
TOWN OF SOUTHEAST
PLANNING BOARD/ARCHITECTURAL REVIEW BOARD AGENDA
February 13, 2023 7:00 p.m. Public Hearings / Regular Session
Town Hall, 1360 Route 22, Brewster, NY 10509

PUBLIC HEARINGS:

REGULAR SESSION:

- 1. SPLASH CAR WASH, 1559 Route 22, Tax Map ID 46.-1-6** – Architectural Review of Changes to a Commercial Structure
- 2. TONY’S PIZZA, 983 Route 22, Tax Map ID 68.5-2-2** – Architectural Review of an Application for a Sign
- 3. LIFE STORAGE, 1639 Route 22, Tax Map ID 46.-3-13** – Review of an Application for Final Site Plan and Wetland Permit Approval and Recommend Performance Bond to Town Board
- 4. MACO LAND PROPERTIES, 1651 Route 22, Tax Map ID 46.-3-14** – Review of an Application for Site Plan Amendment and Wetland Permit
- 5. STATELINE RETAIL/RESTAURANT DEPOT, 3685 Danbury Road, Tax Map ID 68.-2-48.1** – Consider Recommending Release of Performance Bond to Town Board
- 6. CONSIDER LOCAL LAW RE: KEEPING OF ANIMALS**
APPROVE MEETING MINUTES of January 9, 2023
APPROVE MEETING MINUTES of January 23, 2023

Agenda Subject to Change
February 8, 2023/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
PLANNING BOARD / ARCHITECTURAL REVIEW BOARD
APPLICATION REVIEW

MEETING DATE: February 13, 2023

SIGN REVIEW

STRUCTURE REVIEW

Residential

Commercial

NAME OF APPLICATION: Tony's Pizza

ADDRESS & TAX NUMBER: 983 Route 22, Tax Map ID 68.5-2-2

REPRESENTATIVE: Signorama Danbury

PLANNING BOARD REFERRAL DATE (IF APPLICABLE):

ZONING COMPLIANCE APPROVAL DATE: 5/11/22

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

1. PB/ARB Application, prepared by Ashlea Andrews, Authorized Agent, dated 4/14/22
2. Owner Consent Form signed by Ashlea Andrews, Authorized Agent, dated 4/12/22
3. Photo of Portofinos Sign, no preparer, undated
4. Sign Rendering with Specs, prepared by Signorama, undated
5. Photo of Plaza showing location of sign, no preparer, undated
6. Typical Installation, prepared by Signorama, undated

~~Please Circle:~~

APPROVED

DENIED

Conditions:

PB/ARB CHAIRMAN:

T. fa Perch / vad

DATE:

2.13.23

**TOWN OF SOUTHEAST, NY
PLANNING BOARD / ARCHITECTURAL REVIEW BOARD RESOLUTION
SITE PLAN, ARCHITECTURAL,
AND WETLAND PERMIT APPROVAL**

INTRODUCED BY:

L. Perch

DATE: February 13, 2023

SECONDED BY:

King

WHEREAS, LIFE STORAGE, INC., as the Applicant/Owner of certain properties located 1639 Route 22 in the HC Zoning District in Town of Southeast and known and designated as Tax Map Number 46.-3-13 has submitted an application for Site Plan, Conditional Use Permit, and Wetland Permit approval for a proposal to construct a 3-story 18,144 sq. ft. climate controlled self-storage building in the rear of the existing Life Storage property ("Proposed Project"). The proposed project involves pavement repair, restoration of a wetland buffer, and the elimination of outside storage. At the time of approval, the existing self-storage facility was a pre-existing non-conforming Use and the Planning Board made a determination under §138-11D that the proposed improvements constituted a limited change. Self-Storage is now as Special Permit Use in the HC Zoning District; and,

WHEREAS, the Town of Southeast Planning Board/Architecture Review Board (the "Planning Board"), acting as Lead Agency for the purposes of the State Environmental Quality Review Act (SEQRA), and conducting a coordinated environmental review, issued a Negative Declaration on or about 11/28/22, indicating that no negative environmental impact would exist;

WHEREAS, the Planning Board has thoroughly reviewed the application and the following documents and plans, as well as memos from its consultants:

Drawing No. & Title; submitted by	Original Date; Last Revised
Memorandum to Secretary Desidero from GPI Inc.	1/16/23
Statement of Use, prepared by GPI Inc.	Sept. 2018; Sept. 2019
A1.0, A1.1, A1.2, A4.1, Life Storage #230 Self Storage Phase II, prepared by Stinard Architecture, Inc.	6/5/20
CS-1, Cover Sheet, prepared by GPI Engineering	9/16/19
AP-1, Aerial Photo Existing, prepared by GPI Engineering	9/16/19
EX-1, Existing Site Conditions & Survey, prepared by GPI Engineering	9/16/19
DP-1, Demolition Plan, prepared by GPI Engineering	10/18/19
SP-1, Proposed Site & Utility, prepared by GPI Engineering	10/18/19
ECP, Erosion & Sediment Control Plan, prepared by GPI Engineering	9/16/19
GD-1, Grading & Drainage Plan, prepared by GPI Engineering	10/18/19
L1, Proposed Wetland Buffer Mitigation Plan, prepared by GPI Engineering	10/18/19
SD-1, Site Details, prepared by GPI Engineering	10/18/19
ECD-1, Erosion & Sediment Control Details, prepared by GPI Engineering	9/16/19
LD-1, LD-2, LD-3, Lighting Plans & Details, prepared by GPI Engineering	10/18/19
TT-1, Truck Turn Analysis, prepared by GPI Engineering	10/18/19
LP-2, Supplemental Landscape Plan, prepared by GPI Engineering	1/3/20
NYS Department of Environmental Conservation Freshwater Wetland Boundary Validation	5/18/16
Memorandum to Thomas Wolansky of GPI, Rochester from Kurt Weiskotten of GPI Albany	5/25/16
Stormwater Pollution Prevention Plan, prepared by GPI Engineering	Sept. 2019

; and,

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

WHEREAS, the Planning Board has determined on the basis of its own review and the review comments received from its consultants that the drawings and reports and other information submitted by the applicant are in substantial compliance with Chapter 138, "Zoning," (specifically Article IX thereof) of the Town of Southeast Code; and,

WHEREAS, the Planning Board is in receipt of a resolution dated 1/5/23 from the Town Board approving a Special Permit for the Proposed Project; and

WHEREAS, the Town of Southeast Wetlands Consultant issued a report and recommendation dated 10/27/19 in connection with the Proposed Project, as depicted on drawings dated 10/18/19 and last revised 1/3/20 and prepared by Greenman-Pedersen, Inc.; and

WHEREAS, the Planning Board finds that there is sufficient reason in the record to support the grant of a wetlands permit in connection with said application; and

NOW, THEREFORE, BE IT RESOLVED, that after reviewing the maps, plans and submissions of the Applicant, together with the Report and Recommendation of the Wetlands Consultant dated 10/27/19 (the "Report") which is incorporated herein by reference, the Planning Board of the Town of Southeast hereby GRANTS a permit to allow a portions of the proposed activity to occur within the regulated wetland/wetland buffer area as shown on the proposed plan on file with the Planning Board and Building Department subject to the conditions and mitigations set forth in the Report.

NOW, THEREFORE, BE IT 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 Life Storage including all stormwater and wastewater treatment systems and conveyance systems.

6. The Applicant is granted approval based on generic review by the Planning Board of the building design and elevations. Substantial deviation from the approved building design shall require a second review. The Proposed Project shall be constructed in accordance with the approved plans and drawings for the specific tenant as reviewed and approved by the Planning Board.

7. Pursuant to §138-41.E(4), the applicant shall provide to the Town of Southeast Planning Board two full set of final full-sized plans and four copies of the filed plans on eleven-inch by seventeen-inch, or similar, paper, with a graphic scale indicated (to allow for scale measurements of photo-reduced drawings), for distribution to the Town Engineer, the Planning Board, the Town Clerk, the Building Inspector, and the Town Planner. This final plan set shall include the final architectural plans approved by the Planning Board. Each of these sets shall be bound, and shall contain a signature box on the Index or Title Page for the Planning Board Chairman's Signature. No Building Permits shall be issued until these plan sets have been submitted to the Planning Board Secretary and signed by the Planning Board Chairman.

8. The Applicants shall submit two (2) sets of as-built plans to the Town of Southeast Building Department and one (1) full size set to the Planning Board after final construction is completed. The as-built plans must show all buildings and site improvements, the impervious surfaces, landscaping, and final design specifications for all stormwater management facilities. The plans must be certified by a professional engineer.

9. The Application included conceptual locations of proposed signage. However, prior to the installation of any permanent signage, a sign permit application shall be submitted to the Building Inspector for review and referral to the PB/ARB for review and approval.

Financial & Legal Considerations

1. The Applicant shall post a Performance Bond in an amount determined by the Town Engineer and recommended by the Planning Board for Town Board approval to ensure all site grading, stormwater management, and road improvements will be made in accordance with the approved drawings, Town of Southeast Code and to the satisfaction of the Town Engineer and/or Highway Superintendent. The Performance Bond may also be used to finance necessary work to stabilize the project site should the Applicant abandon the project and the Town is forced to complete necessary improvements. The establishment of the Performance Bond shall be done in a form acceptable to the Town Counsel. The bond amount will be based upon 2023 construction costs. If the construction is not begun during the calendar year 2023, the Applicant must re-apply to the Planning Board for an adjustment of the bond amount to account for escalation of material and labor costs. Upon such request to the Planning Board, the Planning Board shall make a recommendation to the Town Board and the Town Board shall diligently set a new bond amount in accordance with the recommendation of the Town Engineer. The Performance Bond must be paid prior to the start of any work on the site and/or the filing for a Building Permit. The Southeast Planning Board requests that the Southeast Building Inspector withhold the Certificate of Occupancy until the Planning Board or its duly authorized representative has made an inspection of the subject improvements and determined that the Applicant has complied with all the conditions of this approval.

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

3. Any and all outstanding inspection, engineering, or planning consulting fees shall be paid to the Town prior to the issuance of a Certificate of Occupancy for any improved lot.
4. All construction, design, approvals, conditions, restrictions, and requirements of the previously approved site plan, and building permits shall still be applicable except and only to the extent that same are modified herein. The inclusion of certain previously adopted conditions in this resolution shall not be deemed as a waiver of past conditions not recited herein.

Construction Activity

1. At least ten (10) days prior to commencing construction of any required improvements, the Applicant shall notify the Building Inspector and the Town Engineer, in writing, of the time when it proposes to commence construction of such improvements so that the Building Inspector may cause an inspection to be made to ensure that all Town specifications and requirements shall be met during the construction of required improvements. The Applicant shall provide a general construction phasing schedule to the Building Inspector, Planning Board and Town Engineer and shall update that schedule, and provide copies to the Building Inspector, Planning Board and Town Engineer, throughout the construction process, as necessary.
2. The Town shall require a pre-construction conference between the Town Engineer and Town Highway Superintendent and the owner or owner's representative, general contractor and on-site engineer to review construction phasing plans, inspections schedules, and requirements for complying with all regulations and conditions of this approval prior to commencing construction. The following items shall be completed by the Applicant prior to scheduling a pre-construction conference:
 - a) Performance Bond and Erosion and Sediment (E&S) Control Bond shall be posted with the Town Clerk;
 - b) Inspection Fees shall be paid to the Planning Board;
 - c) Escrow Account shall be in good standing;
 - d) In accordance with item #7 under "General Conditions" above, approved/signed plans shall be on file with the Planning Board and the Building Department; and
 - e) The MS4 Acceptance, proof of mailing of Notice of Intent (NOI), and E&S shall be completed and on file with MS4 Administrator.
3. The Town of Southeast Building Inspector or its designee may make periodic inspections to ensure that all site work and site improvements are being made in conformance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall designate a responsible and competent person to be the on-site construction manager who shall be responsible for ensuring the continued compliance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall ensure that all remedial measures are taken within 72 hours of any notification of deficiencies relating to construction. If appropriate measures are not implemented to the satisfaction of the Town Engineer, a stop work order may be issued by the Town and/or a fine imposed according to Town Code.
4. Should project changes be required that would represent a significant change to the approved plans, the Applicant may be required to seek an amended approval from the Planning Board.
5. The Applicant shall retain the services of a professional engineer and/or a landscape architect (in accordance with the drawings prepared) throughout the construction process who shall periodically observe the construction of all approved improvements, except improvements to Town of Southeast roads and drainage (which shall be inspected by the Town Engineer and/or Highway Superintendent). The Applicant's professional engineer and/or landscape architect shall provide a statement, in writing, that all approved improvements have been constructed substantially as required and approved by the Planning Board or as such requirements have been modified.
6. Prior to commencing any site clearing, grading, or construction activity, the Applicant shall have the boundary of the property staked out by a licensed surveyor.

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

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
J. King, Boardmember yes
G. Pangis, Boardmember yes
C. Galli, Boardmember yes

D. Rush, Vice Chairman yes
L. Eckardt, Boardmember absent
W. Lewis, Boardmember absent

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
One Main Street
Brewster, NY 10509

February 13, 2023

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

RE: LIFE STORAGE, 1639 Route 22, Tax Map ID 46.-3-13

Dear Boardmembers:

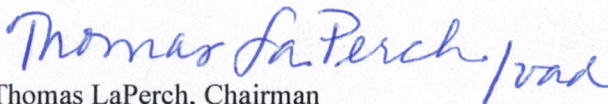
At the 2/13/23 regular meeting of the Town of Southeast Planning Board/Architectural Review Board, a motion was made to positively refer the above referenced application to the Town Board for the establishment of a Performance Bond for Erosion & Sediment Control and Site Stabilization in the following amount:

<u>PROJECT</u>	<u>AMOUNT</u>
LIFE STORAGE	\$23,700.00

The Town Engineer's memo is attached for your consideration and includes the estimate for all site improvements, which totals \$229,000.00. Inspection Fees, based on the total cost of site improvements, in the amount of \$9,160.00, must be remitted to the Planning Board Secretary prior to filing for a Building Permit and/or scheduling a pre-construction meeting.

If you have any questions, please contact the Planning Board/Architectural Review Board.

Sincerely,



Thomas LaPerch, Chairman
Southeast Planning Board/Architectural Review Board

cc: Town Attorney
Town Clerk
Town Engineer
Building Inspector
Greenman-Pedersen
Planning Board File



February 7, 2023

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

Re: Life Storage
1639-1641 Route 22
Tax Map ID: 46.-3-13
Bond Estimate
NLJA #0001-0999

Dear Mr. LaPerch:

As requested, we have prepared a performance bond estimate for all site improvements associated with the above referenced project. Our attached Opinion of Probable Construction Costs for site improvements totals \$229,000.

Based on the current "Town of Southeast, Planning Board Fee Schedule" and the above referenced Opinion of Probable Construction Costs, the required inspection fee to be collected for the project is 4% of Site Development Costs or \$9,160.

We have also prepared a performance bond estimate for erosion & sediment controls and site restoration. The required Erosion & Sediment Control / Restoration Bond based on the attached estimate is \$23,700.

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

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, P.C.

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

Joseph M. Dillon, P.E.

JMD:jmd

cc: T. Hay, M. Stancati
M. Levine, A. Ley
W. Stephens, Jr. Greenman-Pedersen
M. Burdick

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

Consulting Civil and Environmental Engineers Since 1972

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

OPINION OF PROBABLE CONSTRUCTION COSTS
Performance Bond

Project: Life Storage, Inc.
1639 NYS Route 22
Southeast, New York

Done by: JMD
Date: 2/7/2023

Project No.: 0001-0999

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	CONSTRUCTION ENTRANCE	\$1,629.00	EACH	1	\$1,629.00
2	EARTH EXCAVATION	\$22.83	C.Y.	1242	\$28,354.86
3	REMOVE EXISTING 15" HDPE	\$3.62	L.F.	60	\$217.20
4	REMOVE EXISTING CATCH BASIN	\$508.00	EACH	7	\$3,556.00
5	NEW TYPE 'C-L' CATCH BASIN	\$3,665.00	EACH	18	\$65,970.00
6	SAWCUT BITUMINOUS CONCRETE	\$1.91	L.F.	1030	\$1,967.30
7	REMOVE EXISTING BITUMINOUS CONCRETE	\$6.28	S.Y.	622	\$3,906.16
8	REMOVE EXISTING 6" PIPE	\$2.72	L.F.	301	\$818.72
9	REMOVE EXISTING CHAIN LINK FENCE	\$2.40	L.F.	370	\$888.00
10	8" Ø HDPEP	\$33.64	L.F.	351	\$11,807.64
11	12" Ø HDPEP	\$36.00	L.F.	208	\$7,488.00
12	DITCH (DRAINAGE)	\$17.26	C.Y.	248	\$4,280.48
13	ROUGH GRADE SUBGRADE	\$0.58	S.Y.	622	\$360.76
14	GRAVEL SUB BASE	\$35.84	C.Y.	138	\$4,945.92
15	FINE GRADE & ROLL BASE	\$1.25	S.Y.	622	\$777.50
16	BITUMINOUS CONCRETE	\$107.67	TON	74	\$7,967.58
17	BITUMINOUS CONCRETE TRENCH	\$325.00	TON	34	\$11,050.00
18	LANDSCAPING	\$36,692.00	L.S.	1	\$36,692.00
19	FURNISH AND SPREAD TOPSOIL TO 6"	\$7.48	S.Y.	1867	\$13,965.16
20	FINE GRADE, FERT., LIME, SEED & MULCH	\$4.22	S.Y.	1867	\$7,878.74
21	SILT FENCE	\$5.00	L.F.	390	\$1,950.00
22	6' X 6' CONCRETE PAD	\$9.23	S.F.	36	\$332.28
23	5' X 5' CHAIN LINK GATE	\$1,470.00	EACH	2	\$2,940.00
24	CHAIN LINK FENCE (5' HIGH)	\$24.20	L.F.	375	\$9,075.00
Subtotal:					\$228,818.30
SAY					\$229,000.00

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

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

Project: Life Storage, Inc.
1639 NYS Route 22
Southeast, New York

Done by: JMD
Date: 2/7/2023

Project No.: 0001-0999

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	FURNISH AND SPREAD TOPSOIL TO 6"	\$7.48	S.Y.	2484	\$18,580.32
2	HYDROSEED (FERT. & MULCH)	\$0.64	S.Y.	2484	\$1,589.76
3	SILT FENCE	\$5.00	L.F.	390	\$1,950.00
4	CONSTRUCTION ENTRANCE	\$1,629.00	EACH	1	\$1,629.00
				Subtotal:	\$23,749.08
				SAY	\$23,700.00

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

INTRODUCED BY: LaPerch

DATE: February 13, 2023

SECONDED BY: King

WHEREAS, the Planning Board/Architectural Review Board of the Town of Southeast is in receipt of an application for Site Plan, Wetland Permit and Conditional Use Permit, and other supporting documents for a project entitled **MACO LAND PROPERTIES**; and

WHEREAS, the proposed project is located at 1651 Route 22 in the HC Zoning District in the Town of Southeast and identified as Tax Map ID 46.-3-14; and

WHEREAS, the Applicant proposes to construct a 10,644-sq. ft. building with associated parking and subsurface sewage treatment system (SSTS) for general business use on a 2.62-acre property. The 10,000-sf limit for general business use will be exceeded; therefore, a Conditional Use Permit is required. The Proposed Project would disturb approximately 0.38 acres within a wetland buffer (no change from previously approved disturbance); and

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

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

UPON ROLL CALL VOTE:

T. LaPerch, Chairman yes
J. King, Boardmember yes
G. Pangis, Boardmember yes
C. Galli, Boardmember yes

D. Rush, Vice Chairman yes
L. Eckardt, Boardmember absent
W. Lewis, Boardmember absent

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

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

February 13, 2023

Commissioner C/O
Barbara Barosa, AICP, Senior Planner
Putnam County Department of Planning, Development & Public Transportation
841 Fair Street
Carmel, NY 10512

Re: Maco Land Properties
GML §239-m

Dear Ms. Barosa,

The Planning Board/Architectural Review Board of the Town of Southeast is considering an application for Site Plan, Conditional Use Permit and Wetland Permit by MACO LAND PROPERTIES for a proposal to construct a 10,644-sq. ft. building with associated parking and subsurface sewage treatment system (SSTS) for general business use. The 10,000-sf limit for general business use will be exceeded; therefore, a Conditional Use Permit is required. The Proposed Project would disturb approximately 0.38 acres within a wetland buffer. The proposed project is located in the HC-1 Zoning District on an approximately ±2.62-acre parcel located at 1651 Route 22, Putnam County, New York (Tax Map ID 46.-3-14).

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

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

Sincerely,

Thomas LaPerch, Jr.

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

Attachment

cc: Town Attorney
Town Clerk
Bibbo Associates

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

February 13, 2023

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

RE: STATELINE RETAIL / RESTAURANT DEPOT, 3685 Danbury Road, Tax Map ID 68.-2-48.1

Dear Boardmembers:

At the 2/13/23 regular meeting of the Town of Southeast Planning Board/Architectural Review Board, a motion was made to positively refer the above referenced application to the Town Board for the release of the Performance Bond currently being held.

<u>PROJECT</u>	<u>AMOUNT</u>
STATELINE RETAIL/RESTAURANT DEPOT	\$66,200.00

The Planning Board/Architectural Review Board further resolved that the following maintenance bonds be posted as a condition of the release of the Performance Bond:

<u>BOND TYPE</u>	<u>DURATION</u>	<u>AMOUNT</u>
LANDSCAPE	2 YEARS	\$35,000.00
STORMWATER MAINTENANCE	4 YEARS	\$49,100.00

The Planning Board/Architectural Review Board further resolved to require an escrow account be established in the amount of \$1500.00 to cover the cost of an annual stormwater inspection and report; whereby the Town would undertake an annual inspection if the applicant failed to do so.

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

Sincerely,

David Rush /vad

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

cc: Town Attorney
Town Clerk
Town Engineer
Building Inspector
Insite Engineering
Planning Board File



Jacobson

February 7, 2023

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

Re: Stateline Retail/Restaurant Depot
3685 Danbury Road
Tax Map #68.-2-48.1
Request for Bond Release
NLJ #0001-0868

Dear Mr. LaPerch:

As requested, we have made recent inspections at the above referenced project and confirmed that the site improvements are satisfactorily completed and are generally in accordance with the approved plans incorporating any approved field changes. In addition, the Applicant's Engineer has provided an as-built plan and certification verifying completion of the improvements. It is also our understanding that the required post construction maintenance agreements and maintenance escrow have been provided.

Our records indicate that the erosion control/site restoration bond currently held for this project is in the amount of \$66,200. Since all site improvements are now completed and the supporting documentation from the Applicant's Consultants has been provided, we recommend release of this bond subject to posting of the following maintenance bonds:

- A four-year guarantee for the stormwater management system in the amount of 10% of the cost from the original bond estimate. For this project, the required stormwater maintenance bond is in the amount of \$49,100.
- A two-year maintenance bond to guarantee the viability of all landscape plantings in the amount of 20% of the landscaping cost from the original bond estimate. For this project the required landscaping maintenance bond is in the amount of \$35,000.

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

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, P.C.

Thomas H. Fenton, P.E.

cc: T. Hay, M. Levine, W. Stephens, Jr, M. Burdick, M. Stancati, A. Ley, Insite Engineering

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

Consulting Civil and Environmental Engineers Since 1972

**Town of Southeast
Planning Board**

One Main Street
Brewster, NY 10509

February 13, 2023

Hon. Tony Hay, Supervisor
Town of Southeast
1360 Route 22
Brewster, NY 10509

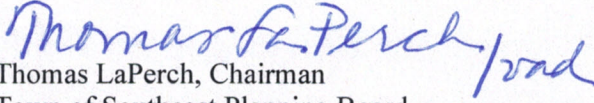
Re: A Local Law to Amend the Zoning for the Keeping of Animals

Dear Supervisor Hay:

The Town of Southeast Planning Board (Planning Board), pursuant to §138-93 of the Code of Southeast, would like to recommend amendments to the Zoning Code for the keeping of animals. The Planning Board has found that the existing regulations for the keeping of animals is inconsistent and difficult to interpret. The Planning Board recognizes that the keeping of animals can be a safe, productive, and nondisruptive practice, provided that such animals are cared for in a clean environment, kept in appropriate numbers, and managed to avoid odors or the attraction of wildlife or vermin. The Planning Board recommends these changes to control of the keeping of animals within the Town to minimize nuisances and maintain a healthy and safe environment for Town residents and those who visit the area.

The Planning Board greatly appreciates your consideration in these matters.

Sincerely,


Thomas LaPerch, Chairman
Town of Southeast Planning Board

CC: Town Board
Town Clerk
Town Attorney
Zoning Board of Appeals

Town of Southeast, Putnam County, NY

Local Law No. __ of 2023

A LOCAL LAW to regulate the keeping of animals, entitled: “A Local Law to Amend Chapter 138 of the Town Code, ‘Zoning’.”

Be it enacted by the Town Board of the Town of Southeast, Putnam County, New York, as follows:

SECTION 1. LEGISLATIVE INTENT

The Town Board of the Town of Southeast (hereinafter the “Town”) is concerned with the land use in the Town relating to the keeping of animals as pets and/or for non-commercial uses. The Town Board recognizes that the keeping of animals can be a safe, productive, and nondisruptive practice, provided that such animals are cared for in a clean environment, kept in appropriate numbers, and managed to avoid odors or the attraction of wildlife or vermin. The Town Board finds that the control of the keeping of animals within the Town is necessary to keep a nuisance free, healthy and safe environment for the Town residents and those who visit the area. As such, the Town Board seeks to update the Town Code to simplify and clarify the regulations relating to the keeping of animals.

SECTION 2: AMENDMENTS TO ARTICLE I, “GENERAL PROVISIONS; DEFINITIONS”

Section 138-4, “Definitions” is here by amended, in part, to add the following definitions”

ANIMALS, FARM

Any poultry or hoofed mammal typical of an agricultural enterprise such as cattle, sheep, swine, goats, llamas, horses, or fur-bearing animals, which are raised for commercial purposes, but not including any “Household Pet” as defined under this Section.

ANIMALS, NON-COMMERCIAL

Any poultry or hoofed mammal typical of an agricultural enterprise such as cattle, sheep, swine, goats, llamas, horses, or fur-bearing animals, which are not raised for commercial purposes, but not including any “Household Pet” as defined under this Section.

SECTION 3: AMENDMENTS TO CHAPTER 138, ARTICLE IV, “RESIDENTIAL DISTRICTS”

Section 138-23.1 is hereby added as follows:

§ 138-23.1 Keeping of Animals.

A. Intent. It is the intention of this section to regulate the keeping of animals in the Town to ensure the health, safety, and welfare of the Town's residents, and to prevent unsanitary conditions and nuisances.

B. Non-commercial keeping of animals on residential properties shall be regulated as follows:

(1) Poultry.

(a) The keeping of up to 2 chickens, turkeys, or similar poultry is permitted on a lot of 20,000 square feet or greater. One additional chicken, turkeys, or similar poultry may be kept for each additional 10,000 square feet by which the lot exceeds 20,000 square feet, up to a maximum of thirty chickens or similar poultry.

Animal Type	Minimum Lot Size	Number of Animals Per Minimum Lot Size	Number of Animals Per Additional Square Feet	Maximum Number of Animals
Chickens / Turkeys/ Poultry	20,000 SF	2	1 per 10,000 SF	30

(b) Any building in which a chicken or similar poultry is kept shall be a minimum of 30 feet from any property or street line.

(c) The keeping of roosters or guinea hens is permitted on properties of 5 acres or greater, up to a maximum of two roosters or guinea hens.

(2) Hoofed mammals.

(a) Small to medium sized hoofed mammals (Goats, Sheep, Llamas, Alpacas).

(i) The keeping of one goat, sheep, llama, alpaca or similarly-sized animal is permitted on a lot of 40,000 square feet or greater. One additional goat, sheep, llama, alpaca, or similar-sized animal may be kept for each 20,000 square feet by which the lot exceeds 40,000 square feet, up to a maximum of fifteen pigs, goats, sheep, llamas, alpacas, or similarly-sized animals.

(ii) Any building in which a goat, sheep, llama, alpaca or similarly-sized animal is kept shall meet the greater of the minimum yard setback requirements of the underlying zoning district or be a minimum of 100 feet from any property or street line.

(b) Large hoofed mammals (Pigs, Horses, Ponies, Donkeys, Cows).

(i) The keeping of one pig, horse, pony, donkey, cow, or similarly-sized animal is permitted on a lot of 80,000 square feet or greater. One additional horse, pony, donkey, cow, or similarly-sized animal may be kept for each 40,000 square feet by which the lot exceeds 80,000 square feet, up to a maximum of fifteen horses, ponies, donkeys, cows, or similarly-sized animals.

(ii) Any building in which a pig, horse, pony, donkey, cow, or similarly-sized animal is kept shall be meet the greater of 100 feet from a property line or the minimum yard setback requirements of the underlying zoning district or be a minimum of 100 feet from any property or street line.

(iii) Any boarding of any pig, horse, pony, donkey, cow, or similarly-sized animal for compensation shall require a conditional use permit from the Planning Board and shall not be considered an accessory use permitted by right.

(c) Counting of Animals. The counting of hooved mammals for the purposes of this section shall be cumulative, such that the maximum number of animals on a property shall not exceed maximum number of a single animal type as described under subsections (a) and (b) above.

Animal Type	Minimum Lot Size	Number of Animals Per Minimum Lot Size	Number of Animals Per Additional Square Feet	Maximum Number of Animals
Goats / Sheep / Llamas / Alpacas	40,000	1	1 per 20,000 SF	15
Horses / Pigs / Ponies / Donkeys / Cows	80,000	1	1 per 40,000 SF	15

NOTE: A property owner may have a maximum 15 hooved mammals regardless of animal size or species.

(4) Baby Animals. Offspring of animals (animals less than six months of age) are not counted against the total number of animals permitted to be kept on residential properties under subsections (1) to (3), above.

(5) Enclosures. Any residential property on which animals are kept must be properly fenced to prevent the animals from escaping the property, or the animals must be contained in a suitably-sized and appropriately maintained structure.

C. Animal Waste.

(a) Chickens and poultry. No animal waste or substance which produces noxious or offensive odor or dust shall be stored or permitted to accumulate within ~~100~~ 35 feet from any lot line and ~~50~~ 35 feet from any street, wetland, lake or stream, or within the minimum yard setback requirements of the underlying zoning district, whichever is greater. The animal waste storage area shall not create any offensive odors nor attract or harbor vermin, rodents, flies or other animals, and shall be subject to the approval of the Planning Board.

(b) All other animals. No animal waste or substance which produces noxious or offensive odor or dust shall be stored or permitted to accumulate within ~~200~~ 100 feet from any lot line or within the minimum yard setback requirements of the underlying zoning district, whichever is greater, and ~~100~~ 50 feet from any wetland, lake or stream. The animal waste

storage area shall not create any offensive odors nor attract or harbor vermin, rodents, flies or other animals, and shall be subject to the approval of the Planning Board.

(c) Enforcement. The Building Inspector or Code Enforcement Officer shall retain the right to inspect the animal waste storage facility at any time due to improper handling or odor problems. If the Building Inspector or Code Enforcement Officer determines that a problem does exist, he or she shall so notify the owner in writing and the owner must commence steps to rectify the situation within a timely fashion but not to exceed 30 days. If the problem is not rectified in a satisfactory manner, the Building Inspector or Code Enforcement Officer may commence criminal proceedings against the owner or other person(s) responsible for such violation(s) and, upon a conviction thereof, such owner or other responsible person shall be liable for any and all fines and/or penalties applicable to violations of this chapter.

D. Existing Animals.

(a) In the event that, at the time of the Introduction of this Local Law, an owner or occupant of a residential property has a number of animals in excess of the provisions listed above, provided that the animals are not a nuisance and are kept in sanitary conditions, the owner of said animals shall be permitted to keep the animals at the time of the Effective Date of this Local Law until such time as they die, are given away, or are lost. However, no additional animals shall be permitted to be kept on the residential property if doing so would bring the total number of animals above that permitted under the provisions above. It is owner's burden to prove that said animals were maintained on the residential property prior to the date of Introduction of this Local Law.

SECTION 3: AMENDMENTS TO CHAPTER 138, ATTACHMENT 3 (TABLE OF GENERAL USE REQUIREMENTS, RESIDENTIAL ZONING DISTRICTS), COLUMN E.

Chapter 138, Attachment 3, Column E is amended, in part, as follows:

1. The leasing of rooms and/or furnishing of a board in a dwelling unit to a total of not more than 2 persons, provided that the person leasing the rooms and/or furnishing board shall reside in the dwelling unit.
2. Any commercial greenhouse or commercial activities involving the keeping of farm animals ~~and/or three or more chickens or similar poultry~~ shall be permitted on a lot of five acres or more. Any greenhouse or building in which such animals are kept shall not extend within less than 200 feet of any property or street line.
3. ~~The keeping of an aggregate of not more than 2 chickens or similar poultry is permitted on a lot of less than 5 acres; the keeping of roosters is prohibited on lots of less than 5 acres.~~
3. The keeping of animals in accordance with § 138-23.1 "Keeping of Animals".
4. The keeping of a reasonable number of customary household pets, but excluding the commercial boarding of the same. Customary household pets shall not be kept in such a manner as to create unsanitary conditions or constitute a nuisance.

5. Noncommercial nurseries for the private use of the owner of said nursery and not for the production of goods for sale.
- ~~6. Notwithstanding the provisions above, a horse or pony may be kept on a lot of not less than two acres, and one additional horse or pony may be kept for each acre by which the lots exceeds two acres, up to a maximum of 15 horses. Any building in which a horse or pony is kept shall not extend within less than 100 feet of any property or street line. Any boarding of any horse or pony for compensation shall require a conditional use permit from the Planning Board and shall not be considered an accessory use permitted by right~~
67. Accessory to a 1-family residence or agricultural use are the following private structures: barns, silos, garages, tennis courts, swimming pools and other similar structures.
78. Accessory to a 1-family residence: outside storage of not more than 1 unoccupied recreational vehicle or boat and trailer, not exceeding 35 feet in length.
89. The parking of not more than 1 commercial vehicle in a residential zone. Such vehicle shall not exceed 10,000 pounds as indicated on a valid state registration, nor shall such vehicle be more than 25 feet in length. Any commercial vehicle other than this one exception shall be parked in a garage. There shall be no parking of commercial vehicles in a residential zone other than described herein between the hours of 11:00 p.m. and 6:00 a.m., 7 days a week.
910. Accessory parking subject to Column F.
1011. Any building, stand or structure for the sale of farm products not exceeding 150 square feet.
1112. Accessory loading.
1213. Storage goods, equipment, raw materials or products accessory to any permitted use, screened from all property lines.
1314. Signs as permitted by the Sign Ordinance of the Town of Southeast.²
1415. Private utilities.

SECTION 4. VALIDITY

The invalidity of any word, section, clause, paragraph, sentence, part, provision of this Local Law shall not affect the validity of any other part of this Local Law that shall be given effect without such invalid part or parts.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.