
TOWN OF SOUTHEAST
PLANNING BOARD/ARCHITECTURAL REVIEW BOARD AGENDA
October 2, 2023 7:00 p.m. Public Hearings / Regular Session
Town Hall, 1360 Route 22, Brewster, NY 10509

PUBLIC HEARINGS:

- 1. SPLASH CAR WASH, 1559 Route 22, Tax Map ID 46.-1-6** – Public Hearing to Review an Application for Site Plan Amendment
- 2. SALINGERS ORCHARDS, INC., 220 & 200-202 Guinea Road, Tax Map IDs 78.-1-88 & 87** – Public Hearing to Review an Application for Site Plan, Conditional Use Permit and Subdivision

REGULAR SESSION:

- 1. 43 FARM TO MARKET ROAD, 43 Farm to Market Road, Tax Map ID 45.-2-88** – Consider Revised Bond Recommendation to Town Board for Phased Project
- 2. ALFACOR, LLC, 16-18 Fields Lane, Tax Map ID 78.-2-25** – Review of an Application for Final Approval of a Subdivision
- 3. SOUTHEAST KITCHEN & BATH, 10 Old Doansburg Road, Tax Map ID 46.-5-6** – Review of an Application for Final Approval of Site Plan and Wetland Permit and Consider Bond Recommendation to Town Board
- 4. EQUIPMENT GARAGE, 50 Prospect Hill Road, Tax Map ID 56.11-1-2** – Review of an Application for Site Plan Amendment
- 5. GREEN CHIMNEYS BONI BEL, 287, 269 & 301-315 Doansburg Road, Tax Map IDs 36.-1-1, 36.17-1-3 & 36.-2-17** – Continued Review of an Application for Site Plan, Subdivision, Wetland Permit and Special Permit
- 6. BREWSTER YARDS (p/k/a PROSWING), 132 & 160 Pugsley Road, Tax Map IDs 45.-1-11 & 10** – Review of an Application for Final Approval of Site Plan, Wetland Permit and Subdivision and Consider Bond Recommendation to Town Board
- 7. GUARDIAN VETERINARY SPECIALISTS, 4 Hardscrabble Heights, Tax Map ID 78.-2-83** – Consider Request for One Year Extension of Site Plan Approval
- 8. CONSIDER REPORT & RECOMMENDATION TO TOWN BOARD RE CHAPTER 78 FRESHWATER WETLANDS**
- 9. CONSIDER REPORT & RECOMMENDATION TO TOWN BOARD RE TREE PRESERVATION ORDINANCE**

**Agenda Subject to Change
September 28, 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#>

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

INTRODUCED BY: LaPerch

DATE: October 3, 2023

SECONDED BY: Rush

WHEREAS, the Planning Board/Architectural Review Board of the Town of Southeast is in receipt of an application for a Site Plan, Subdivision and Conditional Use Permit, and other supporting documents for a project entitled **SALINGER'S ORCHARDS**; and

WHEREAS, the proposed project is located at 220 & 200-202 Guinea Road in the RC Zoning District in the Town of Southeast and identified as Tax Map ID 78.-1-87; and

WHEREAS, the applicant proposes to expand its farm use, add new accessory non-farm buildings, and a lot line adjustment on a 63.371-acre agricultural property. The lot line adjustment is proposed to ensure all commercial uses are located on Tax Lot 78.-1-88. The Applicant proposes to construct a new 6,530 sq. ft. event building, a 2,884 sq. ft. addition to the existing farm store, a 1,200 sq. ft. structure for agriculture storage, to convert an existing building to a 1,225 sq. ft. cidery, and to reconfigure the parking lot.; and

WHEREAS, the Planning Board scheduled a public hearing on the proposed Site Plan/Subdivision/Conditional Use Permit for 10/2/23; and

WHEREAS, the Planning Board declared its Intent to be Lead Agency for the project on 8/14/23; and

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

NOW, THEREFORE BE IT RESOLVED, that the Planning Board/Architectural Review Board of the Town of Southeast will serve as Lead Agency for purposes of SEQRA for this Unlisted and Coordinated Action.

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 yes
W. Lewis, Boardmember absent

The resolution was passed by a vote of 6 to 0, with 1 absent.

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

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

October 2, 2023

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

**RE: GNOME SYSTEMS, LLC, 43 Farm to Market Road, Tax Map ID 45.-2-88
– PHASES I & II BONDS**

Dear Boardmembers:

At the 10/2/23 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 re-establishment of a Performance Bond for Erosion & Sediment Control and Site Stabilization for a Phased Project in the following amounts:

<u>PROJECT NAME</u>	<u>AMOUNT</u>
43 FARM TO MARKET ROAD – PHASE I	\$45,000
43 FARM TO MARKET ROAD – PHASE II	\$24,000

The Town Engineer's memo is attached for your consideration and includes the estimate for site improvements for Phase I, which totals \$314,000.00; and for Phase II, which totals \$191,000. Inspection Fees, based on the total cost of site improvements, in the amount of \$12,560.00, for Phase I and \$7,640.00 for Phase II must be remitted to the Planning Board Secretary prior to filing for Building Permits and/or scheduling pre-construction meetings.

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
PW Scott Engineering
Planning Board File



September 28, 2023

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

Re: 43 Farm to Market Road
Bond Estimate Phase I and Phase II
NLJA #0001-1080

Dear Mr. LaPerch:

As requested, we have prepared a phased performance bond estimate for all site improvements associated with the above referenced project. Our attached Opinion of Probable Construction Costs for site improvements totals \$314,000 for Phase I and \$191,000 for Phase II.

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 \$12,560 for Phase I and \$7,640 for Phase II.

We have also prepared a phased performance bond estimate for erosion & sediment controls and site restoration. The required Erosion & Sediment Control / Restoration Bond based on the attached estimate is \$45,000 for Phase I and \$24,000 for Phase II.

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', written over a horizontal line.

Joseph M. Dillon, P.E.

JMD:jmd

cc: T. Hay, M. Stancati
M. Levine, A. Ley
W. Stephens, Jr. B. Barber
M. Burdick P.W. Scott

2023 OPINION OF PROBABLE CONSTRUCTION COSTS
 Performance Bond - Phase I

Project: 43 Farm to Market Road
 Southeast, New York

Done by: JMD
 Date: 9/28/2023

Project No.: 0001-1080

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	CLEAR TREES (Cut & Chip / Grub)	\$10,330.00	ACRE	1	\$10,330.00
2	STRIP & STOCKPILE TOPSOIL	\$0.48	S.Y.	18682	\$8,967.36
3	CUT AND FILL WITH COMPACTION	\$8.56	C.Y.	8717	\$74,617.52
4	YARD DRAIN	\$3,255.00	EACH	5	\$16,275.00
5	6" Ø HDPEP	\$31.35	L.F.	111	\$3,479.85
6	8" Ø HDPEP	\$37.50	L.F.	130	\$4,875.00
7	12" Ø HDPEP	\$42.22	L.F.	124	\$5,235.28
7	15" Ø HDPEP	\$50.51	L.F.	277	\$13,991.27
8	18" Ø HDPEP	\$72.00	L.F.	48	\$3,456.00
8	15" Ø HDPEP FLARED END SECTION	\$526.95	EACH	2	\$1,053.90
9	18" Ø HDPEP FLARED END SECTION	\$824.00	EACH	1	\$824.00
10	OUTLET STRUCTURE	\$4,800.00	EACH	1	\$4,800.00
11	STORMWATER BASIN	\$20,000.00	EACH	1	\$20,000.00
12	CONCRETE LEVEL SPREADER	\$800.00	EACH	1	\$800.00
13	GRASSED SWALE	\$14.65	L.F.	805	\$11,793.25
14	RIPRAP SWALE	\$18.64	L.F.	130	\$2,423.20
15	GRAVEL SUB BASE	\$32.62	C.Y.	850	\$27,727.00
16	BITUMINOUS CONCRETE CURB	\$5.50	L.F.	162	\$891.00
17	BITUMINOUS CONCRETE	\$120.00	L.F.	123	\$14,760.00
18	C.I.P CONC. WALK (5' Wide, 5" thick, 8" base)	\$46.35	L.F.	8	\$370.80
19	RIP RAP 8"	\$74.20	C.Y.	16	\$1,187.20
20	RIP RAP 12"	\$74.52	C.Y.	6	\$447.12
21	TIMBER GUIDE RAIL	\$63.50	L.F.	70	\$4,445.00
22	CHAIN LINK FENCE (3.5')	\$30.50	L.F.	484	\$14,762.00
23	3 RAIL PICKET FENCE	\$30.50	L.F.	260	\$7,930.00
24	DUMPSTER ENCLOSURE	\$5,500.00	L.S.	1	\$5,500.00
25	SPREAD STOCKPILED TOPSOIL TO 6"	\$1.22	S.Y.	14700	\$17,934.00
26	HYDROSEED (FERT. & MULCH)	\$0.80	S.Y.	14700	\$11,760.00
27	SIGNS	\$335.00	EACH	2	\$670.00
28	SILT FENCE	\$5.00	L.F.	1130	\$5,650.00
29	SILT SACK (Catch Basin Insert - Regular Flow)	\$124.00	EACH	1	\$124.00
30	CONSTRUCTION ENTRANCE	\$1,521.00	EACH	1	\$1,521.00
31	TREES AND SHRUBS	\$15,000.00	L.S.	1	\$15,000.00
Subtotal:					\$313,600.75
SAY					\$314,000.00

2023 OPINION OF PROBABLE CONSTRUCTION COSTS
 Erosion & Sediment Control and Site Restoration Bond - Phase I

Project: 43 Farm to Market Road
 Southeast, New York

Done by: JMD
 Date: 9/28/2023

Project No.: 0001-1080

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	SPREAD STOCKPILED TOPSOIL TO 6"	\$1.22	S.Y.	18682	\$22,792.04
2	HYDROSEED (FERT. & MULCH)	\$0.80	S.Y.	18682	\$14,945.60
3	SILT FENCE	\$5.00	L.F.	1130	\$5,650.00
4	SILT SACK (Catch Basin Insert - Regular Flow)	\$124.00	EACH	1	\$124.00
5	CONSTRUCTION ENTRANCE	\$1,521.00	EACH	1	\$1,521.00
				Subtotal:	\$45,032.64
				SAY	\$45,000.00

2023 OPINION OF PROBABLE CONSTRUCTION COSTS
 Performance Bond - Phase II

Project: 43 Farm to Market Road
 Southeast, New York

Done by: JMD
 Date: 9/28/2023

Project No.: 0001-1080

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	CLEAR TREES (Cut & Chip / Grub)	\$10,330.00	ACRE	0.5	\$5,165.00
2	STRIP & STOCKPILE TOPSOIL	\$0.48	S.Y.	9728	\$4,669.44
3	CUT AND FILL WITH COMPACTION	\$8.56	C.Y.	6084	\$52,079.04
4	6" Ø HDPEP	\$31.35	L.F.	130	\$4,075.50
5	8" Ø HDPEP	\$37.50	L.F.	260	\$9,750.00
6	12" Ø HDPEP	\$42.22	L.F.	100	\$4,222.00
7	15" Ø HDPEP	\$50.51	L.F.	260	\$13,132.60
8	15" Ø HDPEP FLARED END SECTION	\$526.95	EACH	1	\$526.95
9	OUTLET STRUCTURE	\$4,800.00	EACH	1	\$4,800.00
10	BIO BASIN OUTLET STRUCTURE	\$2,200.00	EACH	2	\$4,400.00
11	STORMWATER BASIN	\$20,000.00	EACH	1	\$20,000.00
12	GRASSED SWALE	\$14.65	L.F.	550	\$8,057.50
13	GRAVEL SUB BASE	\$32.62	C.Y.	128	\$4,175.36
14	RIP RAP 8"	\$74.20	C.Y.	4	\$296.80
15	CHAIN LINK FENCE (3.5')	\$30.50	L.F.	418	\$12,749.00
16	SPREAD STOCKPILED TOPSOIL TO 6"	\$1.22	S.Y.	6600	\$8,052.00
17	HYDROSEED (FERT. & MULCH)	\$0.80	S.Y.	6600	\$5,280.00
18	SILT FENCE	\$5.00	L.F.	470	\$2,350.00
19	SILT SACK (Catch Basin Insert - Regular Flow)	\$124.00	EACH	5	\$620.00
20	CONSTRUCTION ENTRANCE	\$1,521.00	EACH	1	\$1,521.00
21	CONSTRUCTION FENCE	\$6.09	L.F.	460	\$2,801.40
22	PARKING STALL LINE PAINTING	\$12.50	EACH	21	\$262.50
23	PAVEMENT MARKING - HANDICAP SYMBOL	\$66.00	EACH	1	\$66.00
24	TREES AND SHRUBS	\$15,000.00	L.S.	1	\$15,000.00
25	WETLAND PLANTINGS	\$7,200.00	L.S.	1	\$7,200.00
Subtotal:					\$191,252.09
SAY					\$191,000.00

2023 OPINION OF PROBABLE CONSTRUCTION COSTS
 Erosion & Sediment Control and Site Restoration Bond - Phase II

Project: 43 Farm to Market Road
 Southeast, New York

Done by: JMD
 Date: 9/28/2023

Project No.: 0001-1080

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	SPREAD STOCKPILED TOPSOIL TO 6"	\$1.22	S.Y.	9728	\$11,868.16
2	HYDROSEED (FERT. & MULCH)	\$0.80	S.Y.	9728	\$7,782.40
3	SILT FENCE	\$5.00	L.F.	470	\$2,350.00
4	SILT SACK (Catch Basin Insert - Regular Flow)	\$124.00	EACH	5	\$620.00
5	CONSTRUCTION ENTRANCE	\$1,521.00	EACH	1	\$1,521.00
				Subtotal:	\$24,141.56
				SAY	\$24,000.00

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

Date: October 2, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Southeast Planning Board as Lead Agency has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action: ALFACOR, LLC

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

ALFACOR, LLC proposes to subdivide an existing 31.5-acre property where Lot 1, which contains two commercial buildings currently under construction, would be 21.5 acres and Lot 2, consisting of undeveloped forested land, would be 10.0 acres. Both lots will comply with bulk requirements for the OP-1 district. The Applicant is considering developing Lot 2 in the future; no development is currently proposed. The property is located at 16-18 Fields Lane in the OP-1 Zoning District. The Proposed Project requires Planning Board Subdivision Approval.

Location: 16-18 Fields Lane, Tax Map ID 78.-2-25

Reasons Supporting This Determination:

The following materials have been reviewed:

- Memorandum to Chairman LaPerch from Bibbo Associates, dated 9/8/23
- Town of Southeast, Putnam County, New York, prepared by Sewall, dated 4/10/87; last revised 6/21/21
- Final Subdivision Plan, prepared for ALFACOR, LLC by Terry Bergendorff Collins, dated 12/22/22; revised 8/23/23
- Driveway Easement Agreement between Barbarossa and Alcon, LLC, dated 1/23/23; filed with Putnam County Clerk 1/26/23

WHEREAS, on 12/12/22, the Planning Board classified the proposed action as an Unlisted 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 held a publically noticed meeting on 1/9/23, at which time members of the public were given the opportunity to comment on the proposed project; and

WHEREAS, the Planning Board has reviewed the short 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 of the Town of Southeast, acting as Lead Agency, and having reviewed the EAF and all supplementary information, has determined that the proposed action will not have a significant effect on the environment and a Draft Environmental Impact Statement will not need to be prepared.

For Further Information:

Contact Person: Victoria Desidero
Address: Town of Southeast Planning Department
One Main Street
Brewster, NY 10509
Telephone Number: (845) 279-7736

A Copy of this Notice has been filed with:

INVOLVED/INTERESTED AGENCY	
Putnam County Department of Planning/Development & Public Transportation 841 Fair Street Carmel, NY 10512	Town Clerk 1360 Route 22 Brewster, NY 10509
Putnam County Highways & Facilities 842 Fair Street Carmel New York 10512	E-911 Coordinator / Assessor 1360 Route 22 Brewster, NY 10509

UPON ROLL CALL VOTE:

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
J. King, Boardmember	<u>yes</u>	L. Eckardt, Boardmember	<u>yes</u>
G. Pangis, Boardmember	<u>yes</u>	W. Lewis, Boardmember	<u>absent</u>
C. Galli, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 6 to 0, with 1 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

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

INTRODUCED BY:

LaPerch

DATE: October 2, 2023

SECONDED BY:

Rush

WHEREAS, SOUTHEAST KITCHEN & BATH/ ANTHONY PALLADINO as the Applicant/Owner of certain properties located 10 Old Doansburg Road in the OP-1 Zoning District in Town of Southeast and known and designated as Tax Map Number 46.-5-6 has submitted an application for Site Plan and Wetland Permit approval for a proposed to construct a 4,000 sq. ft. building with showroom and offices, and related improvements including 17 parking spaces and a gravel driveway (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, issued a Negative Declaration on or about 3/27/23, 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 Alfonzetti Engineering	6/20/23
Front Elevation, no preparer	2/1/23
(2) Rear Elevation, no preparer	2/1/23
Lower Floor, no preparer	2/1/23
Main Floor, no preparer	2/1/23
Upper Floor, no preparer	2/1/23
1 of 6, Existing Conditions Plan, prepared by Alfonzetti Engineering	12/19/22; 6/19/23
2 of 6, Proposed Layout Plan, prepared by Alfonzetti Engineering	12/19/22; 6/19/23
3 of 6, Proposed Utility and Grading Plan, prepared by Alfonzetti Engineering	12/19/22; 6/19/23
4 of 6, Erosion Control Plan, prepared by Alfonzetti Engineering	12/19/22; 6/19/23
5 of 6, Site Details, prepared by Alfonzetti Engineering	12/19/22; 6/19/23
6 of 6, Planting Plan/Wetland Mitigation Plan, prepared by Alfonzetti Engineering	3/8/23
Memorandum to Chairman LaPerch from the NYC DEP	2/7/23
Project Narrative, prepared by Alfonzetti Engineering	3/6/23
SE Kitchen & Bath Mitigation Report, prepared by Ecological Analysis, LLC	6/8/23
SE Kitchen & Bath Vehicle Maneuver Exhibit, prepared by Alfonzetti Engineering	3/6/23
SE Kitchen & Bath Aerial View, prepared by Alfonzetti Engineering	2/27/23
Stormwater Pollution Prevention Plan, prepared by Alfonzetti Engineering	12/19/22; 3/7/23
Lighting Plan Set (3 Sheets), prepared by RAB	8/10/23
Lighting cut sheets (4 sheets)	undated

; 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 report dated 5/16/23 from the Zoning Board of Appeals approving the variances required for the Proposed Project; and

WHEREAS, the Town of Southeast Wetlands Consultant issued a report and recommendation dated 6/30/23 in connection with the Proposed Project, as depicted on drawings dated 6/19/23 and prepared by Alfonzetti Engineering, PC; 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 6/30/23 (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 Southeast Kitchen & Bath 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. This resolution supersedes all construction, design, approvals, conditions, restrictions, and requirements of the previously approved site plan, and building permits. The inclusion of certain previously

adopted conditions in this resolution shall not be deemed as an affirmation of past approvals or conditions not recited herein.

Construction Activity

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

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

Landscaping

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

UPON ROLL CALL VOTE:

T. LaPerch, Chairman

yes

D. Rush, Vice Chairman

yes

J. King, Boardmember

yes

L. Eckardt, Boardmember

yes

G. Pangis, Boardmember

yes

W. Lewis, Boardmember

Absent

C. Galli, Boardmember

yes

The resolution was passed by a vote of 6 to 0, with 1 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

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

October 2, 2023

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

RE: SOUTHEAST KITCHEN & BATH, 10 Old Doansburg Road, Tax Map ID 46.-5-6

Dear Boardmembers:

At the 10/2/23 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>
SOUTHEAST KITCHEN & BATH	\$12,400.00

The Town Engineer's memo is attached for your consideration and includes the estimate for all site improvements, which totals \$111,000. Inspection Fees, based on the total cost of site improvements, in the amount of \$4,440.00, 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
Alfonzetti Engineering
Planning Board File



June 27, 2023

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

Re: Southeast Kitchen & Bath
10 Old Doansburg Road
Bond Estimate
NLJ #0001-1078

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 \$111,000.

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 \$4,440.

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 \$12,400.

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, B. Barber
W. Stephens, Jr. A. Ley
M. Burdick Alfonzetti 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

2023 OPINION OF PROBABLE CONSTRUCTION COSTS
 Performance Bond

Project: Southeast Kitchen & Bath
 10 Old Doansburg Road
 Southeast, New York

Done by: JMD
 Date: 6/27/2023

Project No.: 0001-1078

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	REMOVE TREE	\$200.00	EACH	1.5	\$300.00
2	STRIP & STOCKPILE TOPSOIL	\$0.48	S.Y.	4680	\$2,246.40
3	BORROW	\$18.86	C.Y.	135	\$2,546.10
4	CATCH BASIN	\$3,525.00	EACH	4	\$14,100.00
5	OUTLET CONTROL STRUCTURE	\$4,230.00	EACH	1	\$4,230.00
6	6" Ø PVC	\$31.35	L.F.	178	\$5,580.30
7	12" Ø HDPEP	\$42.22	L.F.	155	\$6,544.10
8	12" Ø HDPEP FLARED END SECTION	\$594.00	EACH	1	\$594.00
9	STORMWATER PLANTER	\$6,000.00	EACH	3	\$18,000.00
10	DETENTION POND	\$4,000.00	EACH	1	\$4,000.00
11	STORMWATER BASIN	\$1,500.00	EACH	1	\$1,500.00
12	LANDSCAPING	\$2,750.00	L.S.	1	\$2,750.00
13	ROUGH GRADE SUBGRADE	\$1.36	S.Y.	1434	\$1,950.24
14	GRAVEL SUB BASE	\$32.62	C.Y.	768	\$25,052.16
15	FINE GRADE AND ROLL BASE	\$2.46	S.Y.	1434	\$3,527.64
16	BITUMINOUS CONCRETE	\$337.50	TON	8	\$2,700.00
17	RIP RAP	\$74.20	C.Y.	3	\$222.60
18	DUMPSTER ENCLOSURE	\$5,500.00	L.S.	1	\$5,500.00
19	SPREAD STOCKPILED TOPSOIL TO 6"	\$1.22	S.Y.	1450	\$1,769.00
20	HYDROSEED (FERT. & MULCH)	\$0.80	S.Y.	1450	\$1,160.00
21	EROSION CONTROL BLANKET	\$1.65	S.Y.	1434	\$2,366.10
22	SIGNS	\$335.00	EACH	2	\$670.00
23	SILT FENCE	\$7.00	L.F.	132	\$924.00
24	SILT SACK (Catch Basin Insert - Regular Flow)	\$124.00	EACH	4	\$496.00
25	CONSTRUCTION ENTRANCE	\$1,521.00	EACH	1	\$1,521.00
26	PAVEMENT MARKINGS	\$500.00	L.S.	1	\$500.00
Subtotal:					\$110,749.64
SAY					\$111,000.00

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

2023 OPINION OF PROBABLE CONSTRUCTION COSTS
 Erosion & Sediment Control and Site Restoration Bond

Project: Southeast Kitchen & Bath
 10 Old Doansburg Road
 Southeast, New York

Done by: JMD
 Date: 6/27/2023

Project No.: 0001-1078

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	SPREAD STOCKPILED TOPSOIL TO 6"	\$1.22	S.Y.	4680	\$5,709.60
2	HYDROSEED (FERT. & MULCH)	\$0.80	S.Y.	4680	\$3,744.00
4	SILT FENCE	\$7.00	L.F.	132	\$924.00
5	SILT SACK (Catch Basin Insert - Regular Flow)	\$124.00	EACH	4	\$496.00
6	CONSTRUCTION ENTRANCE	\$1,521.00	EACH	1	\$1,521.00
Subtotal:					\$12,394.60
SAY					\$12,400.00

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

INTRODUCED BY: LaPerch DATE: October 2, 2023
SECONDED BY: King

WHEREAS, an application is being made by **PROSPECT HILL REALTY, LLC** for a Site Plan Amendment and Wetland Permit for a proposal to construct an approximately 1,840 sq. ft. equipment and vehicle garage on the existing macadam/gravel surface where a portion of the proposed garage building will be located within the Town of Southeast wetland buffer on a property located at 50 Prospect Hill Road in the Town of Southeast, New York; and

WHEREAS, the property is identified as Tax Map Number 56.11-1-2, and is located in the R-40 and ED Zoning Districts; and

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

1. Short Environmental Assessment Form (EAF) prepared by JR Folchetti & Associates, dated 8/31/23
2. Statement of Use, prepared by JR Folchetti & Associates, dated September 2023
3. G, Sheet 1 of 8, Drawing Index, Legend, Symbols & General Notes, prepared by JR Folchetti & Associates, dated August 2023
4. G, Sheet 2 of 8, Project Site Survey, prepared by JR Folchetti & Associates, dated August 2023
5. G, Sheet 3 of 8, Existing Conditions Plan-I, prepared by JR Folchetti & Associates, dated August 2023
6. G, Sheet 4 of 8, Existing Conditions Plan-II, prepared by JR Folchetti & Associates, dated August 2023
7. G, Sheet 5 of 8, Existing Conditions Plan-III, prepared by JR Folchetti & Associates, dated August 2023
8. G, Sheet 6 of 8, Building Layout Plan, prepared by JR Folchetti & Associates, dated August 2023
9. G, Sheet 7 of 8, Building Elevations, prepared by JR Folchetti & Associates, dated August 2023
10. G, Sheet 8 of 8, Building Scale - Reference Plan, prepared by JR Folchetti & Associates, dated August 2023

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

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Town of Southeast Planning Board/Architectural Review Board, finds the Proposed Action to be a Town of Southeast Minor Project and/or Minor Wetland Permit as defined in Town Code Section 138-4 and/or 78-3, Definitions.

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 yes

W. Lewis, Boardmember absent

The resolution was passed by a vote of 6 to 0, with 1 absent.

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

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

Date: October 2, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Southeast Planning Board as Lead Agency has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action: GREEN CHIMNEYS BONI BEL

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

Green Chimneys School for Little Folk proposes to build a new one-story culinary school building, a one-story eating pavilion, and associated site improvements in the R-160 and R-60 Zoning Districts. The Applicant proposes to extinguish the lot lines to merge three lots into a single lot. Lot 36.-2-17 is within the R-60 Zoning District while lots 36.-1-1 and 36.17-1-3 are within the R-160 Zoning District. There are NYSDEC and Town regulated wetlands on the Project Site and the proposed project would disturb regulated buffer areas. The project requires Planning Board Site Plan, Wetland Permit, an Area Variance from the Zoning Board of Appeals, Subdivision Approval, and a Special Permit from the Town Board.

Location:

287, 269 & 301-315 Doansburg Road, Tax Map IDs 36.-1-1, 36.17-1-3 & 36.-2-17

Reasons Supporting This Determination:

The following materials have been reviewed:

- Memorandum to Chairman LaPerch from Insite Engineering, dated 9/11/23
- Memorandum from NY State Office of Parks, Recreation and Historic Preservation, dated 4/27/22
- Phase I Archaeological Investigation for the proposed Improvements at Green Chimneys-Boni Bel, prepared by Alfred G. Cammisa, MA, dated August 2022
- Summary of Scanning to Locate Burials With CAD Drawing, prepared by GPRS, dated 3/20/23
- ArcGIS aerial dated 6/29/23
- Stormwater Management Report, prepared by Insite Engineering, dated 7/18/22
- OP-1, Overall Plan, prepared by Insite Engineering, dated 2/7/22; last revised 7/18/22
- EX-1, Existing Conditions & Removals Plan, prepared by Insite Engineering, dated 2/7/22; last revised 7/18/22
- SP-1, Layout & Landscape Plan, prepared by Insite Engineering, dated 2/7/22; last revised 7/18/22
- SP-2, Grading & Utilities Plan, prepared by Insite Engineering, dated 2/7/22; last revised 7/18/22
- SP-3, Erosion & Sediment Control Plan, prepared by Insite Engineering, dated 2/7/22; last revised 7/18/22

- LP-1, Lighting Plan, prepared by Insite Engineering, dated 2/7/22; last revised 7/18/22
- D-1, Details, prepared by Insite Engineering, dated 2/7/22; last revised 7/18/22
- D-2, Details, prepared by Insite Engineering, dated 2/7/22; last revised 7/18/22
- D-3, Details, prepared by Insite Engineering, dated 2/7/22; last revised 7/18/22
- Memorandum to Jamie LoGiudice, Insite Engineering from Ecological Analysis, dated 5/23/22
- Lot Line Adjustment Map, prepared by Terry Bergendorff Collins, dated 2/7/22; revised 5/23/22
- Memorandum to Chairman LaPerch from NYC Department of Environmental Protection, dated 3/25/22
- Impact Assessment, Bald Eagle and Bog Turtle, Green Chimney's Boni Bel Property, prepared by Ecological Analysis, dated March 2022
- Statement of Use, prepared by Insite Engineering, dated 2/7/22
- A100, First Floor Plan, prepared by Fuller D'Angelo, PC, undated
- A300, Elevations, prepared by Fuller D'Angelo, PC, dated 2/7/22
- Color Renderings, no preparer, undated

WHEREAS, on 2/28/22, the Planning Board classified the proposed action as an Unlisted 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 held a publically noticed meetings on 5/9/22, 6/13/22, 6/27/22, and 8/8/22, at which time members of the public were given the opportunity to comment on the proposed project; and

WHEREAS, the Planning Board has reviewed the short 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 of the Town of Southeast, acting as Lead Agency, and having reviewed the EAF and all supplementary information, has determined that the proposed action will not have a significant effect on the environment and a Draft Environmental Impact Statement will not need to be prepared.

For Further Information:

Contact Person: Victoria Desidero
 Address: Town of Southeast Planning Department
 One Main Street
 Brewster, NY 10509
 Telephone Number: (845) 279-7736

A Copy of this Notice has been filed with:

INVOLVED/INTERESTED AGENCY	
Putnam County Department of Health 1 Geneva Road Brewster, New York 10509	Town Clerk 1360 Route 22 Brewster, NY 10509
New York State Department of Environmental Conservation 625 Broadway Albany, NY 12233 ATTN: Commissioner	Zoning Board of Appeals 1 Main Street Brewster, NY 10509
New York State Department of Environmental Conservation Region 3 21 South Putt Corners New Paltz, NY 12561 ATTN: Regional Director	Building Inspector 1 Main Street Brewster, NY 10509
New York City Department of Environmental Protection Bureau of Water Supply 465 Columbus Avenue Valhalla, New York 10595-1336	Highway Superintendent 10 Palmer Road 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	E-911 Coordinator / Assessor 1360 Route 22 Brewster, NY 10509

Town of Patterson Patterson Town Hall PO Box 470 1142 Route 311 Patterson, New York 12563	
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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 yes
W. Lewis, Boardmember absent

The resolution was passed by a vote of 6 to 0, with 1 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

Town of Southeast

Planning Board
One Main Street
Brewster, NY 10509

October 2, 2023

Zoning Board of Appeals
1 Main Street
Brewster, NY 10509

RE: Green Chimney's
301 Doansburg Road, Town of Southeast, Putnam County, NY 10509
Tax Map IDs 36.-2-17, 36.-1-1, and 36.17-1-3
R-160 and R-60 Zoning Districts

Dear Boardmembers:

At the October 2, 2023, regular meeting of the Town of Southeast Planning Board a motion was made to refer the above referenced application to your Board for the following:

1. Front yard variance of 96 feet. Per Use Group "g" in Chapter 138, Attachment 4, a 100-foot front yard is required. The applicant proposes a parking area within the required front yard.

A copy of the Town Planner's October 2, 2023, memorandum is attached for your information.

Sincerely,


Thomas LaPerch, Chairman
Town of Southeast Planning Board

cc: Town Attorney
Town Clerk
Insite Engineering
Planning Board File
Zoning Board of Appeals File



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

Memorandum

To: Town of Southeast Planning Board
From: AKRF, Inc.
Date: October 2, 2023
Re: Green Chimneys
cc: Insite Engineering, Surveying & Landscape Architecture

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

- Letter to the Planning Board, from John Watson with Insite Engineering, dated September 11, 2023
- Phase 1 Archeological Investigation, prepared by Alfred Cammisa, M.A. and Alexander Padilla, B.A., dated August 2022
- Summary of Scan to Locate Burials, prepared by GPRS, dated March 20, 2023
- Site plan drawing set (9 sheets), prepared by Insite Engineering, dated February 7, 2022 and last revised July 18, 2022

PROJECT DESCRIPTION

Green Chimneys School for Little Folk (the “Applicant”) proposes to build a new one-story culinary school building and one-story eating pavilion on the Boni Bel Farm at 301 Doansburg Road in the R-160 and R-60 Zoning District (the “Project Site”). The Applicant proposes to extinguish the lot lines to merge the three lots into a single lot (the “Proposed Project”). Lot 36.-2-17 is within the R-60 Zoning District while lots 36.-1-1 and 36.17-1-3 are within the R-160 Zoning District. Other site improvements include a deck and sidewalk to connect the buildings, driveway widening for bus and traffic circulation, a new septic system, upgrade of an existing well to a public water supply, structural improvements to an existing barn, lighting, landscaping, hardscaping, 31 parking spaces, a new road sign, stormwater management practices, and an existing house will be demolished. There are NYSDEC and Town regulated wetlands on the Project Site. The Proposed Project would disturb regulated buffer areas. The Proposed Project requires Planning Board Site Plan, Wetland Permit, an area variance from the Zoning Board of Appeals, and Subdivision Approval, and a Special Permit from the Town Board.

COMMENTS

The Applicant submitted additional information in response to comments from the Planning Board and its consultants. Comments from AKRF’s 2/22/22, 4/5/22, 5/3/22, 6/7/22, and 8/2/22 memos not previously addressed are recited below in *italics*, new and follow-up comments are provided in **bold**.

1. *The Short EAF indicates the Project Site is located in or adjacent to an designated as sensitive for archeological sites and references a "Stage 1A Literature Review & Sensitivity Analysis for Green Chimney's Recreational Trail." A copy of this report should be provided. In addition, the Applicant should submit a consultation to the New York State Historic Preservation Office.*

4/5/22 conclusion: Comment partially addressed. A SHPO consultation has been submitted. A copy of the Stage 1A Literature Review & Sensitivity Analysis will be provided once received by the Applicant.

5/3/22 conclusion: The SHPO consultation and Stage 1A report are still pending.

6/7/22 conclusion: The SHPO consultation and Stage 1A report are still pending.

8/2/22 conclusion: The SHPO consultation and Stage 1A report are still pending. A copy of this report and the SHPO correspondence should be provided to the Planning Board as part of the SEQRA review of this project.

Comment resolved. A Phase I Archaeological Investigation was prepared and submitted to SHPO. No archaeological sites were identified by the survey. However, SHPO recommended that if any excavations greater than 12 inches in depth occur within 25 feet of the existing cemetery's stone grave markers that carefully controlled removal of topsoil (soil stripping) be done under the direction of a 36 CFR 61 qualified archaeologist to determine whether unmarked burial shafts are within the project's limits of proposed soil disturbance. The applicant should adhere to the SHPO provided *Historic Cemetery Delineation Recommendations and Human Remains Discovery Protocol*.

2. **The proposed parking area would be located within the required front yard. Four (4) feet is proposed where 100 feet is required. The applicant is requesting a front yard variance of 96 feet.**

RECOMMENDED ACTIONS

At the October 2, 2023, meeting, AKRF recommends that the Planning Board consider issuing a Negative Declaration under SEQRA and refer the project to the ZBA.

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

INTRODUCED BY:

La Perch

DATE:

October 2, 2023

SECONDED BY:

Pangis

WHEREAS, ProSwing Sports Realty, Inc. (aka BREWSTER YARDS) the Applicant/Project Sponsor proposes to construct a commercial recreation complex for baseball and related sports, called “Brewster Yards” (the “Proposed Project”), on certain properties totaling 82-acres located at 132 and 160 Pugsley Road in the Rural Commercial (RC) Zoning District in Town of Southeast and known and designated as Tax Map Numbers 45-1-10 and 45-1-11; and,

WHEREAS, the Proposed Project requires Site Plan, Subdivision, and Wetland Permit approval from the Planning Board, Land Swap approval from the Town Board, and several Area Variances from the Zoning Board of Appeals;

WHEREAS, the Proposed Project includes a recreation building of approximately 47,700 square feet (sf); various smaller concession/restroom, batting cage, and maintenance buildings of 5,000 square feet or less each; nine synthetic turf fenced and lighted baseball fields with amenities, one synthetic turf multi-sport field, and associated utilities including two or more wells, a septic system, and stormwater management areas; and,

WHEREAS, a portion of the Project Site is located within the Ridgeline Overlay District; and,

WHEREAS, as part of the Project, a portion of Barrett Rd/Zimmer Rd on the east side of Pugsley Rd would be widened, all of which are Town owned roads. A turnaround (loop) would be provided at the Fields Corner Rd/Zimmer Rd intersection and a turnaround would be provided at the Patterson Town Line; and,

WHEREAS, as part of the Project, existing parcels 45.-1-10 (“Lot 10”) and 45.-1-11 (“Lot 11”) would be subdivided to reduce the overall lot size from 153.5 ac to 82.1 ac. Lot 10 would be reduced in size from 93 ac to 66.1 ac and Lot 11 would be reduced from 60.5 ac to 16.0 ac. The balance of the land would be retained by the Town; and,

WHEREAS, the Project would disturb approximately 49 ac, including 6.77 ac of Town of Southeast wetland buffer/controlled area; and,

WHEREAS, the Planning Board determined that the Proposed Project is a Type I Action pursuant to the State Environmental Quality Review Act (SEQRA);

WHEREAS, the Planning Board at its July 26, 2021 meeting directed that a Notice of Intent to act as Lead Agency be circulated to Interested and Involved Agencies;

WHEREAS, the Planning Board received no objections to the Notice of Intent and declared itself Lead Agency on September 13, 2021;

WHEREAS, the Planning Board adopted a Positive Declaration requiring the preparation of an Environmental Impact Statement on September 13, 2021;

WHEREAS, pursuant to §617.8 of the regulations implementing SEQRA, the Planning Board conducted a public scoping session on September 27, 2021, and adopted a final scoping document on October 25, 2021;

WHEREAS, the Planning Board, pursuant to §617.9 of the regulations implementing SEQRA, accepted the Draft Environmental Impact Statement (DEIS) as complete on June 13, 2022;

WHEREAS, on August 8, 2022, the Planning Board opened a duly noticed public hearing on the DEIS, during which public comments were received, after which the public hearing was closed and the Planning Board directed that the written comment period remain open until August 26, 2022;

WHEREAS, on August 26, 2022, the written public comment period on the DEIS was closed;

WHEREAS, the Applicant submitted a preliminary Final Environmental Impact Statement (FEIS) on November 3, 2022 for initial review and comment that also detailed modifications to the Project in response to comments raised during the public comment period;

WHEREAS, the Planning Board directed its consultants, AKRF, Inc. and Nathan L. Jacobson and Associates, P.C., to review the document prepared by the applicant and to advise the Planning Board on the sufficiency of the document for the purposes of preparing the findings statement;

WHEREAS, AKRF, Inc. submitted memorandums to the Planning Board on December 1 and 7, 2022, with comments on the completeness of the FEIS;

WHEREAS, the Applicant submitted a revised FEIS to the Planning Board on February 13, 2023 which responded to the comments from the Planning Board and its consultants;

WHEREAS, AKRF, Inc. submitted a memorandum to the Planning Board on March 7, 2023, with comments on the completeness of the FEIS;

WHEREAS, the Applicant submitted a revised FEIS to the Planning Board on March 21, 2023 which responded to the comments from the Planning Board and its consultants;

WHEREAS, AKRF, Inc. submitted a memorandum to the Planning Board dated March 22, 2023, recommending that the document be considered complete under the applicable standards of the SEQRA regulations 6 NYCRR §617.9(a)(6) and 6 NYCRR §617.9(b);

WHEREAS, the Planning Board accepted the FEIS as complete subject to minor revisions regarding inclusion of a discussion of First Aid and AED signage in FEIS Response 1-18 on March 27, 2023;

WHEREAS, the FEIS and a Notice of Completion were filed on March 31, 2023 and distributed in accordance with 6 NYCRR 617.12(b), which notice was also published in the NYSDEC Environmental Notice Bulletin;

WHEREAS, the FEIS was made accessible on the Town of Southeast's website and in hard-copy format at the Town of Southeast Town Hall and the Brewster Public Library on April 3, 2023;

WHEREAS, the Planning Board received a draft Findings Statement on April 18, 2023 that had been prepared by its professional consultants, which set forth the proposed findings and conclusions with respect to the environmental impacts of the Proposed Action for the Board's consideration;

WHEREAS, at its April 24, 2023 meeting, the Planning Board considered the draft Findings Statement and had opportunity to hear the report of its professional consultants as to the readiness of the draft Findings Statement for adoption;

WHEREAS, the at its May 8, 2023 meeting, the Planning Board adopted a Statement of Environmental Findings that set forth the Planning Board's reasoned elaboration as to its findings on environmental impacts, required mitigation measures and conditions that either have been or should be incorporated in the action, and its consideration of alternatives to the action proposed by the Project Sponsor, based on the facts and analysis contained in the environmental record before the Planning Board; and

WHEREAS, the Planning Board held a public hearing on the Site Plan, Wetland Permit, and Subdivision on August 8, 2022, December 12, 2022, and January 23, 2023; and

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
Letter from John Watson, PE to the Planning Board	9/11/23
OP-1 Overall Plan; prepared by Insite	7/6/21; 9/11/23
EX-1 Existing Conditions & Tree Preservation Plan; prepared by Insite	7/6/21; 9/11/23
SP-1.1 Layout Plan; prepared by Insite	11/28/22; 9/11/23
SP-1.2 Layout Plan; prepared by Insite	11/28/22; 9/11/23
SP-1.3 Layout Plan; prepared by Insite	11/28/22; 9/11/23
SP-1.4 Layout Plan; prepared by Insite	11/28/22; 9/11/23
SP-2.1 Grading & Utilities Plan; prepared by Insite	11/28/22; 9/11/23
SP-2.2 Grading & Utilities Plan; prepared by Insite	11/28/22; 9/11/23
SP-2.3 Grading & Utilities Plan; prepared by Insite	11/28/22; 9/11/23
SP-2.4 Grading & Utilities Plan; prepared by Insite	11/28/22; 9/11/23
SP-3.0 Overall Phasing Plan; prepared by Insite	11/28/22; 9/11/23
SP-3.1 Erosion and Sediment Control Plan; prepared by Insite	11/28/22; 9/11/23
SP-3.2 Erosion and Sediment Control Plan; prepared by Insite	11/28/22; 9/11/23
SP-3.3 Erosion and Sediment Control Plan; prepared by Insite	11/28/22; 9/11/23
SP-3.4 Erosion and Sediment Control Plan; prepared by Insite	11/28/22; 9/11/23
SP-3.5 Erosion and Sediment Control Plan; prepared by Insite	11/28/22; 9/11/23
SP-4.0 Offsite Improvements Plan; prepared by Insite	11/28/22; 9/11/23
SP-5.1 Landscape & Mitigation Plan; prepared by Insite	2/10/23; 9/11/23
SP-5.2 Landscape & Mitigation Plan; prepared by Insite	2/10/23; 9/11/23
SP-5.3 Landscape & Mitigation Plan; prepared by Insite	2/10/23; 9/11/23
SP-5.4 Landscape & Mitigation Plan; prepared by Insite	2/10/23; 9/11/23
SP-5.5 Landscape & Mitigation Plan; prepared by Insite	2/10/23; 9/11/23
EN-1 Enlarged Plans; prepared by Insite	8/7/23; 9/11/23
EN-2 Enlarged Plans; prepared by Insite	8/7/23; 9/11/23
D-1 Details; prepared by Insite	8/15/23; 9/11/23
D-2 Details; prepared by Insite	11/28/22; 9/11/23
D-3 Details; prepared by Insite	11/28/22; 9/11/23
D-4 Details; prepared by Insite	11/28/22; 9/11/23
D-5 Details; prepared by Insite	11/28/22; 9/11/23
D-6 Details; prepared by Insite	11/28/22; 9/11/23
D-7 Details; prepared by Insite	11/28/22; 9/11/23
D-8 Details; prepared by Insite	11/28/22; 9/11/23
D-9 Details; prepared by Insite	11/28/22; 9/11/23
D-10 Details; prepared by Insite	11/28/22; 9/11/23
D-11 Details; prepared by Insite	11/28/22; 9/11/23
Final Subdivision Plan; prepared by Insite	9/8/2023
LP-101 Site Lighting Levels; prepared by Musco Lighting	7/21/23; 8/15/23
LP-102 Site Lighting Layout; prepared by Musco Lighting	7/21/23; 8/15/23
LP-103 Site Lighting Details 1; prepared by Musco Lighting	7/21/23; 8/15/23
LP-104 Site Lighting Details 2; prepared by Musco Lighting	7/21/23; 8/15/23
LP-105 Site Lighting Details 3; prepared by Musco Lighting	7/21/23; 8/15/23
O-FH-A201 Field House Floor Plan; prepared by KG&D	9/11/23
O-FH-A301 Field House Rendered Elevations; prepared by KG&D	9/11/23
O-MC-A201 Main Concourse Concession Plan, Elevations; prepared by KG&D	9/11/23
O-CC-A201 Batting Cages Plan, Elevations; prepared by KG&D	9/11/23
O-SC-A201 Showcase Concession Plan, Elevations; prepared by KG&D	9/11/23

Drawing No. & Title; submitted by	Original Date; Last Revised
O-LC-A201 Large Clover Concession Plan, Elevations; prepared by KG&D	9/11/23
O-LL-A201 Little League Concession Plan, Elevations; prepared by KG&D	9/11/23
O-MS-A201 Multi-Sport Field Concession Plan, Elevations; prepared by KG&D	9/11/23
O-MG-A201 Maintenance Garage Plan, Elevations; prepared by KG&D	9/11/23
O-DO-A201 Dugout & Scorekeeper Sheds Plan, Elevations; prepared by KG&D	9/11/23
Turfs and Grasses Specifications	8/15/23
Exterior Plants Specifications	8/15/23
Shade structure specifications	Undated
Gametime playground layout	6/9/23

; 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 report dated July 27, 2023 from the Zoning Board of Appeals approving the variances required for the Proposed Project; and

WHEREAS, the Town of Southeast Wetlands Consultant issued a report and recommendation dated August 22, 2023 in connection with the Proposed Project, as depicted on drawings dated August 7, 2023 and prepared by Insite Engineering; 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 August 22, 2023 (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 APPROVED 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 Brewster Yards project 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. A comprehensive sign program is required for the Proposed Project. Prior to the installation of any permanent signage, a comprehensive sign program shall be submitted to the Building Inspector for review and referral to the PB/ARB for review and approval.
10. 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.
11. The Applicant shall obtain final approval of the land swap from the Town of Southeast Town Board.

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 Council. 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.

Construction Activity

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

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

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

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

Town Engineer, a stop work order may be issued by the Town and/or a fine imposed according to Town Code.

4. Should project changes be required that would represent a significant change to the approved plans, the Applicant may be required to seek an amended approval from the Planning Board.
5. The Applicant shall retain the services of a professional engineer and/or a landscape architect (in accordance with the drawings prepared) throughout the construction process who shall periodically observe the construction of all approved improvements, except improvements to Town of Southeast roads and drainage (which shall be inspected by the Town Engineer and/or Highway Superintendent). The Applicant's professional engineer and/or landscape architect shall provide a statement, in writing, that all approved improvements have been constructed substantially as required and approved by the Planning Board or as such requirements have been modified.
6. Prior to commencing any site clearing, grading, or construction activity, the Applicant shall have the boundary of the property staked out by a licensed surveyor.
7. A copy of the completed NOI to comply with the New York State Department of Environmental Conservation (NYSDEC) General Permit for Construction Activity shall be maintained at the on-site construction office.
8. All sediment and erosion control measures or Best Management Practices indicated on the approved plans and/or required for compliance with the NYSDEC General Permit for Construction Activity shall be installed at the commencement of grading activities and shall be inspected on a weekly basis (or following any storm event in excess of one-half inch) to ensure proper function. All construction activities shall adhere to the provisions for sediment and erosion control contained in the NYSDEC's *New York Standards and Specifications for Erosion and Sediment Control*.
9. The design and construction of all proposed water quantity and water quality best management practices shall adhere to the *New York State Stormwater Management Design Manual*.
10. Any drainage improvements that would affect a Town drainage structure or element or any improvements to Town of Southeast roads shall be made in accordance with the Town Road and Drainage Specifications (Chapter A143 of the Town Code) and shall be made under the direction and supervision of the Highway Superintendent.
11. The Town Highway Superintendent must be notified a minimum of 72 hours in advance of any construction activity affecting the Town drainage system or any Town Road except where emergency repairs are required, in which case the Highway Superintendent must be notified as soon as possible after the affected area has been stabilized.
12. Existing trees, understory vegetation, and ground cover along all property lines shall remain undisturbed to the maximum extent practicable throughout the duration of construction. Should any disturbance be required to construct approved improvements, the area shall be replanted with comparable vegetation as soon as is practicable following completion of construction activity in that area.
13. All disturbed areas shall be stabilized pursuant to NYSDEC regulations. Should disturbed areas remain disturbed for periods longer than one month, more permanent stabilization measures shall be installed.
14. The NYSDEC has determined that the Project Site is located within or near record(s) of northern long-eared bats (*Myotis septentrionalis*), a species listed as endangered in New York State. To avoid impacts to this species and the requirements of an Article 11, Title 5, Section 535 of the Environmental Conservation Law, Threatened and Endangered Species, an Article 11 "Take" Permit, the removal of any trees greater than 4-inches diameter at breast height (DBH) associated with this Project shall occur during the Northern Long-eared Bat's hibernation period. This period begins October 31 and ends March 31 (of any given year). If tree cutting cannot occur during the above time frames, the applicant shall contact the NYSDEC to determine if a Take Permit is required and shall copy the Town of Southeast Building Inspector and Planning Board Secretary on all correspondence.
15. The Proposed Project will include the following natural resources mitigation measures during construction:

- a. Best practices will be used during the harvesting of trees to minimize disturbance of the soil in areas to be cleared and to provide protections for adjacent trees that are to be preserved.
- b. Useful timber will be harvested and unsaleable trees and limb trimmings will be chipped for reuse as erosion control mulch during and after construction.
- c. Protection of standing trees to remain will be provided in accordance with NYSDEC guidelines, which include construction perimeter fence protection, marking of individual trees to be preserved and erection of temporary barrier fencing along their root protection zone, and creation of permanent tree wells around trees to be preserved in areas where the grade needs to be altered.
- d. Individual trees near the edge of the construction area that warrant protection based on their size, location and health condition shall be determined in the field by the project Landscape Architect prior to the start of construction.
- e. Hazardous or diseased trees will be removed and all diseased and dead limbs pruned within 150 feet of proposed buildings.
- f. Healthy trees will be preserved wherever feasible. Large healthy trees to remain will be identified on a tree and forest preservation plan and on relevant site construction drawings.
- g. Bulk material, equipment, or vehicles shall not be stockpiled or parked within 10 feet of the trunk of any tree, nor within the drip line of any tree identified on the tree preservation plan. If any protected tree is inadvertently damaged, it shall be repaired under the direction of a certified arborist.
- h. An Erosion and Sediment Control Plan will designate the location of all temporary soil stockpiles, locating them outside of the critical root zone of all trees to be preserved.
- i. All trees on the Ridgeline Protection Area and on the steep sloped areas surrounding this designated area will remain.

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.

Traffic

1. The following off-site traffic mitigation is required:

- a. Gates, turnarounds, and signage will be provided on Fields Corner Road and Zimmer Road as described in the Adopted Findings Statement.
- b. Traffic signal timing adjustments at the following intersections:
 - Intersection of US Route 6 & NYS Route 312 for the Peak Weekday PM Hour and Peak Saturday Hour;
 - Intersection of NYS Route 312 & Pugsley Road (Alternative A) for the Peak Weekday PM Hour and Peak Saturday Hour;
 - NYS Route 312 & Interstate Route 84 Eastbound Ramps/Independent Way for the Peak Saturday Hour; and
 - NYS Route 312 & Interstate Route 84 Westbound Ramps for the Peak Weekday PM Hour and Peak Saturday Hour.
- c. Once the Proposed Project is operational, the Project Sponsor may solicit PART to determine if the project meets the requirements to be added as a regular or on-call stop along its bus route along NYS Route 312.
- d. Construction truck traffic is anticipated to access the Site via Interstate Route 84, NYS Route 312, and Pugsley Road and which will avoid traffic through residential neighborhoods and on local roads. No construction traffic will be allowed to use Fields Corner Road to Fair Street.

Noise

- 1. Construction activities must comply with the Town noise ordinances. Major sitework operations including excavation and grading will occur only between 7:00 a.m. to 5:00 p.m., Monday through Friday, and 7:00 a.m. to 1:00 p.m. on Saturday. No construction traffic will be allowed to use Fields Corner Road to Fair Street. All construction equipment will be required to be maintained and operated with appropriate mufflers to minimize equipment noise.
- 2. To reduce potential operational noise impacts to residences north of the site, loudspeakers at the ballfield clovers will only be used intermittently for general and safety announcements.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
J. King, Boardmember	<u>yes</u>	L. Eckardt, Boardmember	<u>no</u>
G. Pangis, Boardmember	<u>yes</u>	W. Lewis, Boardmember	<u>absent</u>
C. Galli, Boardmember	<u>yes</u>		

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

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

TOWN OF SOUTHEAST, NY
RESOLUTION
FINAL PLAT APPROVAL

INTRODUCED BY: *LaPerch*

DATE: *October 2, 2023*

SECONDED BY: *King*

WHEREAS, ProSwing Sports Realty, Inc., (aka BREWSTER YARDS) the Applicant/Project Sponsor proposes to construct a commercial recreation complex for baseball and related sports, called “Brewster Yards” (the “Proposed Project”), on certain properties totaling 82-acres located at 132 and 160 Pugsley Road in the Rural Commercial (RC) Zoning District in Town of Southeast and known and designated as Tax Map Numbers 45-1-10 and 45-1-11; and,

WHEREAS, as part of the Project, existing parcels 45.-1-10 (“Lot 10”) and 45.-1-11 (“Lot 11”) would be subdivided to reduce the overall lot size from 153.5 ac to 82.1 ac. Lot 10 would be reduced in size from 93 ac to 66.1 ac and Lot 11 would be reduced from 60.5 ac to 16.0 ac. The balance of the land would be retained by the Town; and,

WHEREAS, the Applicant submitted an application for Final Plat approval on September 11, 2023; and,

WHEREAS, the Southeast Planning Board/Architecture Review Board (the “Planning Board”) is in receipt of the following drawings, documents, and plans, related to the subdivision application:

Drawing No. & Title; submitted by	Original Date; Last Revised
Letter from John Watson, PE to the Planning Board	9/11/23
OP-1 Overall Plan; prepared by Insite	7/6/21; 9/11/23
EX-1 Existing Conditions & Tree Preservation Plan; prepared by Insite	7/6/21; 9/11/23
SP-1.1 Layout Plan; prepared by Insite	11/28/22; 9/11/23
SP-1.2 Layout Plan; prepared by Insite	11/28/22; 9/11/23
SP-1.3 Layout Plan; prepared by Insite	11/28/22; 9/11/23
SP-1.4 Layout Plan; prepared by Insite	11/28/22; 9/11/23
SP-2.1 Grading & Utilities Plan; prepared by Insite	11/28/22; 9/11/23
SP-2.2 Grading & Utilities Plan; prepared by Insite	11/28/22; 9/11/23
SP-2.3 Grading & Utilities Plan; prepared by Insite	11/28/22; 9/11/23
SP-2.4 Grading & Utilities Plan; prepared by Insite	11/28/22; 9/11/23
SP-3.0 Overall Phasing Plan; prepared by Insite	11/28/22; 9/11/23
SP-3.1 Erosion and Sediment Control Plan; prepared by Insite	11/28/22; 9/11/23
SP-3.2 Erosion and Sediment Control Plan; prepared by Insite	11/28/22; 9/11/23
SP-3.3 Erosion and Sediment Control Plan; prepared by Insite	11/28/22; 9/11/23
SP-3.4 Erosion and Sediment Control Plan; prepared by Insite	11/28/22; 9/11/23
SP-3.5 Erosion and Sediment Control Plan; prepared by Insite	11/28/22; 9/11/23
SP-4.0 Offsite Improvements Plan; prepared by Insite	11/28/22; 9/11/23
SP-5.1 Landscape & Mitigation Plan; prepared by Insite	2/10/23; 9/11/23
SP-5.2 Landscape & Mitigation Plan; prepared by Insite	2/10/23; 9/11/23
SP-5.3 Landscape & Mitigation Plan; prepared by Insite	2/10/23; 9/11/23

Drawing No. & Title; submitted by	Original Date; Last Revised
SP-5.4 Landscape & Mitigation Plan; prepared by Insite	2/10/23; 9/11/23
SP-5.5 Landscape & Mitigation Plan; prepared by Insite	2/10/23; 9/11/23
EN-1 Enlarged Plans; prepared by Insite	8/7/23; 9/11/23
EN-2 Enlarged Plans; prepared by Insite	8/7/23; 9/11/23
D-1 Details; prepared by Insite	8/15/23; 9/11/23
D-2 Details; prepared by Insite	11/28/22; 9/11/23
D-3 Details; prepared by Insite	11/28/22; 9/11/23
D-4 Details; prepared by Insite	11/28/22; 9/11/23
D-5 Details; prepared by Insite	11/28/22; 9/11/23
D-6 Details; prepared by Insite	11/28/22; 9/11/23
D-7 Details; prepared by Insite	11/28/22; 9/11/23
D-8 Details; prepared by Insite	11/28/22; 9/11/23
D-9 Details; prepared by Insite	11/28/22; 9/11/23
D-10 Details; prepared by Insite	11/28/22; 9/11/23
D-11 Details; prepared by Insite	11/28/22; 9/11/23
Final Subdivision Plan; prepared by Insite	9/8/2023
LP-101 Site Lighting Levels; prepared by Musco Lighting	7/21/23; 8/15/23
LP-102 Site Lighting Layout; prepared by Musco Lighting	7/21/23; 8/15/23
LP-103 Site Lighting Details 1; prepared by Musco Lighting	7/21/23; 8/15/23
LP-104 Site Lighting Details 2; prepared by Musco Lighting	7/21/23; 8/15/23
LP-105 Site Lighting Details 3; prepared by Musco Lighting	7/21/23; 8/15/23
O-FH-A201 Field House Floor Plan; prepared by KG&D	9/11/23
O-FH-A301 Field House Rendered Elevations; prepared by KG&D	9/11/23
O-MC-A201 Main Concourse Concession Plan, Elevations; prepared by KG&D	9/11/23
O-CC-A201 Batting Cages Plan, Elevations; prepared by KG&D	9/11/23
O-SC-A201 Showcase Concession Plan, Elevations; prepared by KG&D	9/11/23
O-LC-A201 Large Clover Concession Plan, Elevations; prepared by KG&D	9/11/23
O-LL-A201 Little League Concession Plan, Elevations; prepared by KG&D	9/11/23
O-MS-A201 Multi-Sport Field Concession Plan, Elevations; prepared by KG&D	9/11/23
O-MG-A201 Maintenance Garage Plan, Elevations; prepared by KG&D	9/11/23
O-DO-A201 Dugout & Scorekeeper Sheds Plan, Elevations; prepared by KG&D	9/11/23
Turfs and Grasses Specifications	8/15/23
Exterior Plants Specifications	8/15/23
Shade structure specifications	Undated
Gametime playground layout	6/9/23

; and,

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

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

WHEREAS, pursuant to §123-13.D, the Planning Board referred the complete application to the Putnam County Division of Planning and Development on July 26, 2021 for its review under §239-n of Article 12-B of the General Municipal Law; and,

WHEREAS, all of the modifications referred to above shall have the effect of (1) improving overall design and layout of the subdivision; and/or (2) further minimizing any potential environmental impacts; and,

WHEREAS, the at its May 8, 2023 meeting, the Planning Board as Lead Agency under SEQRA adopted a Statement of Environmental Findings that set forth the Planning Board's reasoned elaboration as to its findings on environmental impacts, required mitigation measures and conditions that either have been or should be incorporated in the action, and its consideration of alternatives to the action proposed by the Project Sponsor, based on the facts and analysis contained in the environmental record before the Planning Board; and

WHEREAS, the Planning Board held a public hearing on the Site Plan, Wetland Permit, and Subdivision on August 8, 2022, December 12, 2022, and January 23, 2023; and

NOW, THEREFORE, be it RESOLVED, that pursuant to the authority vested in the Planning Board by Chapter 123, "Subdivision of Land," of the Town Code, the Planning Board hereby grants Final Plat approval for the Proposed Action, as defined above.

General Conditions

1. The Applicant must conform to all the rules, regulations, and ordinances of the Town of Southeast, County of Putnam, and State of New York.
2. The Applicant is hereby bound by any statements offering modifications, improvements, or offerings to the Town of Southeast made by itself or its representatives in relation to approval of the Proposed Project.
3. The approved plat and all associated plans and drawings shall serve as the record of all approved improvements.
4. The Applicant shall submit revised Final Plat drawings for the signature of the duly authorized officer of the Planning Board within one-hundred and eighty (180) days of the date of this Final Approval (§123-13.G(2)) to show compliance with all conditions of this approval.
5. Prior to submission of the Final Plat for the signature of the duly authorized officer of the Planning Board the Applicant shall obtain final approval of all street names from the Town Board (§123-35.E) and Town Tax Assessor (§54-A.4).
6. Prior to submission of the Final Plat for the signature of the duly authorized officer of the Planning Board the Applicant shall first obtain the required signatures of the Putnam County Department of Health on the Final Plat.
7. All changes or modifications to the Final Plat made in response to compliance with the conditions of this Final Approval shall be reviewed by the Town Engineer who may require the Applicant to present such changes to the Planning Board prior to having the Final Plat signed by the duly authorized officer of the Planning Board if such changes constitute a substantial alteration to the Final Plat.

8. The Applicant shall file the signed approved Final Plat with the County Clerk within sixty (60) days of the date upon which the Final Plat was signed by the duly authorized officer of the Planning Board or the Final Plat shall be considered null and void (see §123-13.J). The Applicant shall provide the Town of Southeast with five (5) copies of the filed plat.

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

10. The Final Plat may be submitted in sections (pursuant to §123-13.I) and the Town Engineer shall review such sections to ensure the orderly development of the subdivision. All conditions within this approval, as well as any other permit or approval from a separate agency, shall apply to any and all subdivision sections filed for the Proposed Project.

11. The Applicant shall obtain final approval of the land swap from the Town of Southeast Town Board.

Financial & Legal Considerations

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

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

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

Construction Activity

1. At least ten (10) days prior to commencing construction of any required improvements, the Applicant shall notify the Planning Board and the Town Engineer, in writing, of the time when it proposes to commence construction of such improvements so that the Planning Board may cause an inspection to be made to ensure that all Town specifications and requirements shall be met during the construction of required improvements (§123-19). The Applicant shall provide a general construction phasing schedule to the Planning Board and Town Engineer and shall update that schedule, and provide copies to the Planning Board and Town Engineer, throughout the construction process, as necessary. The Town shall require a pre-construction conference between the Town Engineer and Town Highway Superintendent and the owner or owner's representative, general contractor and on-site engineer to review construction phasing plans, inspections schedules, and requirements for complying with all regulations and conditions of this approval.

2. The Town of Southeast Planning Board or its designee may make periodic inspections to ensure that all site work and site improvements are being made in conformance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall designate a responsible and competent person to be the on-site construction manager who shall be responsible for ensuring the continued compliance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall ensure that all remedial measures are taken within 72 hours of any notification of deficiencies relating to construction. If appropriate

measures are not implemented to the satisfaction of the Town Engineer, a stop work order may be issued by the Town and/or a fine imposed according to Town Code (§123-54).

3. Should project changes be required that would represent a significant change to the approved plans, the Applicant may be required to seek an amended approval from the Planning Board (see §123-13.K and §123-17).
4. The Applicant shall retain the services of a professional engineer throughout the construction process who shall observe the construction of all approved improvements, except improvements to Town of Southeast roads and drainage (which shall be inspected by the Town Engineer and/or Highway Superintendent). The Applicant's professional engineer shall certify, in writing, that all approved improvements have been constructed substantially as required and approved by the Planning Board or as such requirements have been modified (§123-21).
5. Prior to commencing any site clearing, grading, or construction activity, the Applicant shall have the boundary of the property staked out by a licensed surveyor.
6. The Applicant shall submit a Notice of Intent (NOI) to comply with the New York State Department of Environmental Conservation General Permit for Construction Activity (GP-0-20-001). A copy of the completed NOI shall be maintained at the on-site construction office, and a copy shall be submitted to the Southeast Planning Board.
7. All sediment and erosion control measures or Best Management Practices indicated on the approved plans and/or required for compliance with GP-0-20-001 shall be installed at the commencement of grading activities and shall be inspected on a weekly basis (or following any storm event) to ensure proper function. All construction activities shall adhere to the provisions for sediment and erosion control contained in the New York State Department of Environmental Conservation's *New York Standards and Specifications for Erosion and Sediment Control*.
8. In accordance with the provisions of GP-0-20-001, clearing of land shall be limited to five (5) acre phasing, unless specifically waived by NYSDEC approval of the NOI.
9. The design and construction of all proposed water quantity and water quality best management practices shall adhere to the *New York State Stormwater Management Design Manual*.
10. Any drainage improvements that would affect a Town drainage structure or element or any improvements to Town of Southeast roads shall be made in accordance with the Town Road and Drainage Specifications (Chapter A143 of the Town Code) and shall be made under the direction and supervision of the Highway Superintendent.
11. The Town Highway Superintendent must be notified a minimum of 72 hours in advance of any construction activity affecting the Town drainage system or any Town Road except where emergency repairs are required, in which case the Highway Superintendent must be notified as soon as possible after the affected area has been stabilized.
12. All wetlands shall be protected by silt fencing and demarked with signs indicating "Protected Area." There shall be no disturbance of any kind within a wetland or its controlled area except as specifically provided in the Wetland Permit granted by the Planning Board and subject to all conditions contained in that approval.

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

14. Existing trees, understory vegetation, and ground cover along all property lines shall remain undisturbed to the maximum extent practicable throughout the duration of construction. Should any disturbance be required to construct approved improvements, the area shall be replanted with comparable vegetation as soon as is practicable following completion of construction activity in that area.

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

16. The NYSDEC has determined that the Project Site is located within or near record(s) of northern long-eared bats (*Myotis septentrionalis*), a species listed as threatened in New York State. To avoid impacts to the this species and the requirements of an Article 11, Title 5, Section 535 of the Environmental Conservation Law, Threatened and Endangered Species, an Article 11 "Take" Permit, the removal of any trees greater than 4-inches diameter at breast height (DBH) associated with this Project shall occur during the Northern Long-eared Bat's hibernation period. This period begins October 31 and ends March 31 (of any given year). If tree cutting cannot occur during the above time frames, the applicant shall contact the NYSDEC to determine if a Take Permit is required and shall copy the Town of Southeast Building Inspector and Planning Board Secretary on all correspondence.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
J. King, Boardmember	<u>yes</u>	L. Eckardt, Boardmember	<u>no</u>
G. Pangis, Boardmember	<u>yes</u>	W. Lewis, Boardmember	<u>absent</u>
C. Galli, Boardmember	<u>yes</u>		

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

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

**TOWN OF SOUTHEAST
PLANNING BOARD / ARCHITECTURAL REVIEW BOARD
EXTENSION OF FINAL SITE PLAN AND SUBDIVISION PLAT APPROVALS**

INTRODUCED BY: *LaPerch*

DATE: October 2, 2023

SECONDED BY: *Pangis*

WHEREAS, the Planning Board/Architectural Review Board of the Town of Southeast has previously granted Final Approval by resolution dated 8/8/22, for a certain Project Development Plan known as **GUARDIAN VETERINARY SPECIALISTS**, located at 4 Hardscrabble Heights in the OP-1 Zone, also known and designated as Tax Map Number 78.-2-83; and,

WHEREAS, the Planning Board/Architectural Review Board is in receipt of a letter from the owner or their representative requesting an extension of the Final Approval for an additional period of one (1) year so that the applicant will be able to maintain Amended Site Plan Approval; and,

WHEREAS, the Planning Board/Architectural Review Board of the Town of Southeast is disposed by the Zoning Ordinance of the Town of Southeast to grant or deny such extension of Final Approval,

NOW, THEREFORE, be it RESOLVED, that an extension of the Final Site Plan Approval for the Project development Plan known as **GUARDIAN VETERINARY SPECIALISTS** is hereby granted for a period of one (1) year, commencing on 8/8/23 and subject to the conditions of said Final Approval.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that an extension of time to file the Final Plat for the Project development Plan known as **GUARDIAN VETERINARY SPECIALISTS** is hereby granted for a period of 18 months (three six-month extensions), commencing on 2/8/23 and subject to the conditions of said Final Plat Approval.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman	<i>yes</i>	D. Rush, Vice Chairman	<i>yes</i>
J. King, Boardmember	<i>yes</i>	L. Eckardt, Boardmember	<i>yes</i>
G. Pangis, Boardmember	<i>yes</i>	W. Lewis, Boardmember	<i>absent</i>
C. Galli, Boardmember	<i>yes</i>		

The resolution was *passed* by a vote of *6* to *0*, with *1* absent.

T. LaPerch

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

**Town of Southeast
Planning Board**

One Main Street
Brewster, NY 10509

October 2, 2023

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

Re: A Local Law to Replace Chapter 78 of the Town Code, 'Freshwater Wetlands'

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 Town Code for the protection of freshwater wetlands. The Planning Board has found that the existing regulations for wetlands could be streamlined to improve the public's understanding of the controlled areas and to simplify their regulation and enforcement. The Planning Board recognizes that the protection of wetlands supports the beneficial economic, social, and agricultural development of the Town. The draft local law is attached for your consideration.

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 entitled: “A Local Law to Replace Chapter 78 of the Town Code, ‘Freshwater Wetlands.’

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

SECTION 1. CHAPTER 78, “FRESHWATER WETLANDS”

Chapter 78, Freshwater Wetlands shall be replaced in its entirety with the following:

§ 78-1. Purpose; findings.

- A. Declaration of policy. It is declared to be the public policy of the Town of Southeast to preserve, protect and conserve freshwater wetlands and the benefits derived therefrom, to prevent the destruction of wetlands and watercourses, in order to secure the natural benefits therefrom for the protection of public health and safety and consistent with the general welfare and the beneficial economic, social and agricultural development of the Town.
- B. Findings. The following findings are made:
- (1) Wetlands and watercourses in the Town of Southeast are invaluable resources for flood protection, wildlife habitat, open space, nutrient retention and sediment trapping, visual/aesthetic reasons, water- based recreation, groundwater protection potential and drinking water.
 - (2) Wetlands and watercourses in the Town have been or are in jeopardy of being lost, despoiled or impaired by unregulated draining, dredging, filling, excavating, building, pollution or other acts inconsistent with the natural uses of such wetlands and watercourses.
 - (3) Recurrent flooding of areas of the Town, aggravated or caused by the loss of wetlands or alteration of watercourses, has serious effects upon natural ecosystems and presents serious hazards to the health, safety, welfare and property of the people in the Town, within and outside such wetlands and watercourses, including loss of life, loss and damage to private and public property, disruption of lives and livelihoods, interruption of commerce, transportation, communication and governmental services, and unsanitary and unhealthful living and environmental conditions.
 - (4) Wetlands and watercourses conservation is a matter of concern to the entire Town, and the establishment of preservation, protection and conservation practices is essential to the public health, safety and welfare since actions on wetlands and watercourses in one location affect persons and property in other locations.
 - (5) Wetlands and watercourses overlap many properties and neighborhoods, and experience has demonstrated that effective wetlands and watercourses protection requires uniformity of preservation, protection and conservation throughout the Town.

- (6) Loss or impairment of wetlands deprives people of the Town some or all of the many benefits to be derived from wetlands, such as the following:
 - (a) Flood and stormwater runoff control by hydrologic adsorption and storage capacity of wetlands;
 - (b) Wildlife habitat by providing for breeding, nesting and feeding grounds and cover for many forms of wildlife, wildfowl and shorebirds, including migratory wildfowl and rare species;
 - (c) Protection of subsurface water resources and provision for valuable watersheds and recharging of groundwater supplies;
 - (d) Continuity of water flows and supplies throughout the year;
 - (e) Recreation by providing resource areas for hunting, fishing, boating, hiking, bird watching, photography, camping and other uses;
 - (f) Pollution treatment by serving as biological and chemical oxidation basins;
 - (g) Erosion control by serving as sedimentation areas and filtering basins, absorbing silt and organic matter, protecting channels and water bodies, dissipating erosive forces and anchoring shorelines;
 - (h) Education and scientific research by providing outdoor biophysical laboratories, living classroom and resources for training and education;
 - (i) Open space and aesthetic appreciation;
 - (j) Sources of nutrients in freshwater food cycles and the nursery ground and sanctuary for fish; and
 - (k) Vegetation providing temperature modification, purification of the air and natural products for harvest.
- (7) Regulation of wetlands and watercourses is consistent with the legitimate interests of farmers and other landowners to graze and water livestock, make reasonable use of water resources, harvest natural products of the wetlands, and selectively cut timber.

§ 78-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated below:

APPLICANT — The person filing an application pursuant to this article.

ADMINISTRATIVE ACTIVITIES — activity that results in less than 5,000 square feet of disturbance within a Controlled Area and which meets the following conditions:

- (1) Is an activity for which site plan or subdivision approval is not required per Chapter 123 or 138 of the Town Code.
- (2) No building or other structure, sewage disposal system, or well is proposed in a Controlled Area.
- (3) Does not cause the hydrological isolation of a portion of wetland.

- (4) Involves the excavation, grading or depositing of less than 20 cubic yards of earth materials in a Controlled Area but not within a wetland or watercourse.
- (5) Removal of water-deposited silt or debris to restore the Controlled Area to the condition existing before the deposit.
- (6) Incidental removal of trees and shrubs within the Controlled Area.
- (7) Activity is not conducted in a floodplain.

CONTROLLED AREA — Shall consist of a wetland, vernal pool, waterbody, or watercourse and the associated buffer.

MINOR WETLAND PERMIT — Permit required for an activity that results in less than 5,000 square feet of disturbance within a Controlled Area but does not meet the definition of Administrative Activities.

MAJOR WETLAND PERMIT — Permit required for an activity that results in more than 5,000 square feet of disturbance within a Controlled Area.

MITIGATION PLAN – The plan prepared by an Applicant to compensate for proposed impacts to a Controlled Area pursuant to the standards and requirements of this chapter. Mitigation may include on- or off-site preservation, restoration, expansion, and/or enhancement of wetlands and watercourses and associated buffers.

PERMIT — The written municipal approval required by this chapter for the conduct of a regulated activity within a Controlled Area.

PERSON — Shall include any individual, individuals, corporation, firm, partnership, association, trust, estate, joint venture, and any unit of government, agency or subdivision thereof that is subject to this chapter.

POLLUTION — Shall include, in addition to its usual meaning, the presence in the environment of man-induced conditions or contaminants in quantities or with characteristics which are or may be injurious to human, plant, wildlife, animal forms or life or property.

STORMWATER CONVEYANCE SYSTEM — Means private or public, engineered drainage facilities other than sanitary sewers by which water run-off may be conveyed to receiving waters, and includes but is not limited to roads, streets, constructed channels, aqueducts, storm drain, pipes, detention and retention basins, street gutters, inlets to storm drains, or catch basins.

VERNAL POOLS — Are seasonal pools of water that provide habitat for distinctive plants and animals. They are considered to be a distinctive type of wetland, usually devoid of fish, and thus allow the safe development of natal amphibian and insect species unable to withstand competition or predation by fish.

WATERBODY — A lake, pond, reservoir, and all other bodies of water, natural or artificial, which ordinarily or intermittently, at least three months a year, contain water and which have a discernible shoreline also known as the boundary. This does not include watercourses as defined herein.

WATERCOURSE — A river, stream, brook, creek, and all other waterways, natural or artificial, with an identifiable channel (defined bed and banks) through which water flows continuously or intermittently at least three months a year.

WETLAND —

- A. Lands and waters consisting of the following:

- (1) Soil types which are poorly drained, very poorly drained, alluvial and floodplain soils as defined by the U.S. Department of Agriculture, Natural Resources Conservation Service, formally known as the Soil Conservation Service, which soil types in the Town of Southeast have the following map codes and names listed below, in addition to the characteristics set forth in Subsection A(2), (3), (4), (5) and (6):

Map Code	Name
25	Sun silt loam
27	Sun (stony silt loam)
28	Fredon loam
35	Raynham silt loam
100	Fluvaquents
101	Carlisle muck
103	Freshwater marsh (aquents)
108	Udorthents wet substratum
251	Ridgebury loam
252	Ridgebury very stony loam
311	Fluvaquents
1011	Palms muck
1251	Leicester loam
1252	Leicester very stony loam

- (2) Lands and submerged lands, commonly called "marshes," "swamps," "sloughs," "bogs" and "flats," supporting aquatic or semiaquatic vegetation of the following vegetative types.
- (a) Wetland trees, which depend upon seasonal or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other trees, including, among others, red maple (*Acer rubrum*), willows (*Salix* spp.), black spruce (*Picea mariana*); swamp white oak (*Quercus bicolor*), red ash (*Fraxinum pennsylvanica*), American elm (*Ulmus americana*) and larch (*Larix laricina*);
 - (b) Wetland shrubs, which depend upon seasonal or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other shrubs, including, among others, alder (*Alnus* spp.), bottonbrush (*Cepha lanthus occidentalis*), bog rosemary (*Andromeda glaucophylla*), leatherleaf (*Chamaedaphne calyculata*), spice bush (*Lindera benzoin*), winter berry (*Llex montans*), red-osier dogwood (*Cornus stolonifera*) and highbush blueberry (*Vaccinium corymbosum*);
 - (c) Emergent vegetation, including, among other, cattails (*Typha* spp.), pickerelweed (*Pontederia cordata*), bulrushes (*Scirpus* spp.), arrow arum (*Peltandra virginica*), arrowheads (*Saggittaria* spp.), reed (*Pharagnites*

communis), wild rice (*Zizania aquatica*), bur-reeds (*Sparganium* spp.), purple loosestrife (*Lythrum salicaria*), swamp loosestrife (*Decodon verticillatus*) and water plantain (*Alisma plantago-aquatica*);

- (d) Rooted, floating-leaved vegetation, including, among others, water lily (*Nymphaea odorata*), water shield (*Brasenia schreberi*) and spatterdock (*Nuphar* spp.);
 - (e) Free-floating vegetation, including, among others, duck weed (*Lemna* spp.), big duckweed (*Spirodela Polyrrhiz*) and watermeal (*Wolffia* spp.);
 - (f) Wet meadow vegetation, which depends upon seasonal or permanent flooding or sufficiently waterlogged soils to give it a competitive advantage over other open land vegetation, including, among others, sedges (*Carex* spp.), rushes (*Juncus* spp.), cattails (*Typha* spp.), rice cut grass (*Leersia oryzoides*), reed canary grass (*Phalaris arundinaceae*), swamp loosestrife (*Decodon verticillatus*), spikerush (*Eleocharis* spp.), skunk cabbage (*Symplocarpus foetidus*) and false hellebore (*Veratrum viride*);
 - (g) Bog mat vegetation, including, among others, sphagnum mosses (*Sphagnum* spp.), bog rosemary (*Andromeda glaucophylla*), leatherleaf (*Chamaedaphne caliculata*), pitcher plant (*Sarracenia purpurea*), and cranberries (*Vaccinium macrocarpon* and *V. oxycoccos*);
 - (h) Submergent vegetation, including, among others, pondweeds (*Potamogeton* spp.), mavericks (*Najas* spp.), bladderworts (*Utricularia* spp.), wild cherry (*Vallisneria spiralis*), coontails (*Ceratophyllum demersum*), water milfoils (*Myriophyllum* spp.), muskgrass (*Chara*), stonewort (*Nitella* spp.), water weeds (*Elodea* spp.), and water smartweed (*Polygonum amphibium*).
- (3) Lands and submerged lands containing remnants of any vegetation that is not aquatic or semiaquatic that has died because of wet conditions over a significantly long period, provided that such wet conditions do not exceed a maximum seasonal water depth of six feet, and provided further that such conditions can be expected to persist indefinitely, barring human intervention.
 - (4) Lands enclosed by aquatic or semiaquatic vegetation as set forth in Subsection A(2) and dead vegetation as set forth in Subsection A(3), the regulation of which is necessary to protect and preserve the aquatic and semiaquatic vegetation.
 - (5) Waters overlying the areas set forth in Subsection A(1) through A(3) and lands underlying areas set forth in Subsection A(4).
 - (6) Lands and waters possessing the characteristics described in Subsection A(1), (2), (3), (4) and (5) that are less than one acre but are both hydrologically connected to and within 50 meters (165 feet) of other wetlands and together with these exceed one acre.

B. Unvegetated open water is part of a wetland if it is more than 50% enclosed by wetland vegetation and is no larger than 2.5 hectares (6.2 acres). If the body of open water, substantially enclosed by wetland vegetation, is larger than 2.5 hectares, then only that portion within 50 meters (165 feet) of the wetland vegetation is part of the wetland.

- C. Unvegetated open water adjacent to wetlands but not substantially surrounded by wetland vegetation may be considered to be part of the wetland to a depth of two meters (6.6 feet) below low water or to the maximum extent of nonpersistent emergents, if these grow at depths greater than two meters.

WETLAND, VERNAL POOL, WATERBODY, AND WATERCOURSE BUFFER — An area of 100 feet surrounding a wetland, vernal pool, waterbody, or watercourse that is also subject to the regulations defined herein. The 100-foot buffer will be established as follows:

- A. For wetlands, the buffer will be measured horizontally and outward from the delineated boundary of the wetland. Protection of vernal pools may require buffers greater than 100 feet based on the presence of protected species and at the discretion of the Wetland Inspector and/or Planning Board.
- B. For watercourses and waterbodies, the 100-foot buffer will be measured horizontally and outward from the top of bank or mean high water mark of the watercourse or waterbody.

WETLAND INSPECTOR — The agent appointed by the Town Board to fulfill the designated enforcement and permit-processing responsibilities set forth in this chapter. A qualified Wetland Inspector shall have a degree from an accredited college or university in a related field, a minimum of two years of delineation experience, and scientific knowledge about the biogeophysical structure, function, or interrelationships of terrestrial and aquatic/semiaquatic plant and animal communities.

§ 78-3. Regulated activities; exclusions; permit application; application transmittal.

- A. Regulated activities and permits. Any person desiring to conduct a regulated activity as set forth in § 78-3B, in any Controlled Area, must obtain a permit through the process established by this chapter.
- B. Activities regulated. Activities subject to regulation under this chapter include the following:
 - (1) Any form of dredging, draining, or excavation and any grading or removal of soil, mud, sand, gravel, silt or other earth material from any Controlled Area, either directly or indirectly; or
 - (2) Any form of dumping, filling or deposition of any soil, stones, sand, gravel, mud, rubbish, or fill of any kind in any Controlled Area, either directly or indirectly; or
 - (3) Erecting any building or other structure, construction of any road, driveway or motor vehicle parking facility, driving of pilings, installation of any pipe or other conduit or the placing of any other obstructions within a Controlled Area, whether or not the same affect the ebb and flow of water; or
 - (4) The use of any chemicals, dyes, fertilizers, herbicides or similar materials in any Controlled Area such that the same may cause pollution of waters; or
 - (5) Creating a diversion or obstruction of water flow in any watercourses or waterbodies; or
 - (6) Creating an increase or decrease in the flow, velocity or volume of water in any watercourse or waterbody; or

- (7) Introducing any additives of high thermal content that are capable of causing adverse ecological effect; or
 - (8) Introducing any form of pollution, including, but not limited to, installing a septic tank, running a sewer outfall and discharging sewage treatment effluent or other liquid wastes directly into or so as to drain into a Controlled Area; or
 - (9) Destroying or permitting the destruction of any trees or other plant life within a Controlled Area. These actions shall be reviewed by the administering authority to determine if such acts affect the prevailing surface water runoff conditions, directly or indirectly; or
 - (10) Any other activity which substantially impairs any of the several functions served by the wetland and watercourse (e.g., flood storage, wildlife habitat, stormwater infiltration, capturing nutrients) or their benefits as set forth in § 78-1 of this chapter.
- C. Permit categories. The categories of wetland permits shall include the following:
- (1) Administrative Wetland Permit – A permit approved by the Building Department, based on input from the Town Wetland Inspector, for Administrative Activities per 78-2 that are limited in scope and would result in negligible potential impact as determined by this chapter. The Building Department may refer any application determined to be warranted to the Planning Board.
 - (2) Minor Wetland Permit – A permit approved by the Planning Board for the conduct of a regulated activities in a Controlled Area meeting the definition in § 78-2. The Planning Board may waive the public hearing at their discretion. The Planning Board may require mitigation at their discretion, based on input from the Wetland Inspector.
 - (3) Major Wetland Permit – A permit approved by the Planning Board for the conduct of a regulated activities in a Controlled Area meeting the definition in § 78-2. A public hearing shall be required. Mitigation shall be provided at a minimum ratio of 1:1 and based on the recommendation of the Wetland Inspector.
- D. Exclusions. Activities excluded from regulation under this chapter include the following:
- (1) Public health activities under orders and regulations of the Putnam County Department of Health, provided that copies of such orders and regulations have been filed with the Town Clerk of the Town of Southeast and that the Water Control Board may request modification of such orders if it deems it necessary to implement the policy of this chapter;
 - (2) Mosquito control projects approved in writing by the New York State Department of Environmental Conservation;
 - (3) The operation, maintenance and repair of dams, retaining walls, docks and water control structures that were in existence on the effective date of this chapter;
 - (4) Emergency work which is necessary to protect health and safety or prevent damage to property, provided that the Building Department is given written notice within 48 hours after commencement of such work and within 48 hours after completion of the work, and provided that such work is limited to alleviation of the emergency condition;

- (5) Trimming, pruning and bracing of trees; decorative landscaping; including the addition of trees and plants;
 - (6) Normal ground maintenance, including mowing, trimming of vegetation and removal of dead or diseased vegetation around a residence;
 - (7) Removal of debris, leaves, and dead or diseased vegetation that are obstructing flow within a wetland or wetland buffer;
 - (8) Repair of existing walkways and walls; and
 - (9) Maintenance and repair of constructed stormwater conveyance system components by the Town of Southeast.
- E. Application for permit. Any person proposing to conduct a regulated activity as specified herein, requiring a wetland permit as specified in §78-3C, shall file an application based on the permit procedures in this Chapter.
- F. Transmittal of application. Upon receipt, the Planning Board shall transmit a copy of each application, as follows:
- (1) In the event that the wetland or watercourse crosses Town lines, to the Clerk of such adjoining township.
 - (2) In the event that the wetland or watercourse crosses Putnam County lines, to the Clerk of the adjoining county.

§ 78-4. Administrative Wetland Permit application procedure.

A. Filing an application.

- (1) Application requirements. The items below are required for the Building Department to deem an application complete and ready for review. These requirements are without prejudice and may require additional information during the subsequent review process.
 - (a) Signed and dated application;
 - (b) Payment. The application shall be accompanied by a fee set in the Town of Southeast Fee Schedule, unless the application is of such a nature that the fee must be calculated after preliminary maps are drawn;
 - (c) A detailed description of the proposed activity;
 - (d) The names of the owners of record of the land and an aerial photograph at a scale of no less than 1 inch to 200 feet showing the project site and surrounding areas within 300 feet of the property; and
 - (e) A map showing the Controlled Area affected and any wetlands or watercourses therein, and the location, extent and nature of proposed activity. Said map shall be prepared and certified by a licensed surveyor, professional engineer or professional architect and show contours at two-foot intervals, stone walls, fence lines, tree lines and other major features of the land. The Wetland Inspector may waive the map requirement and accept a substitute such as any subdivision plat map, grading plans, and construction plans provided sufficient detail is included.

B. Action on application by Building Department.

- (1) Upon receipt of the application, the Building Department shall refer the application to the Wetland Inspector for a report and recommendation.
- (2) The Building Department and Wetland Inspector shall have the authority to make as many site inspections as necessary to complete its review of the application.
- (3) Wetland Inspector Recommendation. The Wetland Inspector shall make a written recommendation to the Building Department, prior to their determination to approve or deny any application. Such recommendation shall include the reasons for any recommendations or modifications, conditions, and limitations, as well as whether or not a permit is to be approved under this chapter.
- (4) Permit approval or denial. Upon receipt of the written recommendation of the Wetland Inspector, the Building Inspector shall approve or deny the application for a permit. All approvals shall contain and be made subject to any and all conditions imposed by the Wetland Inspector determination.
- (5) Permit expiration. A permit shall expire one year from the date of issuance unless a Building Permit has been issued for the approved activity. If the applicant has not completed the permitted action or actions granted in the permit approval within one year of issuance, the applicant may apply to the Building Inspector for a renewal of the permit for a maximum of one year.

§ 78-5. Minor or Major Wetland Permit application procedure.

A. Filing an application. The application, along with all required submissions, should be filed in accordance with the Planning Board Meeting Deadline Submission Schedule, published online, so that there will be sufficient amount of time for review of the application for completeness before the upcoming Planning Board meeting.

- (1) Application requirements. The items below are required to deem an application complete and ready for review. These requirements, set by the Planning Board for a complete application, are without prejudice to requiring additional information during the subsequent review process, at the public hearing or any time until the Planning Board's determination is made.
 - (a) Signed and dated application;
 - (b) Payment. The application shall be accompanied by a fee set in the Town of Southeast Fee Schedule;
 - (c) A detailed description of the proposed activity;
 - (d) The names of the owners of record of the land on which the activity is to be conducted and all abutting owners; and
 - (e) A map showing the Controlled Area affected and any wetlands or watercourses therein, and the location, extent and nature of proposed activity. Wetlands and watercourses should be field delineated by the New York State Department of Environmental Conservation, the United States Army Corps of Engineers, or a qualified professional retained by the applicant. Said map shall be prepared and certified by a licensed surveyor, professional engineer or professional architect and show contours at two-foot intervals, stone walls, fence

lines, tree lines and other major features of the land. (f) For project subject to Chapter 119 of the Town Code, a stormwater pollution prevention plan that mitigates substantial increases in direct surface runoff leading to sedimentation or pollution of a wetland through the use of facilities such as dry wells, retention basins, filters, swales or ponds. The storm criteria for which these facilities are to be designed shall be set by the Wetland Inspector with the advice of the Town Engineer.

(g) Mitigation Plan.

(2) Waiver of required information. Upon a finding by the Planning Board that due to special conditions peculiar to a site, certain of the information normally required as part of the Wetland Permit, including the field delineation of wetlands and watercourses, is inappropriate or unnecessary, the Board may vary or waive such requirements wherever, in the opinion of the Board, such variance or waiver will not have the effect of nullifying the intent and purpose of this chapter.

B. Action on application by Wetland Inspector and Planning Board.

(1) Upon receipt of the application, the Wetland Inspector may request the submission of such additional information as he may deem necessary to determine compliance with this chapter, including but not limited to the following:

(a) An environmental inventory and an assessment of the location and the effects of the proposed activity;

(b) A chemical and biological evaluation of the waters involved and the effects thereupon by the proposed activity;

(c) Hydraulic and hydrological studies of the wetlands and watercourses;

(d) A geologic evaluation of the wetland setting; and

(e) A program consisting of a schedule, sequence and type of equipment to be used in the conduct of the proposed activity.

(2) The Planning Board and the Wetland Inspector shall have the authority to make as many site inspections as necessary to complete its review of the application.

(3) The Planning Board, upon receipt of the application, shall determine whether the proposed activity requires a project development plan application, as the same may be required pursuant to the Town of Southeast Zoning Ordinance, or a subdivision application.

C. Notice and hearing. Once an application is deemed complete, the following notice and hearing requirements shall be applicable for Major Wetland Permits.

(1) The applicant shall post a sign on the property consistent with the requirements of § 138-44.A.

(2) The Planning Board may hold a public hearing on a Minor Wetland Permit at its discretion.

(3) At least 10 days prior to a public hearing, if any, the applicant shall send notice of such hearing by U.S. Postal Service certified or registered mail, return receipt requested, to the owners of all lots within 500 feet of the lot where the activity is proposed.

- (4) Notice of any public hearing shall be published by the Planning Board in one newspaper having a general circulation in the Town, not less than five days before such hearing.
- D. Report. Within 65 days after the application is received, or after notice has been published by the applicant under § 78-5.C(1), whichever is later, the Planning Board, having received a report from the Wetland Inspector, shall make a determination as to whether or not the proposed regulated activity, with or without modification set by the Planning Board, conforms to the criteria set forth in § 78-5.H.
 - E. Extension of time. The applicant and the Planning Board may, by mutual consent, extend the time for a determination on the application.
 - F. Conditions. The Planning Board may specify requirements for modification of the proposed regulated activity and conditions or limitations for conduct of the activity, including but not limited to, the time for conduct and completion of the activity and a requirement to post a bond and pay inspection fees in amounts determined by the Town Engineer to guarantee completion of the work in accordance with plans. In addition to the general conditions set forth in the permit approval and such conditions as the Planning Board may require in carrying out the public policy reflected in this chapter, every permit application approved shall contain the following conditions in the resolution adopted by the Planning Board:
 - (1) The Wetland Inspector shall have the right to inspect the permitted activity from time to time.
 - (2) The permit shall expire one year after the date of approval. The permit shall be approved concurrent with any permits required by the Town of Southeast and New York State Department of Environmental Conservation (MS4) for the initiation of site disturbance. The Wetland Inspector has the authority to recommend a four-year limitation on projects of significant magnitude. No permits shall be approved for periods exceeding four years. Renewal procedures are as per Section L of these procedures.
 - (3) The permit holder shall notify the Planning Board Secretary at least seven days in advance of the anticipated date of construction to schedule a pre-construction meeting with the Wetland Inspector and Town Engineer. The pre-construction meeting may be waived at the discretion of the Wetland Inspector.
 - G. Wetland Inspector Recommendation. The Wetland Inspector shall make a written recommendation to the Planning Board, prior to their determination to approve or deny any application. Such recommendation shall include the reasons for any recommendations or modifications, conditions, and limitations, as well as whether or not a permit is to be approved under this chapter.
 - H. Criteria for approval. The following are criteria applicable to the approval of permits for proposed regulated activities in Controlled Areas:
 - (1) The activity will not have a substantial adverse effect upon the natural benefits of a wetland or watercourse as set forth in § 78-1.B; and
 - (2) The activity will not substantially change the natural channel of a watercourse or substantially inhibit the natural dynamics of a watercourse system; and
 - (3) The activity will not result in the degrading or pollution of waters; and

- (4) The activity will not increase the potential for flooding; and
 - (5) Sufficient provision has been made for control of erosion, siltation and sedimentation during and after conduct of the activity; or
 - (6) The activity will alleviate or remove a hazard to the public health or safety.
- I. Permit approval or denial. Upon receipt of the determination of the Wetland Inspector as provided in § 78-4 of this chapter, the Planning Board shall approve or deny the application for a permit, subject to any resolution adopted by the Planning Board, in accordance with § 78-4. All approvals shall contain and be made subject to any and all conditions imposed by the Wetland Inspector determination.
 - J. Renewal of permit procedures. A permit shall expire one year from the date of the resolution granting the permit approval. If the applicant has not completed the permitted action or actions granted in the permit approval, the applicant may apply to the Planning Board for a renewal of the permit for a maximum of three, one-year extensions. Application for renewal must be made at least 30 days before the expiration date in the resolution. Upon receipt of an application for renewal of a permit, the Planning Board shall confer with the Wetland Inspector to determine if there are any environmental factors that would indicate that the permit renewal application should be subject to a public hearing. If the Wetland Inspector indicates that there are no factors that would require a public hearing, then the Planning Board may grant permit renewal. Additional conditions may be imposed at this time by the Wetland Inspector. If the Wetland Inspector recommends that a public hearing should be held, the Planning Board will set the date, time and location of said public hearing and cause notice to be published in a local newspaper per §78-5.C(4), authorizing the applicant to send notice to abutting landowners per §78-5.C(3). If, after public hearing, sufficient reason is found by the Planning Board for refusing renewal of a permit, the permit shall expire on the date indicated in the initial resolution. If a permit expires, the applicant must reapply.
 - K. Notification of ownership and/or project name change. If a project changes its name or ownership, the new owner is responsible for notifying the Planning Board of said change. Notification should be by U.S. Postal Service certified or registered mail within 30 days of the transfer and prior to commencement of any additional work. If work is already in progress, it shall be at the discretion of the Planning Board as to whether work must cease or may proceed until a new permit approval is granted.

§ 78-6. Administration and enforcement.

- A. Administration. This chapter shall be administered by the Planning Board and enforced by a Code Enforcement Officer appointed by the Town Board. The Planning Board shall consult the Wetland Inspector prior to making a determination on a permit application. The Town of Southeast Building Department shall keep records of all applications and determinations, identifiable complaints of any violation of this chapter, and of all notices of violation served by the Code Enforcement Officer and the action subsequent action taken, all of which shall be public record.
- B. Procedures. The Town Board may, by resolution, adopt rules and procedures for the administration of this chapter, including the submission of applications.
- C. Inspections. The Building Inspector, or his authorized agents, may enter upon land or waters for the purpose of inspection to determine compliance with this chapter and for the

- purpose of undertaking any investigations, examinations, surveys, or other activity necessary for the purpose of this chapter.
- D. Suspension and revocation. The Code Enforcement Officer is authorized to suspend or revoke a permit approval if he finds that the applicant has not complied with any of the conditions or limitations set forth in the permit approval or has exceeded the scope of the activity as set forth in the application.
- E. Remedies. The Code Enforcement Officer is authorized to order, in writing, the cessation of any regulated activity being conducted in violation of this chapter; he shall withdraw such order when he determines the activity is compliant. The Code Enforcement Officer is authorized to order, in writing, the remedying of any condition which is found to be in violation of this chapter. Any person who willfully violates this chapter shall be guilty of a misdemeanor, punishable by a fine of not less than \$250 nor more than \$1,000. The Town Board may impose, by order after a hearing, a civil penalty not to exceed \$250 for each violation of this chapter. Each day of continued violation shall constitute a separate and additional violation. An order imposing a civil penalty shall be deemed a final determination for purposes of judicial review and the Town of Southeast may bring an action to recover such civil penalty in any court of competent jurisdiction. Such action shall be brought on behalf of the Town, and any amount recovered shall be paid into the general revenue funds of the Town. Such right of action or recovery may be released, compromised or adjusted by the Town Board. The proper authorities of the Town of Southeast may institute any appropriate action or proceeding to prevent, restrain, correct or abate any violation of this chapter and to achieve restoration of the affected wetland or watercourse to its condition prior to the violation.
- F. Other laws. Approval of an application under this chapter shall not be construed to constitute compliance with any other regulation, ordinance or law nor to relieve the applicant from responsibility to obtain a permit thereunder. The Planning Board may at their discretion withhold approval of a permit application hereunder until any other required permit has been obtained by the applicant. This chapter is in addition to, and does not abrogate or lessen the effect of, any other regulation, ordinance or law pertaining to activities regulated hereunder and Controlled Areas to which this chapter is applicable.
- G. Appeals. Any person aggrieved by any order or decision under this chapter may seek judicial review pursuant to Article 78 of the Civil Practice Law and Rules in the Supreme Court for the County of Putnam within 30 days after the date of the filing of such order or decision with the Southeast Town Clerk. In the alternative, any person aggrieved by any order or decision under this chapter may seek review by the Freshwater Wetlands Appeals Board of the New York State Department of Environmental Conservation within 30 days after the date of the filing of such order or decision with the Town Clerk.
- H. Severability. The provisions of this chapter shall be severable, and if any clause, sentence, paragraph, subdivision or part thereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 2: FRESHWATER WETLANDS ATTACHMENT 1

Freshwater Wetlands, 78 Attachment 1, shall be repealed in its entirety.

SECTION 3: 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 4: EFFECTIVE DATE

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

**Town of Southeast
Planning Board**

One Main Street
Brewster, NY 10509

October 2, 2023

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

Re: A Local Law to Amend Chapters 119 and 138 for the Protection of Trees

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 Town Code regarding tree preservation. The proposed amendments would provide clear definitions and standards for tree clearing and restoration, as well as clarify the approval process for tree clearing while a site plan application is pending. The draft local law is attached for your consideration.

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 entitled: "A Local Law to Amend Chapters 119 and 138 for the Protection of Trees"

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

SECTION 1. LEGISLATIVE INTENT

The Town of Southeast recognizes the inherent value and necessity of preserving and protecting trees in our community, and that such preservation and protection are the responsibilities of the entire community. Trees provide oxygen, impede soil erosion, aid water absorption, reduce flooding, and absorb carbon dioxide and other pollutants and breathable particulate matter; provide shade, screening, privacy, green space and aesthetic appeal; absorb and lessen impacts from winds and act as natural noise barriers; and provide other environmental benefits and generally enhance the quality of life and values of properties within the Town. Indiscriminate and excessive destruction of trees, including but not limited to clear-cutting, deprives the community of all these benefits. Therefore, this Local Law regulates clear-cutting.

SECTION 2. CHAPTER 119, ARTICLE II DEFINITION OF TERMS

Section 119-3, "Definitions" is hereby amended to amend and add the following definitions:

CLEAR-CUTTING

Any removal of 30 percent or more trees that are each eight inches or more in DBH on properties greater than 0.5 acres. For purposes of this calculation, trees located within wetlands, watercourses or adjacent buffer areas, or located within an excessively steep slope (greater than 25%), which are injured and/or removed, shall be counted double.

DIAMETER AT BREAST HEIGHT (DBH)

A standard measurement of trees made at 4 1/2 feet above ground level on the uphill side.

LAND DEVELOPMENT ACTIVITY

Construction activity, including clearing, clear-cutting, grubbing, grading, excavating, soil disturbance or placement of fill, that results in land disturbance of equal to or greater than 5,000 square feet. Any activity that requires review, approval and/or permitting under the Town's requirements and regulations for fill, wetlands, sand and gravel and tree removal, streets and sidewalks, subdivision and site development plan, regardless of the size in area of the activity, is also considered a land development activity.

SECTION 3. CHAPTER 119, ARTICLE IV, EROSION AND SEDIMENT CONTROL PLANS AND STORMWATER POLLUTION PREVENTION PLANS

Section 119-7, "Performance and design criteria: technical standards" is hereby amended in part as follows:

§ 119-7 Performance and design criteria: technical standards.

All land disturbance activities shall be subject to the following performance and design criteria:

A. Technical standards.

- (1) For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards of this chapter.
 - (a) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual").
 - (b) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").
- (2) Equivalence to technical standards.
 - (a) Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in § 119-7A(1), and the SWPPP shall be prepared by a licensed professional.
- (3) Water quality standards.
 - (a) Postconstruction stormwater management controls shall be designed in accordance with the most-current version of the New York State Department of Environmental Conservation Enhanced Phosphorus Removal Design Criteria.
- ~~(4) Tree clearing and restoration standards.~~
 - ~~(a) All clear-cutting activities shall be required to prepare a tree removal and restoration plan that shall include:
 1. The quantity, size, type, and location of trees to be removed.
 2. The location of existing trees 8 inches DBH or greater.~~

3. The location of wetlands, watercourses, and associated buffers as defined in Chapter 78 of the Town Code.
 4. The location of ridgeline protection areas as defined in Chapter 138 of the Town Code.
 5. Slopes in excess of 25 percent.
 6. The proposed start date and anticipated completion date of the project.
- (b) Required buffer. All clear-cutting activities shall maintain a tree buffer area along adjacent public rights-of-way and/or publicly owned property. A minimum of three trees per 100 linear feet shall be required in said buffer area. The tree buffer area, and trees within the buffer, shall be clearly indicated on the tree removal and restoration plan.
- (c) Required bond. All clear-cutting activities shall be required to bond for the replacement and restoration of the removed trees in such amount as the MS4 Coordinator deems necessary to ensure that all disturbed areas will be restored.
- (d) Waivers. The Town Engineer, upon written request by the applicant, may consider a waiver of specific provisions of § 119-7.A(4). The written request from the applicant must include reasoning for each of the provisions to be waived. The Town Engineer may waive specific provisions if requested, provided that, in its judgment, the particular circumstances of the proposed tree clearing activity are not requisite in the interest of the public health, safety and general welfare and the waiver of same will still result in the stabilization of the site, preservation of certain trees, and restoration of trees where appropriate. No waiver shall be granted that would limit, reduce or impair the effectiveness of any other law applicable to the land development activity.
- (e) Enforcement. Enforcement shall be in accordance with § 119-15 of this Chapter.

SECTION 4. ARTICLE IX, SITE PLAN REVIEW AND APPROVAL

Section 138-45.C is hereby amended in part as follows:

- C. No property owner with an application for site plan approval pending before the Planning Board may make alterations to the land (including, but not limited to, grading, clearing, or excavating) or any structure on the land, unless otherwise permitted by a previously approved permit or site plan approval, the alterations are required to complete technical investigations in support of the site plan application, or until final approval of the pending site plan application has been granted by the Planning Board and all conditions thereto have been met. Except that upon receipt of Preliminary Site Plan approval from the Planning Board, a property owner may seek authorization from

the Planning Board to clear trees within the proposed limits of disturbance subject to the requirements of Chapters 78 and 119 of the Town Code, and the establishment of a tree restoration bond set by the Planning Board in consultation with the Town Engineer.

Alterations to the land made for the purpose of permitted technical investigations must be done with the minimum amount of disturbance and clearing possible and require 72 hours' written notice to the Town Code Enforcement Officer, who shall determine whether the proposed disturbance required for the investigations is within reasonable limits of disturbance for the purpose intended.

SECTION 5. 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 6. EFFECTIVE DATE

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