architecture, P.C.

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

- Letter from Jeffrey Contelmo to Chairman LaPerch, dated November 1, 2021
- Preliminary Subdivision Plat, prepared by Insite Engineering, dated August 23, 2021
- Site Plan Drawings (13 Sheets Total), dated November 1, 2021
- Drawing AO-1, "Approval Overlay Drawing", dated August 23, 2021
- Figure A-1, "Aerial Map", dated August 23, 2021
- Town of Southeast Planning Board Application for Site Plan/Subdivision/Wetland Permit, revised August 23, 2021
- Statement of Use, dated August 23, 2021
- Waiver Letter, dated August 23, 2021
- Full EAF, dated August 23, 2021
- Architectural Renderings, prepared by Claris Engineering and Design, dated October 4, 2021
- Traffic Response, prepared by Colliers Engineering and Design, dated October 4, 2021
- Response Letter from Tim Miller Associates, Inc., dated August 20, 2021
- Lighting Plans, prepared by Damin Sales, dated August 20, 2021
- Wetland Buffer Monitoring and Maintenance Plan, prepared by Tim Miller Associates, Inc., dated October 4, 2021
- Table 1 Stateline Retail Center Plan Comparison, dated October 4, 2021
- Table 2 Level of Service Summary Table, dated October 25, 2019
- Table Q-1 Queue Summary Table, dated October 25, 2019

PROJECT DESCRIPTION

The Stateline Retail Project was last approved as a Large Retail Establishment on March 14, 2019. The Applicant, PLI, LLC, proposes to amend the site plan, special permit, and subdivision to accommodate a new use, Motor Vehicle Dealership, and layout not previously contemplated. The Applicant proposes to

subdivide the existing 3 lots into 5 lots. The proposed 40,964 square foot Motor Vehicle Dealership would be on Lot 5, and would include associated parking, lighting, landscaping and mitigation plantings, a subsurface sewage treatment system, well, and stormwater management areas. Proposed Lots 1, 2, 3, and 4 would collectively be the "Large Retail Establishment." The previously approved Restaurant Depot is currently under construction on proposed Lot 2. Proposed Lots 1, 3, and 4 would remain vacant for future development, with a conceptually proposed 3,200 square foot building on Lot 1, a 49,500 square foot building on Lot 3, and a 3,600 square foot bank on Lot 4. A lot line adjustment between Lots 1 and 2 is proposed to convey 0.45 acres to the existing Lot 2. The resulting Lot 1 would be 3.53 acres, Lot 2 would be 11.8 acres, Lot 3 would be 5.69 acres, Lot 4 would be 2.0 acres, and Lot 5 would be 21.00 acres. The property is located on US Route 6/202 to the east of Old Nichols Road, to the west of Dingle Ridge Road and immediately north of Interstate 84, in the Town of Southeast, Putnam County, New York, and identified as tax map numbers 68.-2-48.1, 68.-2-48.2, and 68.-2-48.3, and zoned Special Route 6 (SR-6). The proposed project requires the following approvals:

Town Board

- Amended Special Permit and Site Plan Approval of the Large Retail Establishment
- Special Permit approval for the Motor Vehicle Dealership

Planning Board

- Subdivision approval
- Site Plan and Wetland Permit approval for the Motor Vehicle Dealership
- Site Plan and Wetland Permit approval for Lot 1

Zoning Board of Appeals

- Area variances for Lot 3 as follows:
 - Building coverage: 20% proposed where 15% maximum permitted.
 - Lot coverage: 59.1% proposed where 45% maximum permitted.
 - Open space: 40.9% proposed where minimum 55% required.
- Area variances from the Special Permit conditions for a Large Retail Establishment (Authorization from the Town Board required per 138-52.B):
 - Minimum Lot Area: 22.9 acres is provided where 35 acres is required.
 - Minimum Environmental Conservation Buffer (Front) on Lot 4: 35 feet is provided where 75 feet is required.
 - Minimum Environmental Conservation Buffer (Side) on Lot 3: 13 feet is provided where 50 feet is required.
- Area variances from the Special Permit conditions for a Motor Vehicle Dealership (Authorization from the Town Board required per 138-52.B):
 - Minimum Landscape Buffer (Side): 17 feet provided where 50 feet is required.
 - Minimum Landscape Buffer (Rear): 17 feet provided where 50 feet is required.

COMMENTS

The Applicant has updated the plans to address comments from the Planning Board and its consultants. AKRF's previously unresolved comments are presented below in *italics*, new and follow-up comments are in **bold**.

1. *Parking lots for proposed Lots 3 and 4 shown on Drawing SMP-1 should be adjusted to demonstrate compliance with the Large Retail Establishment requirements under Section 138-63.4.C.(1)(d). A waiver from 138-63.4.C.(1)(d) is requested for proposed Lot 3 until such time as a tenant is ready to occupy the site and the Applicant submits for site plan approval for that tenant. However, the Planning Board is not able to grant a waiver from this section of the Code. Section 138-63.4.C.(1)(d)(6) does not apply to proposed Lot 4 given that Lot 4 would include less than 50 parking spaces. However, parking lots for proposed Lots 3 and 4 shown on Drawing SMP-1 need to be adjusted to demonstrate compliance with Section 138-63.4.C.(1)(d)(1)-(5) and (7)-(11) as well as (6) for proposed Lot 3.*

Comment partially addressed. Remaining comments are summarized below:

- **§138-63.4.C.(1)(d)(1) – compliant**
 - **§138-63.4.C.(1)(d)(2) – The cover letter states “On Lot 3 and 4, there are no parking spaces proposed above the required amount.” However, Drawing SMP-1 indicates that for Lot 3, 198 spaces are required whereas 200 spaces are proposed and for Lot 4, 15 spaces are required whereas 30 spaces are proposed. These extra parking spaces should either be designated as utilizing pervious paving or should be land banked for future development. Further, the revised drawing no longer includes tallies of parking spaces at the end of each row of parking; these tallies should be added back into the drawing.**
 - **§138-63.4.C.(1)(d)(3) – compliant**
 - **§138-63.4.C.(1)(d)(4) – Although the cover letter indicates the parking spaces will be the required 9-foot by 18-foot size, this should be shown on Drawing SMP-1.**
 - **§138-63.4.C.(1)(d)(5) – compliant**
 - **§138-63.4.C.(1)(d)(6) – compliant**
 - **§138-63.4.C.(1)(d)(7) – compliant**
 - **§138-63.4.C.(1)(d)(8) – The cover letter discusses provision of employee-only parking area for Lot 3, but does not discuss this for Lot 4. Furthermore, the employee parking for Lot 3 is presumably located within the dashed marking on Drawing SMP-1 to the side and rear of the proposed building, but no label was included. Although the cover letter indicates this area contains 50 spaces, it appears to contain approximately 42 spaces. The cover letter states subsurface soil conditions as the reason pervious paving is not possible in this location. However, the 2008 Stateline Retail Center DEIS indicated soil within the vicinity of Lot 3 consists of Paxton fine sandy loam, a well-drained soil. Further information on why the subsurface soil conditions preclude the use of pervious paving should be provided.**
 - **§138-63.4.C.(1)(d)(9) – compliant**
 - **§138-63.4.C.(1)(d)(10) – compliant**
 - **§138-63.4.C.(1)(d)(11) – Although the cover letter notes bike racks will be provided for Lots 3 and 4, these should be shown on Drawing SMP-1.**
2. *The site plan checklist indicates a preliminary landscaping plan was provided. Although Drawings SP-1 and D-1 contain some landscaping information for proposed Lot 5, the legend does not include symbols for proposed plantings, no species lists were included, and no vegetated buffers are shown.*

Comment addressed.

3. *The Planning Board Application indicates the project site contains wetlands, wetland buffers, or other controlled areas and is requesting a wetland permit, but the wetland permit section is blank. This section should be completed.*

- a. *Specifically, acreages of impacts to each type of wetland and watercourse control area or limiting distance should be provided.*
- b. *The area north of the proposed gravel lot is marked on Drawing SP-1 as "existing field area to be reclaimed for wetland mitigation." Details regarding this proposed mitigation should be provided, including an acreage.*
- c. *Further details should be provided regarding the retaining walls and access road proposed for installation across watercourse NYC-B.*
- d. *Temporary construction impacts to the wetland control area should also be identified.*

Comment addressed.

4. *The location of the force main for the subsurface sewage treatment system should be shown on the drawings. This would need to cross the 100-foot Town of Southeast Watercourse Controlled Area, 133-foot Town of Southeast Wetland Controlled Area, 100-foot NYCDEP Perennial Watercourse Limiting Distance, and cross under watercourse NYC-B. Acreages of any impacts to controlled areas should be provided.*

Comment addressed.

TRAFFIC IMPACT STUDY

Listed below are AKRF's original comments on the TIS from the July 21, 2021 memorandum to the Town, followed by AKRF's follow-up comments/conclusions from the September 7, 2021 memorandum to the Town. For the comments AKRF concluded to be partially addressed as outlined in the September 7, 2021 memorandum to the Town, the responses from Colliers provided in their September 28, 2021 letter, and AKRF's input on those responses are also listed below.

5. *Comment:* *The No Build project traffic increments depicted in Figures 9 (Weekday PM) and 10 (Saturday) are identical. Please verify that these volumes are indeed identical for both peak hours*

AKRF Previous Conclusion (9/7/2021): *Comment partially addressed. The trip generation table from the Restaurant Depot TIS shows that the Saturday peak hour trips for that project exceed both the Weekday AM and PM estimates (see Attachment A). At a minimum, the Saturday No Build project traffic increments should be adjusted to reflect the ratio between the Saturday and Weekday PM trip generation estimates from the Restaurant Depot TIS.*

Response: *As referenced in the previous comment, our Other Developments category is composed of an assortment of projects of varying land uses and sizes. While the Restaurant Depot land use generates slightly higher volumes during the Saturday Peak Hour, and these were used in our analysis for the other No-Build projects. The Saturday traffic would be less.*

AKRF Previous Conclusion (10/19/2021): *Comment partially addressed. The section of the response above that states "Other Developments category is composed of an assortment of projects of varying land uses and sizes. While the Restaurant Depot land use generates slightly higher volumes during the Saturday Peak Hour, and these were used in our analysis for the other No-Build projects. The Saturday traffic would be less." appears to be contradictory in stating that the Saturday traffic would be less while the Restaurant Depot land use generates slightly higher volumes during the Saturday Peak Hour. Please provide additional backup, (this can be provided in tabular or graphic format) which can further support this statement.*

Response: *As provided by Colliers Engineering: The Restaurant Depot traffic is slightly higher for the Saturday peak hour as shown in Table No. 1-SMP of the previous submission. These volumes were used in the updated analysis of the No-Build projects. For the other No-Build projects such as the Interior Rock and the balance of the Starr Ridge Road Development, the Saturday Peak generation*

would be expected to be slightly less than used in the analysis since the Interior Rock and office portion of the Starr Ridge project are expected to either be not opened or generate less traffic than during the weekday peak.

AKRF Conclusion: Comment addressed.

6. *Comment:* Please include the criteria for identifying traffic impacts in the TIS.

AKRF Previous Conclusion (9/7/2021): Comment partially addressed. The impact criteria utilized in the TIS should be consistent with the impact criteria utilized in TIS' for other projects in the Town of Southeast which is: (1) any decline in a movement/lane group Level of Service (LOS) from LOS D or better to LOS E or F, (2) any decline in a movement/lane group LOS from LOS E to LOS F, or (3) remaining at LOS F with a delay increase of 10 percent or greater from No Build to Build conditions. Please see Attachment A for a markup of Table 2 with impacted locations highlighted based on the impact criteria described here. In addition, any location where the 95th Percentile Queue would uniquely exceed storage capacity under Build conditions compared to No Build conditions should be identified as an impact based on the impact criteria utilized in TIS's for other projects in the Town of Southeast.

Response: The 5 second increase in delay criteria applies to lane groups/movements as well as the overall intersection and mitigation has been identified as indicated in the LOS Summary Table. See response 8 below for mitigation discussion at the U.S. Route 6 and Starr Ridge Road intersection.

AKRF Previous Conclusion (10/19/2021): Comment partially addressed (see Comment 8). In addition, any location where the 95th Percentile Queue would exceed storage capacity under Build conditions compared to No Build conditions should be identified as an impact based on the impact criteria utilized in TIS's for other projects in the Town of Southeast.

Response: As provided by Colliers Engineering: A summary of the 95th Percentile Queues are contained in the attached Table Q-1 for the intersection of Starr Ridge Road and Route 6 for the No-Build and Build conditions.

AKRF Conclusion: Comment addressed. The queue summary table provided indicates that no locations under the 95th percentile queue would uniquely exceed the storage capacity under Build conditions compared to No Build conditions.

7. *Comment:* In the Level of Service (LOS) Service Table (Table 2), there are declines in LOS/delay from No Build to Build conditions for the following intersection movements/lane groups that need to be clearly identified as traffic impacts and mitigation provided in the TIS:

- Rt. 6 & I-84 NB Off-Ramp/Starr Ridge Road – Southeastbound approach (declines from LOS D to LOS E during the Weekday PM peak hour); Southbound approach (declines from LOS C to LOS E during the Weekday PM peak hour);

AKRF Previous Conclusion (9/7/2021): Comment partially addressed. See Comment 7 above.

Response: The traffic signal upgrades including Adaptive Traffic Signal Control is proposed as project mitigation at this location to offset any delay increases.

AKRF Previous Conclusion (10/19/2021): Comment partially addressed. New impacts would occur at this intersection as a result of the proposed signal retimings as shown highlighted in red in Table 2 (see Attachment A). Please demonstrate how Adaptive Traffic Signal Control could properly mitigate these new impacts and please provide documentation of all correspondence with NYSDOT regarding Adaptive Traffic Signal Control at this location.

Response: As provided by Colliers Engineering: The proposed signal timings improvements were identified to address the most significant approach traffic volumes at the intersection. While there would be an increase in some of the vehicle delays on the Route 6 eastbound approach, from the No-Build to Build conditions with the timing changes during the PM peak hour, the change would

result in the best overall operation at the intersection. Additionally, other timing adjustments as well as the use of camera actuation and Adaptive Signal Control will allow the signal operation to be more responsive in addressing any volume variations in actual traffic demands over the course of the peak hour. These improvements will be finalized with NYSDOT as part of the Highway Work Permit process. An analysis with these added improvements including adaptive control is reflected in the last portion of Item 1 in the revised Table 2 of Colliers' Traffic Study.

AKRF Conclusion: Comment addressed.

- *Rt. 6 & Rt. 121 – The northbound left-turn lane group (continues to operate at LOS F with an increase in delay in excess of 10% during the Weekday AM peak hour, declines from LOS E to F during the Weekday PM peak hour, and declines from LOS C to E during the Saturday peak hour)*

AKRF Previous Conclusion (9/7/2021): Comment addressed.

8. *Comment: A discussion of vehicular and pedestrian on-site circulation should be provided in the TIS. This discussion should describe auto carrier truck loading and unloading operations of vehicles at the dealership.*

AKRF Previous Conclusion (9/7/2021): Comment partially addressed. Drawing SP-1 ("Proposed Layout & Landscape Plan") as provided by the Site Engineer shows the locations of traffic signage, however these signs (e.g., stop signs, yield signs) are not labeled on the drawing. The signs should be labeled on the drawing and a sign schedule should be provided which provides the specifications for each sign type (e.g., MUTCD sign number, quantity, etc.). Drawing VMP-1, "Vehicle Maneuvering Plan" as provided by the Site Engineer shows the auto carrier trucks maneuvering in the opposite lane of travel along the westbound travel lane of the roadway north of the Main Dealership Building (see Attachment A for a depiction of this location). If this is an unloading area, it is close to one of the internal roadway intersections and could present a safety hazard.

Response: Refer to response by Insite Engineering, Surveying and Landscape Architecture, P.C.

AKRF Previous Conclusion (10/19/2021): Comment partially addressed. Please see Attachment A for a markup of Drawing SP-1 ("Proposed Layout & Landscape Plan") which shows the location of additional recommended signage and intersection control recommendations. Drawing VMP-1, "Vehicle Maneuvering Plan" as provided by the Site should clearly identify and label the designated area for truck loading and unloading areas.

Response: Drawing SP-1 has been revised to indicate the additional recommended proposed signage with labels corresponding to a Sign Table with MUTCD numbers and quantities as requested. Additional signage and pavement markings were added to the internal intersection to create an all-way stop controlled intersection. The NYSDOT does not require nor permit a stop sign at the private access drive right turn exit along US Route 6; therefore, a stop sign is not proposed in this location. The 68-space parking lot was reviewed in further detail. The applicant wishes to maintain the two-way access entering and exiting the lot as limiting the access to right in/out would force a vehicle exiting that lot to leave the site altogether and then re-enter to access the Subaru building. Drawing VMP-1 has been revised to indicate the loading/unloading areas.

AKRF Conclusion: Comment addressed.

9. *Comment: Provide a discussion that describes on-site parking, including designated areas for employees, customers, and auto dealership inventory. The discussion should also demonstrate that there is sufficient parking supply to accommodate the proposed use based on both the Town Code and the latest ITE Parking Generation Handbook.*

AKRF Previous Conclusion (9/7/2021): Comment partially addressed. The Town Code parking requirements have been provided in Drawing SMP-1 ("Site Master Plan") from the Site Engineer and the ITE Parking Generation Handbook data has been provided in Attachment 7. Please supplement the above information with a brief text summary describing there is sufficient parking supply to

accommodate the proposed use based on both the Town Code and ITE. Please provide a separate version of Drawing AO-1 "Overlay Plan" from the Site Engineer which shows the parking areas designated employees and/or visitors for Stateline Subaru in its own separate layer (without the Restaurant Depot layer shown). With both the Stateline Subaru and Restaurant Depot layouts superimposed on the same drawing, it is more difficult for the designated parking areas for Stateline Subaru to be identified on the drawing

Response: Refer to response by Insite Engineering, Surveying and Landscape Architecture, P.C.

AKRF Previous Conclusion (10/19/2021): *Comment partially addressed.*

Response: As provided by Colliers Engineering: The Town Code parking requirements are specified on the Site Master Plan prepared by Insite Engineering, Surveying and Landscape Architecture, P.C. As specified on this plan, each portion of the overall development will satisfy the minimum parking requirement based on the Town Code. Specific to the Stateline Subaru, the Town Code specifies that a total of 140 parking spaces are required for the facility. In addition, to the Town Code parking requirements, the Institute of Transportation Parking demand data for Land Use 840 Automobile Sales (New) as contained in the publication *Parking Generation, 5th Edition* was previously provided as Attachment 7 to Colliers' August 17, 2021 response letter. Based on the total square footage of the facility, the ITE data indicates that the average parking demand for the Stateline Subaru facility is 94 parking spaces with an 85th percentile demand of 196 parking spaces. As indicated on the Site Master Plan, 308 parking spaces are proposed to be provided which will accommodate both the Town Code requirement and ITE average and 85th percentile parking demand for the facility with sufficient spaces for vehicle storage, customer parking and employee parking. It should be noted that some amount of shared parking amongst the uses of the Site Master Plan may be expected upon full occupancy, but considering the separation of the lots as proposed, this has not been estimated as part of the above parking requirements.

AKRF Conclusion: **Comment addressed.**

10. Comment: *A signage plan which shows the location and specifications for traffic signage should be included as part of the site plan.*

AKRF Previous Conclusion (9/7/2021): *Comment partially addressed. Drawing SP-1 ("Proposed Layout & Landscape Plan") as provided by the Site Engineer shows the locations of traffic signage, however these signs (e.g., stop signs, yield signs) are not labeled on the drawing. The signs should be labeled on the drawing and a sign schedule should be provided which provides the specifications for each sign type (e.g., MUTCD sign number, quantity, etc.). See Comment 10.*

Response: Refer to response by Insite Engineering, Surveying and Landscape Architecture, P.C.

AKRF Previous Conclusion (10/19/2021): *Comment partially addressed. See Comment 10 for additional signage placement recommendations.*

Response: Drawing SP-1 has been revised to indicate the proposed signage with labels corresponding to a Sign Table with MUTCD numbers and quantities as requested. Refer also to response #17.

AKRF Conclusion: **Comment addressed.**

RECOMMENDED ACTIONS

At the November 22, 2021, meeting, AKRF recommends that the Planning Board consider a Negative Declaration, refer the application to the Zoning Board of Appeals, and refer the application to the Town Board for an amendment to the Large Retail Establishment Special Permit and for a new Special Permit for a Motor Vehicle Dealership.