

**TOWN CLERK MINUTES  
REGULAR MEETING OF  
THE TOWN BOARD  
AUGUST 19, 2004**

Present: Supervisor John Dunford  
Councilman Paul P. Johnson  
Councilman Richard B. Honeck  
Councilman Pat Bonanno  
Councilwoman Lorraine Mitts

Also Present: Town Clerk Ruth A. Mazzei  
Town Counsel Willis H. Stephens Jr.

And approximately 20 persons

**REGULAR MEETING**

Councilman Honeck made a motion to open the regular meeting and Councilwoman Mitts seconded. All in favor.

Pledge of allegiance  
The Supervisor made a notation of exits  
Brief Explanation of Town Board's Decision-Making Process

**PUBLIC HEARINGS**

**PUBLIC HEARING – EXTENSION OF MORATORIUM**

Councilman Johnson made a motion to open the public hearing and Councilman Bonanno seconded. All in favor. Town Counsel read the legal notice. Madeline Barbar asked why there was a moratorium extension. The Supervisor said that there was a master plan committee and after much work the plan was adopted. Now the Town Board must amend the zoning ordinance and with that they have imposed a moratorium on residential. He said that this was put on 2-3 months ago. There are certain parts that are really not ready. He said that he hopes to have it adopted in October. Ms. Barbar said that it holds up Real Estate Sales and it holds up Commercial Business. The Supervisor said waivers can be granted if the criteria is met. If it is not met, then the application will be denied. Councilwoman Mitts made a motion to close and Councilman Honeck seconded. All in favor.

**PUBLIC HEARING – SET COURT FINES**

Councilman Johnson made a motion to defer the hearing and Councilman Honeck seconded. All in favor.

**MINUTES**

Councilman Johnson made a motion to approve the minutes the Special Meeting of July 8, 2004, Special Meeting of July 15, 2004 and Regular Meeting of July 22, 2004. Councilwoman Mitts seconded. All in favor.

**CORRESPONDENCE**

Councilwoman Mitts made a motion to waive the reading of the correspondence and Councilman Honeck seconded. All in favor.

Correspondence Received

1. Putnam County Department of Health Re: Addition – Freyer, 101 Peaceable Hill Road, No Increase in Number of Bedrooms (T) Southeast, TM#67.8-1-17
2. Brewster Honda Re: foil Request for ZBA Minutes for June 21, 2004 and Local Law #7 of 2004
3. George Yourke Re: Foil Request for any New Documents Received in the Past Month for the Meadows at Deans Corners
4. George Yourke Re: Foil Request for any New Documents Received in the Past Month for Waterview Estates
5. NYMIR Re: Bi-annual Loss Report Detailing the NYMIR Claim Activity During the Period of 1/1/04 – 6/30/04
6. KC Anderson, The Coalition for a Better Brewster Re: The Farmers Market
7. Mr. Timothy Radigan Re: Waterview Estates
8. NYS Department of Health Re: Drinking Water State Revolving Fund, Draft Intended Use Plan Funding Period October 1, 2004 to September 30, 2005
9. Judy Gold, Speedy Lien Re: Heritage Plumbing and Heating, Inc.
10. George Yourke Re: Foil Request for a Copy of the Town Engineer's Letter Concerning Required Review by Him of Preliminary Plat Submission on or Before August 10, 1998 for Meadows at Deans Corner
11. Tax Certiorari Re: Farrington Properties LLC against Town of Southeast Board of Assessment Review
12. NYS Office for Technology Re: Statewide Wireless Network – Final Scope
13. NYS Environmental Facilities Corporation Re: NYS Watershed – WWTP Upgrade Program Blackberry Hill Sanitary Sewer District STP Engineering Report/Facility Plan approval
14. NYS Department of Environmental Conservation Re: Town of Southeast Landfill: June 16 Correspondence
15. Putnam County Executive Re: Information from the U.S. Department of Agriculture – Loans and Grants that may be Utilized for Partial Funding of a Peach Lake Wastewater Treatment Plant
16. State of New York Department of Public Service Re: Carmel Cable Television, Inc. Temporary Operating Authority
17. Hahn Engineering Re: Hudson River Valley Greenway Grant for Peach Lake Stormwater Drainage Study Town of North Salem and Town of Southeast
18. Certificate of Liability Insurance Re: Roma Pools, Inc.
19. Shelly Pettit Re: Waterview Estates Subdivision
20. Beth Maley Re: Terravest Corporate Park
21. Ann Fanizzi Re: Terravest 9 – Special Permit
22. Ann Fanizzi Re: Summarizing Resolutions
23. Tax Certiorari Re: Tenth Jam Development, LLC., Martin Hellman, Millennium Real Estate Services, LLC, Southeast Land, LLC., Watson Pharmaceuticals, Inc., Maurice Simon and Simon Auto Wreckers, Inc., D.J & N.A. Management, LTD., Broad Reach LLC, EEC Plus LLC, RP Development Corp., Linens 'N Things, Brewster Realty Partners, LLC, Grand Central, Inc., Dairy Conveyor Corp., Putnam Seabury Partners L.P., Romolo Cascioli., Et Al., Somchai Realty Inc., Barry Nelson
24. Hogan & Rossi Re: Root Avenue Subdivision Premises: Root Avenue and John Simpson Road Owner: Scott Cag, Ltd.
25. NYS Environmental Facilities Corporation Re: Blackberry Hill Sanitary Sewer District STP WWTP Notice – Functional Completion Date
26. Putnam County Executive Re: Lake Management Issues
27. Putnam County EDC Re: New York Main Street Program
28. Putnam County EDC Re: Telecommunications/Data Network Telecommunications Plan
29. Heelan Realty and Development Corp. Re: Memo #6 Re-zoning

30. Croton Watershed Clean Water Coalition Re: Application for Special Permit regarding OP-1 Area at Terra 9
31. Memo to John Dunford from Ron Harmer Re: Various Updates for Week Ending July 9, 2004, July 23, 2004
32. Michael Brown, at Worby, Groner, Edelman LLP Re: Foil Request for Building Permit Application, Certificate of Insurance, Copies of any Violations and Violation Correspondence and Other documents Related to the Excavation of the Brewster Sports Center
33. Putnam County Department of Health Re: Water Supply Inspection Fox Hill Estates (T) of Southeast
34. Putnam County EDC Re: Governor Pataki's \$20 Million Grant Program to Revitalize Downtowns
35. Putnam County Agriculture & Farmland Protection Board Re: Public Hearing on 8/3/04 at 6:30PM in Carmel
36. Metro-North RR Re: Southeast Landfill
37. Suzannah Glidden Re: Durkin Water Company amended Site Plan and File
38. Lynne Eckardt Re: Sr. Housing Law of 2002 and 2004 Minute Book (to view)
39. Jacobson Re: Fisher Subdivision, Nelson Boulevard Sketch Plan Review NLJ#0001-0835, Landau Subdivision, 299 Joe's Hill Road Sketch Plan Review NLJ#0001-0836, DiPietro Subdivision, Guinea Road Sketch Plan Review NLJ#0001-0834, Suburban Propane Route 6 – Carmel Avenue Completion of Site Work NLJ#0001-0563, Amended Site Plan Brewster Transit Mix, Fields Lane NLJ#0001-0800, Alcon, LLC Fields Lane Concept Plan Review NLJ#0001-0833,
40. Jacobson Re: Memorandum Project #0001-0742 Durkin Water Company, NLJ#0001-0793 Starr Ridge Farm Equestrian Center, NLJ #0001-0765 Sutton Corporate Park
41. Jett Industries, Inc. Re: Brewster Heights WWTP Electrical Breakdown for Micro Filtration
42. NYS Environmental Facilities Corporation Re: Upgrade Contract for Brewster Heights Sewer District #1 – Revised Cost Summary Form
43. NYS Environmental Facilities Corporation Re: Upgrade Contract for Blackberry Hill Sanitary Sewer District STP – Revised Cost Summary Form
44. Hogan & Rossi Re: Putnam County Industrial Development Agency Ace Endico Corporation Project – Terravest Corporate Park; Industrial Development Revenue Bond issue (“the project”)
45. Ann Fanizzi Re: Town of Southeast Historical Society
46. Ann Fanizzi Re: Strazza Development
47. Rebecca Rabinowitz Re: Special Permit for Terravest
48. Edward R. Heelan Re: Memo #6 Zoning Ordinance Tax Map #67.12-1-28
49. Anthony R. Mole Re: All Planning Board Records, Including Minutes of Meetings, Pertaining to Premises Located at 3411 Danbury Road, Route 6 and Starr Ridge Road, Tax Map # 68.-2-69
50. NYC DEP Re: Proposed Modification to the City of New York's Stage I-III Drought Emergency Rules CEQR #03DEP072Y
51. Daniel Armstrong Re: Town Hall Facility
52. Ann Fanizzi Re: Foil Request for DEP or DEC or Tom Fenton Correspondence on the Palezetti Warehouse
53. Catherine Croft Re: Foil Request for Minutes of Grievance Day Hearing for 2002, 2003 and 2004, List of Grievance Board Members and a List of People Who Were Given Assessment Reductions by the southeast BAR for 2004
54. Sy Globerman, Supervisor Town of North Salem Re: Westchester County's Contribution for the Purpose of a Septic Study at Peach Lake
55. Sterling Re: Town of Southeast Landfill 2<sup>nd</sup> Quarter 2004 Monitoring Results Sterling File #E99016
56. Ann Fanizzi Re: Zoning and other Proposed Charges
57. Charles Acker Re: Foil Request for Copies of LL#3 of 2003, LL#12 of 2003 and LL#4 of 2004
58. Putnam Engineering, P::C Re: Strazza Subdivision, Doansburg Road Tax Map #46-1-16,17, 19, & 21
59. ACORD Certificate of Liability Insurance Re: Holland Company, Inc.
60. Edward R. Heelan Re: Memo #7 Zoning Ordinance Tax Map #'s 45.-1-10 & 45.-1-11
61. Jacobson Re: Stormwater Pollution Prevention Plan, Maple Road Town of Southeast NLJ#0054-0130

62. The City of New York DEP Re: Good Neighbor Expenditures from 7/1/03to 6/30/04
63. ACORD Certificate of Liability Insurance Re: Coalition for a Better Brewster, Inc.
64. Bohler Engineering, P.C. Re: Request for Sigh Moratorium Exemption BP Amoco 1565 Route 22
65. State of New York Department of State Re: Phase II MS4 East of Hudson Watershed Stakeholder Group
66. State of New York Public Service Commission Re: Case 04-M-0159- Proceeding on Motion of the Commission to Examine the Safety of Consolidated Edison Company of New York, Inc.'s Electric Transmission and Distribution Systems. Order on Staff Proposal (Issued and Effective July 30, 2004)
67. William Huestis, Director PC Office for Aging Re: Invitation to Annual Senior Citizen Picnic on 9/8/04
68. NYMAC Re: Town of southeast, Putnam county Continuing Disclosure Requirement

Correspondence Sent

1. Ms. Marie DePalo Re: Continuing Disclosure Requirement
2. Mr. Rudolf Bruhlman Re: Repair to Snow Plow Damage
3. Reliance Reality Partnership, LLC Re: Violation of the Town's Wetland Ordinance
4. Willis H. Stephens, Jr. Re: Notices of Lien on Public Improvement
5. Robert H. Sammons, P.E. Re: Report #51 for the Brewster Heights Wastewater Treatment Plant Upgrade and Report #46 for the Blackberry Hill Sewer District Treatment Facility
6. Mr. George Yourke Re: Meadows at Dean's Corner Foil Request and Waterview Estates Foil Request
7. Mr. Palladino Re: Turn around on Blaney Road
8. Memo from the Supervisor to the Building Inspector, Conservation Commission and Planning Board Re: Wetlands Permit
9. Honorable John Cesar Re: Status of Town Facilities in the Village
10. Veronica Howley, Town Clerk - Town of North Salem Re: Orchard Hill, LLC – Conference Lodge and Golf Course Coordinated SEQRA Evaluation – Type 1 Action
11. Memo to Will Stephens from Ron Harper Re: Accessory Apartment at Tax Map #56.28-1-41; 98 N. Brewster Road
12. Memo to Town Justice Vercollone from Ron Harper Re: Three Phase Equestrian
13. Stephen S. Strunck Re: Maple Road
14. Willis Stephens Re: Foil Request from law Office of Yianni Pantis
15. Town of Southeast Recreation Department Monthly Revenue Report
16. Mr. Michael Meyer Re: Good Neighbor Payment Annual Accounting
17. Mr. George Yourke Re: Waterview Estates Subdivision
18. Robert H. Sammons, P.E. Re: Report #52 for the Brewster Heights Wastewater Treatment Plant Upgrade and Report #47 for the Blackberry Hill Sewer District Treatment Facility

**VOUCHERS**

Councilman Honeck made a motion to approve the Voucher List in the amount of \$451,984.32. Councilman Johnson. All in favor.

**MEETING DATES:**

Councilman Bonanno made a motion to set meeting dates for September 2004. Councilman Johnson seconded. All in favor.

September 2, 2004	7:30PM Civic Center	Work Session
September 9, 2004	7:30PM Civic Center	Regular Meeting

**BUDGET TRANSFERS**

Councilman Honeck made a motion for authorization of the attached budget transfers. Councilman Bonanno seconded. All in favor. (see attached)

**MOTION-CALLING FOR PUBLIC HEARINGS:**

Supervisor Dunford made a motion to set a public hearing for September 9, 2004 at 7:30PM Civic Center for "Right Turn Only" - Sodom Rd/Old Milltown Rd. Councilman Bonanno seconded and all in favor.

**RESOLUTION # 50 /2004 AUTHORIZING ADOPTION OF LOCAL LAW EXTENDING TERM OF INTERIM DEVELOPMENT LAW**

Introduced By: Councilwoman Mitts  
Seconded By: Councilman Bonanno

**WHEREAS**, a resolution was adopted by the Town Board of the Town of Southeast for a public hearing to be held by said Town Board to hear all interested parties on a proposed local law to enact an amendment to Local Law No. 1 of 2002 known as the "Interim Development of the Town of Southeast" as amended; and

**WHEREAS**, notice of said public hearing was duly advertised in an official newspaper of the Town of southeast in the manner prescribed by law; and

**WHEREAS**, said public hearing was duly held at the Civic Center, 67 Main Street, Brewster, NY, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

**WHEREAS**, the Town Board of the Town of Southeast, after due deliberation, finds it in the best interest of the Town to adopt such local law.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Southeast hereby adopts Local Law No. 9 of 2004 of the Town of Southeast entitled "A Local Law Extending the term of Local Law No. 1 of 2002 (the "Interim Development Law") for an additional six month period, a copy of which is annexed hereto and made a part of this resolution; and be it further

**RESOLVED**, that the Town Clerk be and hereby is authorized and directed to enter said Local Law in the minutes of this meeting and in the Code Book of the Town of Southeast, and to give due notice of the adoption of said local law to the Secretary of State of New York within the time required by law.

UPON ROLL CALL VOTE:

Supervisor Dunford-Aye                      Councilman Johnson-Aye  
Councilman Bonanno-Aye                  Councilman Honeck-Aye  
Councilwoman Mitts-Aye

VOTE: Carried by a vote of 5 in favor, 0 against, 0 abstained.

**RESOLUTION # 51 /2004 TERRA 9 ASSOCIATES/SPECIAL PERMIT REQUEST**

Introduced By: Councilman Johnson  
Seconded By: Councilman Bonanno

**WHEREAS**, Terra 9 Associates, owner of premises located on International Boulevard, Town of Southeast, within the "Terravest International Corporate Park", also known as Tax Map No. 45-1-27 (the "Subject Premises") has made application to this Town Board for a Special Permit to allow the proposed commercial building to be used and utilized eighty(80%) percent storage/warehouse and twenty (20%) percent office; and

**WHEREAS**, the Subject Premises are located in an OP-1 zone; and

**WHEREAS,** storage/warehouse use is only permitted in twenty (20%) percent of the building in an OP-1 zone, unless a Special Permit is granted by the Town Board allowing a greater percentage of storage/warehouse use; and

**WHEREAS,** the Town Board is in receipt of a report and recommendation from the Southeast Planning Board wherein the Planning Board has recommended the grant of the Special Permit and has found that the proposal is in compliance with all applicable general and special standards of Article 10 of Chapter 138 of the Town Code; and

**WHEREAS,** the Planning Board, acting as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA) issued a negative declaration with regard to the proposed project; and

**WHEREAS,** a duly noticed public hearing was held by the Town Board on July 15, 2004 in connection with this application and all interested parties have been given an adequate opportunity to be heard in this regard,

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Board of the Town of Southeast hereby makes the following findings of fact in connection with the instant application;

1. The proposed use is in such location and is a size and character that it will be in harmony with the appropriate and orderly development of the surrounding district and will not be detrimental to the immediate site or adjacent properties;
2. The location and size of the proposed use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout, and its relation to access streets will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous;
3. The appearance of the buildings will not hinder or discourage the development and use of adjacent land and buildings; and
4. The proposed use will not require such additional public facilities or services or create fiscal burdens upon the Town greater than those which characterize uses permitted as of right.

**AND BE IT FURTHER**

**RESOLVED,** that based upon the foregoing findings, the Town Board of the Town of Southeast hereby Grants a Special Use Permit to Terra 9 Associates to permit the use of the Subject Premises twenty (20%) office and eighty (80%) percent warehouse/storage in accordance with the Statement of Use prepared by LADA, P.C., and submitted to the Planning Board in connection with the Project Development Plan application, subject to the applicant's final submission to and grant of approval by the Town of Southeast's Architecture Review Board and Planning Board.

**Upon Roll Call Vote:**

Supervisor Dunford-Aye  
Councilman Honeck-Aye  
Councilwoman Mitts-Aye

Councilman Johnson-Aye  
Councilman Bonanno-Aye

VOTE: carried by a vote of 5 in favor, 0 against, 0 abstained.

**RESOLUTION #52 /2004 GRANTING A WETLANDS PERMIT FOR PUTNAM SEABURY PARTNERS**

Introduced By: Councilman Honeck  
Seconded By: Councilman Bonanno

**WHEREAS**, the Conservation Commission of the Town of Southeast rendered a decision dated June 22, 2004 with the application of **Putnam Seabury Partners** to (a) provide widening of an existing road in the wetland area, (b) provide roadway improvements in the buffer area, and (c) perform grading in the buffer area. All of these activities are located in watercourse buffer areas. The property is located at Barrett Road, Tax Map #45.-1-5 & 8, in the Town of Southeast, Putnam County, New York.

**WHEREAS**, the Town Board finds that there is no reason to upset the determination of the Conservation Commission in connection with said application.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Southeast hereby declines to exercise its power to overturn the June 22, 2004 determination of the Conservation Commission regarding the application from **Putnam Seabury Partners** for a wetlands permit for property located on Barrett Road, Town of Southeast, Putnam County, subject to the terms and conditions imposed by the Town of Southeast Conservation Commission.

**UPON ROLL CALL VOTE:**

Supervisor Dunford-Aye                      Councilman Bonanno-Aye  
Councilman Johnson-Aye                      Councilwoman Mitts-Aye  
Councilman Honeck-Aye

VOTE: carried by a vote of 5 in favor, 0 against, 0 abstained.

**RESOLUTION # 53 /2004 ROOT AVENUE SUBDIVISION – MORATORIUM - DENIAL OF WAIVER**

Introduced By: Councilman Bonanno  
Seconded By: Councilman Honeck

**WHEREAS**, on June 3, 2004 this Town Board adopted Local Law No. 7 of 2004, which imposed a moratorium on certain residential subdivisions in the Town of Southeast, and

**WHEREAS**, pursuant to Article IV of such Local Law, the owners of certain property located on Root avenue in the Town of Southeast known generally as the “Root Avenue Subdivision” have filed a written request for relief from the restriction of such moratorium to allow them to subdivide the property into more than four (4) lots; and

**WHEREAS** representatives of the owner have appeared before the Town Board and presented proposed subdivision plans; and

**WHEREAS**, the Planning Board of the Town of Southeast has reviewed the proposal in accordance with the provisions of the moratorium local law; and

**WHEREAS**, the applicant was afforded ample opportunity to submit arguments in support of their request for a waiver to allow its project to go forward while the moratorium remains in effect.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board finds and determines that such variance or waiver is not consistent with the spirit of the master plan and prospective zoning code amendments being considered, is not consistent with the health, safety and general welfare of the Town; and the strict application of the provisions of Local Law No. 7 of 2004 to the specific property will not cause undue economic hardship which is unique to that specific property; and be it further

**RESOLVED** that, based upon the foregoing findings of fact, a Waiver is hereby DENIED to the applicant pursuant to Article IV of Local Law No. 7 of 2004, as amended.

**UPON ROLL CALL VOTE:**

Supervisor Dunford-Aye                      Councilman Johnson-Aye  
Councilman Honeck-Aye                      Councilman Bonanno-Aye  
Councilwoman Mitts-Aye

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

**RESOLUTION #54 /2004 TURK HILL EAST ESTATES SUBDIVISION  
MORATORIUM/DENIAL OF WAIVER**

Introduced By: Councilman Honeck  
Seconded By: Councilman Johnson

**WHEREAS**, on June 3, 2004 this Town Board adopted Local Law No. 7 of 2004, which imposed a moratorium on certain residential subdivisions in the Town of Southeast, and

**WHEREAS**, pursuant to Article IV of such Local Law, the owners of certain property located on Turk Hill Road in the Town of Southeast known generally as the “Turk Hill East Estates Subdivision”, have filed a written request for relief from the restriction of such moratorium to allow them to subdivide the property into more than four (4) lots; and

**WHEREAS**, representatives of the owner have appeared before the Town Board and presented proposed subdivision plans; and

**WHEREAS**, the Planning Board of the Town of Southeast has reviewed the proposal in accordance with the provisions of the moratorium local law; and

**WHEREAS**, the applicant was afforded ample opportunity to submit arguments in support of their request for a waiver to allow its project to go forward while the moratorium remains in effect.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board finds and determines that such variance or waiver is not consistent with the spirit of the master plan and prospective zoning code amendments being considered; is not consistent with the health, safety and general welfare of the Town; and the strict application of the provisions of Local Law No. 7 of 2004 to the specific property will not cause undue economic hardship which is unique to that specific property; and be it further

**RESOLVED** that, based upon the foregoing findings of fact, a Waiver is hereby DENIED to the applicant pursuant to Article IV of Local Law No. 7 of 2004, as amended.

**UPON ROLL CALL VOTE:**

Supervisor Dunford-Aye                      Councilman Johnson-Aye  
Councilman Honeck-Aye                      Councilman Bonanno-Aye  
Councilwoman Mitts –Aye

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

**RESOLUTION #55 /2004 WATERVIEW ESTATES SUBDIVISION  
MORATORIUM/DENIAL OF WAIVER**

Introduced By: Councilwoman Mitts  
Seconded By: Councilman Honeck

**WHEREAS**, on June 3, 2004 this Town Board adopted Local Law No. 7 of 2004, which imposed a moratorium on certain residential subdivisions in the Town of Southeast; and

**WHEREAS**, pursuant to Article IV of such Local Law, the owners of certain property located on Allview Avenue in the Town of Southeast known generally as the Waterview Estate Subdivision”, have filed a written request for relief from the restriction of such moratorium to allow them to subdivide the property into more than four (4)lots; and

**WHEREAS**, representatives of the owner have appeared before the Town Board and presented proposed subdivision plans; and

**WHEREAS**, the Planning Board of the Town of Southeast has reviewed the proposal in accordance with the provisions of the moratorium local law; and

**WHEREAS**, the applicant was afforded ample opportunity to submit arguments in support of their request for a waiver to allow its project to go forward while the moratorium remains in effect.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board finds and determines that such variance or waiver is not consistent with the spirit of the master plan and prospective zoning code amendments being considered; is not consistent with the health, safety and general welfare of the Town, and the strict application of the provisions of Local Law No. 7 of 2004 to the specific property will not cause undue economic hardship which is unique to that specific property; and be it further

**RESOLVED** that, based upon the forgoing findings of fact, a Waiver is hereby DENIED to the applicant pursuant to Article IV of Local Law No. 7 of 2004, as amended.

**UPON ROLL CALL VOTE:**

Supervisor Dunford-Aye                      Councilman Johnson-Aye  
Councilman Honeck-Aye                      Councilman Bonanno-Aye  
Councilwoman Mitts-Aye

VOTE: carried by a vote of 5 in favor; 0 against; 0 abstained.

**RESOLUTION #56 /2004 GRANTING A WETLANDS PERMIT FOR PERRY  
PALAZZETTI**

Introduced By: Councilman Bonanno  
Seconded By: Councilman Johnson

**WHEREAS**, the Conservation Commission of the Town of Southeast rendered a decision dated July 27, 2004 with the application of **Perry Palazzetti** to (a) allow .44 acre of pavement and .69 acre of fill, dry swale, and related drainage facilities within the 130 foot watercourse buffer. All of these activities are located in watercourse buffer areas. The property is located at Hardscrabble Heights Drive. Tax Map #79.-2-80, in the Town of Southeast, Putnam County, New York.

**WHEREAS**, the Town Board finds that there is no reason to upset the determination of the Conservation Commission in connection with said application,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Southeast hereby declines to exercise its power to overturn the July 27, 2004 determination of the Conservation Commission regarding the application from **Perry Palazzetti** for a wetlands permit for property located on Hardscrabble Heights Drive, Town of Southeast, Putnam County, subject to the terms and conditions imposed by the Town of Southeast Conservation Commission.

**UPON ROLL CALL VOTE:**

Supervisor Dunford-Aye                      Councilman Bonanno-Aye  
Councilman Johnson-Aye                      Councilwoman Mitts-Nay  
Councilman Honeck-Aye

VOTE: carried by a vote of 4 in favor, 1 against, 0 abstained.

**RESOLUTION #57 /2004 GRANTING A WETLANDS PERMIT FOR LAWES CONSTRUCTION**

Introduced By: Councilman Johnson  
Seconded By: Councilman Honeck

**WHEREAS**, the Conservation Commission of the Town of Southeast rendered a decision dated July 27, 2004 with the application of **Laws Construction** to (a) temporarily store pipe, fire hydrants, crushed stone, gravel bedding, & pre-cast man holes for the installation of potable waste distribution and wastewater collection systems for the Village of Brewster (b) temporarily place a construction office trailer for same project on the site. All of these activities are located in watercourse buffer areas. The property is located at North Main Street, in the Town of Southeast, Putnam County, New York.

**WHEREAS**, THE Town Board finds that there is no reason to upset the determination of the Conservation Commission in connection with said application.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Southeast hereby declines to exercise its power to overturn the July 27, 2004 determination of the Conservation Commission regarding the application from **Laws Construction** for a wetlands permit for property located on North Main Street, Town of Southeast, Putnam County, subject to the terms and conditions imposed by the Town of Southeast Conservation Commission.

**UPON ROLL CALL VOTE:**

Supervisor Dunford-Aye                      Councilman Bonanno-Aye  
Councilman Johnson-Aye                      Councilwoman Mitts-Aye  
Councilman Honeck-Aye

VOTE; carried by a vote of 5 in favor, 0 against, 0 abstained.

**RESOLUTION #58 /2004 GRANTING A WETLANDS PERMIT FOR TOWN OF SOUTHEAST**

Introduced By: Supervisor Dunford  
Seconded By: Councilman Honeck

**WHEREAS**, the Conservation Commission of the Town of Southeast rendered a decision dated July 27, 2004 with the application of **The Town of Southeast** to (a) install 30 cubic yards of fill for final grading of in-line rink (b) install portions of asphalt skating rink, dasher boards, chain link fence, and retaining wall, (c) install storm drainage pipe. All of these activities are located in watercourse buffer areas. The property is located at Pumphouse Road, Tax Map No. 45.-83-1-1, in the Town of Southeast, Putnam County, New York.

**WHEREAS**, the Town Board finds that there is no reason to upset the determination of the Conservation Commission in connection with said application.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Southeast hereby declines to exercise its power to overturn the July 27, 2004 determination of the Conservation Commission regarding the application for **The Town of Southeast** for a wetlands permit for property located on Pumphouse Road, Town of Southeast, Putnam County, subject to the terms and conditions imposed by the Town of Southeast Conservation Commission.

**UPON ROLL CALL VOTE:**

Supervisor Dunford-Aye                      Councilman Bonanno-Aye  
Councilman Johnson-Aye                      Councilwoman Mitts-Aye  
Councilman Honeck-Aye

VOTE: carried by a vote of 5 in favor, 0 against, 0 abstained.

**AGREEMENT WITH INSITE ENGINEERING**

Councilman Johnson made a motion for Supervisor to Sign Agreement with Insite Engineering. Councilman Bonanno seconded. All in favor.

**RESOLUTION#59 – ORDER ESTABLISHING WESTON CHASE DRAINAGE DISTRICT**

Introduced By Councilman Honeck  
Seconded By Councilwoman Mitts

AT A REGULAR meeting of the Town Board of the Town of Southeast, in the County of Putnam, New York, held at the Town Civic Center, 67 Main Street, Brewster, New York on August 19, 2004.

PRESENT: Hon. John Dunford, Supervisor  
Hon. Paul Johnson, Deputy Supervisor  
Hon. Richard Honeck, Councilman  
Hon. Pat Bonanno, Councilman  
Hon. Lorraine Mitts, Councilwoman

-----X

IN THE MATTER OF THE ESTABLISHMENT  
OF WESTON CHASE DRAINAGE DISTRICT  
IN THE TOWN OF SOUTHEAST  
COUNTY OF PUTNAM, STATE OF NEW YORK

**ORDER ESTABLISHING  
SPECIAL DISTRICT**

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**WHEREAS**, a map, plan and report relating to the establishment of the Weston Chase Drainage District, prepared by Bibbo Associates, Inc. and Terry Bergendorff Collins, Surveyor, in such manner and in such detail as has hereto before been determined by the Town Board of the Town of Southeast, New York, relating to the establishment of a proposed drainage district, to be known and designated as Weston Chase Drainage District, in accordance with the requirements of Article 12 of the Town Law; and

**WHEREAS**, an Order was duly adopted by this Town Board on June 24, 2004, reciting the filing of said map, plan and report, the boundaries of the proposed district, the proposed method of financing the maintenance of the improvements, the fact that said supporting documentation were on file with the Town Clerk and available for inspection, and stating all other matters required by law to be stated, and specifying July 15, 2004 as the date, at 7:31 PM in the evening on said day as the time, at the Civic Center, 67 Main Street, Brewster, NY, within the Town of Southeast, NY, as the place where this Town Board would meet to consider said map, plan and report, and to hear all persons interested in the matter, and persons having appeared and having given testimony in favor of and in opposition to the establishment of the proposed Weston Chasse Drainage District; and

**WHEREAS**, the drainage facilities have been constructed within the proposed district at no cost or expense to the Town of Southeast nor to the owners of individual lots within said proposed district.

**NOW, THEREFORE**, after due deliberation, it is

**RESOLVED AND DETERMINED:**

a) That the notice of hearing was published and posted in the Journal News on July 5, 2004 a date not less than ten (10) nor more than twenty (20) days prior to the public hearing and posted as required by law, and is otherwise sufficient;

(b) That all property and property owners within the proposed district are benefited by the improvements thereby;

(c) That all property and property owners benefited are included within the limits of the proposed district; and

(d) That it is in the public interest to establish said Weston Chase Drainage district; and be it further

**RESOLVED AND DETERMINED:**

That the establishment of the Weston Chase Drainage District is deemed to be an "Unlisted" action pursuant to the State Environmental Quality Review Act and that it is hereby declared that the establishment thereof is not likely to have an adverse impact on the environment; and be it further

**RESOLVED AND DETERMINED:**

That the establishment of the proposed Drainage District, as set forth on said map, plan and report be approved; that the drainage improvements and structures therein constructed by the developer of the Weston Chase Subdivision, was completed to the satisfaction of the Town's engineering consultants, be accepted for dedication by said district at no cost to the Town or the district; and such district shall be known and designated as the "Weston Chase Drainage District" and shall be bounded and described as set forth in Exhibit "A" annexed hereto and made a part hereof; and be it further

**RESOLVED AND DETERMINED:**

That within ten (10) days after the expiration of thirty (30) days after the adoption hereof, the Town Clerk be, and hereby is, authorized and directed to file a

certified copy of this Order and Resolution with the Office of the Clerk of the County of Putnam, which is the County in which the said Town of Southeast is located, and in the Office of the State Department of Audit and Control, within ten (10) days after the expiration of thirty (30) days after the adoption, pursuant to the provisions of Town Law; and be it further

**RESOLVED AND DETERMINED:**

That within ten (10) days after the adoption hereof, the Town Clerk be and hereby is, authorized and directed to file a certified copy of this order and Resolution with the Office of the Clerk of the County of Putnam, which is the County in which the said Town of Southeast is located and in the Office of the State Department of Audit and Control, pursuant to the provisions of Town Law.

Upon Roll Call Vote:

Supervisor Dunford – aye

Councilman Johnson – aye

Councilman Honeck – aye

Councilman Bonanno – aye

Councilwoman Mitts – aye

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

**NEW BUSINESS**

Councilman Johnson asked people not to feed geese and swans in Tonetta and Peach Lake, since they are becoming a problem.

Councilman Honeck said that he thought it was better to go along with the moratorium than to give variances.

County Executive Bondi commended the Town Board on the way they conduct their meetings. He said they were very professional. He said he was working with Economic Development regarding funding the village of Brewster with the Main Street revitalization. Supervisor Dunford said that the Town Board was fully supportive.

Stuart Arbeit said he has been trying to rent 997 Route 22 and was having trouble renting it because of the moratorium.

There is a proposal from Insite Engineering regarding drainage Districts.

Mayor Cesar rang the bell and proclaimed that the town was in the middle of the road and that the first meeting of the town was held in a house that also was in the middle of the road. He presented the Supervisor with pictures and plaques commemorating this accomplishment.

Ms. Ekhardt questioned the FOIL request form. Town Clerk Mazzei explained that she had spoken with Bob Freeman, the Director in Albany and he said that the form complied with the state law, but the word political should be removed.

Kathy Croft asked about the web site and Ms. Mitts said that they are in the final stretch.

Supervisor Dunford made a motion to close the meeting and Councilman Johnson seconded. All in favor.

Respectfully submitted,

Ruth A. Mazzei  
Southeast Town Clerk

<b>BUDGET TRANSFER and APPROPRIATION INCREASE REQUEST</b>					
<b>To: Budget Officer</b>					<b>Date: 8/19/2004</b>
<b>Town Board</b>					
<b>Prepared By:</b>	<u>Town Accountant</u>				
<b>From Account Code</b>	<b>Description</b>	<b>Amount</b>	<b>To Account Code</b>	<b>Description</b>	<b>Amount</b>
<b><u>GENERAL FUND TOWN WIDE - A</u></b>					
1220.4 - A	Supervisor Contractual	1,000.00	1220.2 - A	Supervisor Equipment	1,000.00
1930.4 - A	Judgements & Claims	1,250.00	1910.4 - A	Unallocated Insurance	50.00
			1911.4 - A	Tax Refunds	1,200.00
<b><u>INCREASE APPROPRIATIONS BY USING UNAPPROPRIATED UNRESERVED FUND BALANCE OR UNANTICIPATED REVENUES</u></b>					
<b>(Increase Appropriation and Revenue Budget)</b>					
<b><u>GENERAL FUND TOWN WIDE - A</u></b>					
3005.0 - A	Mortgage Tax	27,000.00	1440.4 - A	Engineer Contractual	5,000.00
			1650.4 - A	Central Communications	4,500.00
			7521.4 - A	Old Town Hall Contractual	2,000.00
			8095.4 - A	Watershed Contractual	3,500.00
			8810.4 - A	Cemeteries Contractual	12,000.00
<b><u>BREWSTER HEIGHTS SEWER - SS2</u></b>					
599.0 - SS2	Appropriated Fund Balance	1,500.00	9950.9 - SS2	Transfer To Capital Project Fund	1,500.00