

**TOWN CLERKS MINUTES OF
REGULAR MEETING
TOWN BOARD
NOVEMBER 18, 2004**

Present: Supervisor Dunford
Councilman Johnson
Councilman Honeck
Councilman Bonanno
Councilwoman Mitts

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

And: Approximately 16 persons

REGULAR MEETING

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

Pledge of Allegiance

Notation of Exits

Brief Explanation of Town Board's Decision-Making Process

REVIEW OF MINUTES

Supervisor Dunford made a motion to review the minutes of October 14, 2004, Special Meeting and October 28, 2004, Regular Meeting, which was deferred, Councilwoman Mitts seconded. All in favor.

CORRESPONDENCE

Councilman Johnson made a motion to waive the reading of the correspondence and Councilman Bonanno seconded. All in favor.

Correspondence Received

1. Chazen Engineering & Land Surveying Co., P.C. Re: Evaluation of Water District Creation Job # 80358.00

2. Amy E. Campanaro, Executive Director Southeast Museum Re: Museum's Financial Reports for the Last Two Years
3. New York State Environmental Facilities Corporation Re: NYC Watershed – WWTP Upgrade Program Brewster Heights Sewer District #1, Change Order Approval
4. State of New York Office of the State Comptroller Re: Social Security Contributions During the Year 1986
5. Putnam County Division of Planning & Development Re: Zoning Amendments, Subdivision Amendments
6. Putnam County Industrial Development Agency Re: Putnam County Industrial Development Agency Tax-Exempt Assistance for United Cerebral Palsy Association of Putnam and Southern Dutchess Counties, Inc. Project in the Town of Southeast
7. Gretchen E. Yarnall Re: Invitation to Comment Under Section 106 Proposed Telecommunications Tower American Tower Site ID No. 09210D (Hillside Park Site) 87 Hillside Park, Brewster BL Project No. 04L0271
8. Hogan & Rossi Re: Proposed Local Law to Amend Chapter 138 of the Town Code "Zoning"; Premises: NYS Route 312; Tax Map Designation: Map 45. Block 2, Lots 55 and 56, Emgee Highlands Corporation
9. Ann Fanizzi Re: Comments for the Revision of the Zoning Code
10. P. Daniel Hollis III Re: Protest Petition Property Location: 50 Fields Lane Brewster NY Tax Map Designation: Map78, Block 2, Lot 12;, Envirostar Ventures, LLC
11. Office of the State Comptroller Re: Accounting for Pension Payments
12. James P. Lundy II Re: Zoning Amendments
13. Ann Fanizzi Re: FOILING for Documents
14. Elizabeth Fitzpatrick Re: Foil Request for Fisher Subdivision – Nelson Blvd.
15. Memorandum from Ron Harper to the Supervisor Re: Various Updates for the Week Ending 10/15/04 and 10/22/01, 10/29/04
16. Dianne Chipman/Connie Fagen Re: NYS Rural Preservation Program
17. Keane and Beane, P.C. Re: Proposed Amendment to the Southeast Town Code: Chapter 138, Zoning
18. Keane & Bean, P.C. Re: Proposed Amendments to the Southeast Town Code: Chapter 138, Zoning – Property Location : Pugsley road Tax Map Designation: Map 45, Block1, Lots 10 and 11 Owner – UJA Federation of New York
19. Keane & Bean, P.C. Re: Proposed Amendments to the Southeast Town Code: Chapter 138, Zoning, Article XII, Signs
20. Putnam County Industrial Development Agency Re: Putnam County Industrial Development Agency Taxable financing, and Additional Financial Assistance For Sincerity Project in the Town of Southeast
21. State of New York Department of State Re: Addendum to Form for FOIL
22. Jim Bruen Re: Foil Request for Copies Zoning Board Meeting Minutes of Sept. 20th.
23. Sy Globerman, Supervisor Town of North Salem Re: Environmental Initiative on Peach Lake
24. City of Danbury Re: Petition of Woodland Group II, LLC, Saw Mill Road & 13-37 Old Ridgebury Rd. (#A16002 & #C16012) – Amend Master Plan for Planned Neighborhood Development ("The Reserve") Previously Approved on 11/26/02
25. Theresa Ryan Re: Foil Request for Local Law #9 of 2003

26. Ann Fanizzi Re: Foil Request for Site Plan and any Correspondence with DEP/Tom Fenton for the Durkin Farm
27. George Yourke Re: Foil Request for Copies of any Correspondence or Documents Since September 2004 Review of any Plans filed
28. George Yourke Re: Senior Housing
29. George Yourke Re: Waterview Estates Subdivision
30. Susan Rebentisch Re: Foil Request for Documents Relating to the Lakeview Estates Development
31. Chazen Engineering & Land Surveying Co., P.C. Re: Addendum #3 Town of Southeast – Blackberry Hill and Fox Hill Water Districts New Production Wells Job #89845.00
32. Ann Fanizzi Re: Foil Request for all Written Comments made by Participants at the Public Hearing on 10/14/04
33. Kurtrahn Re: Foil Request for Minutes of 9/6/33
34. Sean Moynihan, Esq. Re: October 29,2004 Upstate Water Coalition Meeting
35. NYS Department of Environmental Conservation Re: Town of Southeast Landfill: March 2004 Sampling Activities
36. NYS Environmental Facilities Corporation Re: Upgrade Contract for Blackberry Hill Sanitary Sewer District STP
37. Sy Globerman, Supervisor Town of North Salem Re: Peach Lake Legislative Solution
38. Frank Paukner Re: Drop Inlet on Seven Oaks Lane
39. Peter Domin Re: Community Tag Sale at the Blackberry Special Park District
40. Malcolm Pirnie Re: Brewster Heights WWTP Upgrade Construction Field Order #1 – EQ Tank Level Sensor Substitution
41. Malcolm Pirnie Re: Brewster Heights WWTP Upgrade Construction Field Order #10 – UV Disinfection Equipment
42. Board of Elections Re: General Election 2004 – Sealing The Voting Machines
43. Christine Krupka Re: Permit Application to Stock Triploid Grass Carp in Lake Tonetta (Town of Southeast)
44. Peter Weisner Re: Foil Request for 451 Gage Road – Subdivision Planning File
45. Ms. Bingham Re: The Morning Star Shop
46. New York State Environmental Facilities Corporation Re: Upgrade Contract for Brewster Heights Sewer District #1 Disbursement Request Number 24
47. Doreen Bentson Re: Brewster Little League
48. State of New York DEC Re: Final Intended Use Plan Clean Water State Revolving Fund for Water Pollution Control – Federal Fiscal Year 2005
49. P. Daniel Hollis Re: 30-38 Old Mine Road Tax Map No. 56.9-1-11
50. Ernamarie Koepke Re: Protest Petition – Property on Route 312 Near the Intersection of 312 and Interstate 84 Tax Map No.-2-53
51. Kurt Warm and Ernamarie Koepke Re: Protest Petition – Property on Route 312 Near the Interstate of Interstate 84 Tax Map No.-2-54
52. Geraldine Warm and Ernamarie Koepke as Co-Executrixes of the Estate of Mildred Warm Re: Protest Petition – Property on 312 near the Intersection of Interstate 84 Tax Map No. 45.-2-52 Envirostar Ventures, LLC. Et al., Re: Protest Petition for Property Located on Fields Lane

53. Zarin & Steinmetz Re: Studley Property, Brewster, New York 17.56 Vacant Property With Frontage on Route 6
54. New York Insurance Fund Re: Southeast Mechanical Corp. 54 Sodom Road, Brewster, New York
55. George Yourke Re: Waterview Estates

Correspondence Sent

1. Ms. Amy Campanaro, Executive director Southeast Museum Re: Financial Statements for the Last Two Years
2. Driveway Permit Re: Townsend Lane, Tax Map 35.-2-44 Sublot 22
3. Board of Trustees, Brewster Public Library Re: Financial Statements for the Last Two Years
4. Mr. Anthony R. Molé, Curtiss, Leibel & Shilling, P.C. Re: Gasland Petroleum, Inc.
5. Mr. & Mrs. Paul Pember Re: Purchase of Paper Road
6. Dr. Mark S. Lewis Re: Stormwater Management Curriculum
7. Mr. Paukner Re: Catch Basin
8. Robert H. Sammons Re: Report #55 for the Brewster Heights Wastewater Treatment Plant Upgrade and Report #50 for the Blackberry Hill Sewer District Treatment Facility

VOUCHERS

Councilman Honeck made a motion to approve the Voucher List in the amount of \$344,930.31. Councilman Bonanno seconded. All in favor.

MEETING DATES

Councilman Bonanno made a motion to set Meeting Dates. Councilman Honeck seconded. All in favor.

December 2, 2004	7:30PM Civic Center	Work Session
December 9, 2004	7:30PM Civic Center	Work Session
December 16, 2004	7:30PM Civic Center	Regular Meeting

PUBLIC HEARINGS

Councilwoman Mitts made a motion to call for the following hearings. Councilman Honeck seconded. All in favor.

December 16, 2004	7:30PM Civic Center	Release of Performance Bond Roma Pools
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7:31PM Civic Center

Release of Performance
Bond/Dedication of Road
Middlebranch Manor Subdiv.

7:32PM Civic Center

Amendment Local 1/2001

MOTION-AUTHORIZING BUDGET TRANSFERS

Councilman Honeck made a motion authorizing attached Budget Transfers.
Councilman Bonanno seconded. All in favor.

MOTION-ADOPTION OF 2005 BUDGET

Councilman Johnson made a motion to adopt the 2005 Town of Southeast Budget.
Councilman Honeck seconded. All in favor.

RESOLUTION # /2004 TERRAVEST INDUSTRIAL ACCESS PROGRAM

Introduced By: Councilman Bonanno

Seconded By: Councilman Johnson

WHEREAS, the Putnam County Economic Development Corporation (“PCEDC”) applied for and was awarded a financial assistance package from the NYS Department of Transportation’s Industrial Access Program (“LAP”) for improvements to roads and intersections within the Town of Southeast which access the Terravest Industrial Park; and

WHEREAS, it has become evident that the PCEDC does not meet the necessary criteria to serve as sponsor of the LAP; and

WHEREAS, the PCEDC has requested the Town of Southeast to serve as replacement sponsor.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board finds and declares that the LAP will benefit the Town through the enhancement of town roads and intersections which currently serve the Terravest Industrial Park, thereby improving traffic flow and safety, and be it further

RESOLVED, based upon the foregoing, that the Supervisor be and hereby is authorized to execute any and all documents, contracts and agreements approved by the Town’s counsel necessary and appropriate to obtain the funding offered by the LAP and to administer the construction project contemplated there under.

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.

MOTION-CONTRACT WITH PUTNAM COUNTY HUMANE SOCIETY

Councilwoman Mitts made a motion authorizing Supervisor to sign 2005 contract with the Putnam County Humane Society. Councilman Bonanno seconded. All in favor.

RESOLUTION # /2004 AUTHORIZING SUBMISSION OF INDIVIDUAL PROGRAM APPLICATION-YOUTH SERVICES

Introduced By: Councilman Honeck
Seconded By: Councilman Johnson

WHEREAS, the Town of Southeast state eligibility for New York State Office of Children and Family Services (OCFS) funds for the Youth Services Program is \$4,550.00 for the calendar year 2005 and

WHEREAS, an application for such funds has been forwarded to the Director Town of Southeast Recreation Department, and must be signed and returned to the Putnam County Youth Bureau on or before December 31, 2004 and

WHEREAS, OCFS requires that each municipality applying for such funding must pass a municipal resolution authorizing the submission of such program application by December 31, 2004; nor therefore be it

RESOLVED, the Town Supervisor is hereby authorized to execute and deliver to the Putnam County Youth Bureau, for submission to OCFS, the appropriate Individual Program Application, as required to secure New York State OCFS funds for the Youth Services Program for the calendar year 2005.

UPON ROLL CALL VOTE:

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

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

RESOLUTION # /2004 AUTHORIZING SUBMISSION OF INDIVIDUAL PROGRAM APPLICATION-RECREATION

Introduced By: Councilman Johnson
Seconded By: Councilman Honeck

WHEREAS, the Town of Southeast state eligibility for New York State Office of Children and Family Services (OCFS) funds for the Recreation Program is \$5,156.00 for the calendar year 2005 and

WHEREAS, an application for such funds has been forwarded to the Director of the Town of Southeast Recreation Department, and must be signed and returned to the Putnam County Youth Bureau on or before December 31, 2004 and

WHEREAS, OCFS requires that each municipality applying for such funding must pass a municipal resolution authorizing the submission of such program application by December 31, 2004; now therefore be it

RESOLVED, the Town Supervisor is hereby authorized to execute and deliver to the Putnam County Youth Bureau, for submission to OCFS, the appropriate Individual Program Application, as required to secure New York State OCFS funds for the Recreation Program for the calendar year 2005.

UPON ROLL CALL VOTE:

Supervisor Dunford-Aye
Councilman Bonanno-Aye
Councilman Johnson-Aye

Councilman Honeck-Aye
Councilwoman Mitts-Aye

MOTION-APPOINTMENT OF ASSISTANT BUILDING INSPECTOR

Supervisor Dunford made a motion to appoint Jose Hernandez as the Assistant Building Inspector. Councilman Honeck seconded. All in favor.

RESOLUTION # /2004 ADOPTING LOCAL LAW TO AMEND CHAPTER 3 OF THE TOWN CODE - RELATING TO ARCHITECTURAL REVIEW BOARD

Introduced By: Councilwoman Mitts
Seconded By: Councilman Honeck

WHEREAS a resolution having been 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 amend Chapter 3 of the Town Code relating to the Architectural Review Board; 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 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. 12 of 2004 amending Chapter 3 of the Town Code, 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 Bonanno-Aye
Councilwoman Mitts-Aye

Councilman Johnson-Aye
Councilman Honeck-Aye

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

**Town of Southeast, Putnam County, NY
Local Law No. 12 of 2004**

A LOCAL LAW entitled: “**A Local Law to Amend Chapter 3 of the Town Code, ‘Architectural Review Board’.**”

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

Section 1. Legislative Intent

The Town Board of the Town of Southeast has embarked upon a process of updating its Comprehensive Plan and local land use regulations to protect the community character and environmental quality of the Town. On June 20, 2002, the Town Board adopted an updated Comprehensive Plan. The Amendments contained within this Local Law are

intended to achieve the following recommendations contained with the Town's Comprehensive Plan:

- Encourage businesses that market the scenic qualities of the Town such as tourism and lodging provided that strong design and siting criteria are established to prevent unwanted impacts on residential neighborhoods.
- Update inventory of local historic resources and establish a program to protect the resources.

Section 2. Amendments to Chapter 3, "Architectural Review Board"

Chapter 3 of the Code of the Town of Southeast is amended, in part, to read:

Section 3-3, "Jurisdiction" is amended to read:

A. The ARB shall review and advise on all plans in the following categories:

- (6) All project development plans (site plans) submitted to the Planning Board, such plans to be submitted to the ARB by the Planning Board in time to provide for an ARB advisory report to the Town Board prior to Planning Board site plan approval.
- (7) Plans for construction or erection of signs as described in Article XII of Chapter 138 of the Code of the Town of Southeast. The ARB shall use the guidelines established in Section 138-77 in reviewing sign applications.

Section 3-5, "Decision process; actions following decisions," is amended, in part, to read:

A. The ARB shall report its decision on each case referred to it, in writing, to the Town Board within 45 days of its first regular meeting following receipt of a complete application for approval. Copies of such reports are to be distributed to any agency of the Town of Southeast concerned with the project under consideration. A copy of each such report shall be placed in the Planning Board file and in the permanent ARB file and shall be filed with the Town Clerk for posting in a public place for a period of 30 days. Unless otherwise determined by resolution of the Town Board, the determination of the ARB shall constitute the basis on which the application is approved, approved with conditions, or disapproved. A determination by the ARB resulting in an "Action reserved" finding shall not require submission of a report or review by the Town Board.

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

RESOLUTION # /2004 ADOPTING LOCAL LAW TO AMEND CHAPTER 83 OF THE TOWN CODE

Introduced By: Councilman Honeck
Seconded By: Councilman Johnson

WHEREAS, a resolution having been 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 amend Chapter 83 of the Town Code relating to the Historic Sites and Historic Districts; 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 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. 13 of 2004 amending Chapter 83 of the Town Code, 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 Bonanno-Aye
Councilman Mitts-Aye

Councilman Johnson-Aye
Councilman Honeck-Aye

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

**Town of Southeast, Putnam County, NY
Local Law No. 12 of 2004**

A LOCAL LAW entitled: “A Local Law to Amend Chapter 83 of the Town Code, ‘Historic Sites’.”

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

Section 1. Legislative Intent

The Town Board of the Town of Southeast has embarked upon a process of updating its Comprehensive Plan and local land use regulations to protect the community character and environmental quality of the Town. On June 20, 2002, the Town Board adopted an updated Comprehensive Plan. The Amendments contained within this Local Law are intended to achieve the following recommendations contained with the Town’s Comprehensive Plan:

Update inventory of local historic resources and establish a program to protect the resources.

Section 2. Chapter 83 re-titled

Chapter 83 of the Code of the Town of Southeast is re-titled to “Historic Sites and Historic Districts.”

Section 3. Amendments to Chapter 83

Chapter 83 is amended, in part, to read:

Section 83-1, “Purpose” is amended to read:

- A. To effect and accomplish the protection, enhancement and perpetuation of these landmarks, these historic sites, and these districts which represent or reflect elements of the town’s cultural, social, economic, political, and architectural history.

Section 83-2, “Delineation of Sites” is re-titled to “Delineation of sites and districts” and amended to read:

- D. Red Rooster. The Red Rooster restaurant (Tax ID: 46.-2-43) is an example of 1950s roadside architecture and its design (including building form, color, lighting, and signs) is iconic of that era and of American roadside architecture in general.
- E. Tilly Foster Mine. The Tilly Foster Mine (Tax ID: 56.-1-9, 56.-1-11, 56.-1-12, 56.-1-13, 56.-1-14, 56.-1-18, 56.-1-19) First mined in 1853 by the Harvey Iron and Steel Company, the Tilly Foster mine boomed under the auspices of the Lackawanna Iron and Coal Company of Scranton, Pennsylvania, who acquired the mine in 1879. At its height of production, the mine employed hundreds of workers extracting 7,000 tons per month. By 1890, the owners converted the mine to an open pit. At one time, the pit was the largest man-made hole in the world. However, in 1895, a major collapse occurred and the mine was closed. The mine is known worldwide for its unique variety and expanse of rocks and minerals, which are included in the collections of major museums.
- F. Starr Ridge Historic District. All property within the boundaries of the Starr Ridge Historic Area: all properties that have land that abuts either Starr Ridge Road or Starr Lea Road south of I-84.

G. Milltown Historic District. All property within the boundaries of the Milltown Historic Area: all properties that have land abutting either Milltown Road or that portion of Federal Hill Road from Milltown Road to Joe's Hill Road.

H. Local Historic Sites. The following sites are designated as local landmarks:

S/B/L	Site Name	Site No	Address	Street
36.17-1-25	David DeForest House	1	2	Sherwood Hill Rd
44.-1-2	T. Kelley Residence	1	147	Simpson Rd
46.-1-19	Old Southeast Church Cemetery	1	1601	Rt 22
46.-2-33	Doanesburg School	2	1664	Rt 22
46.-2-33	Old Southeast Church	1	1664	Rt 22
46.-3-7	J. Minor House	1	772	Rt 312
46.-5-17	Rocky Dell Farm	1	161	Doansburg Road
46.-5-18	Rocky Dell Farm	1	175	Doansburg Road
47.-2-26	Sherwood House	1	160	Sherwood Hill Rd
56.-1-60	Enoch Crosby Homestead	1	8	Enoch Crosby Rd
56.18-1-34.1	Reed-Bloomer House	1	150-152	Putnam Av
57.-1-17	Budd's Tavern	1	1430-1432	Rt 22
57.5-3-2	Waring Homestead	1	11	Minor Rd
57.5-3-28	Triangle House	1	512	Tonetta Lake Rd
57.18-1-2	Stonehenge - Howes Residence	1	10	Brewster Hill Rd
57.18-1-3	Yale House	1	2-4	Brewster Hill Rd
67.6-1-41	Howes House	1	1083	Drewville Rd
67.11-1-5	Old Thomasville Corners House	1	4	Turk Hill Rd
67.16-1-3	Egbert Howes House	1	115	Turk Hill Rd
67.16-1-18	Isaac Field House	3	100-114	Turk Hill Rd
67.16-1-18	Morningthorpe	1	100-114	Turk Hill Rd
67.16-1-18	J. Brush Home	2	100-114	Turk Hill Rd
67.18-1-1	H. Dean House	1	74	Deans Corner Rd
67.25-1-10	Yale House	1	2637-2639	Carmel Av
78.-1-58	Drewcliffe Cemetery	1		Rt 684
78.-2-12	Field House	1	50	Fields Ln
79.-1-9	Rundle House	1	283	Starr Ridge Rd
79.-1-39	Ryder Homestead	2	400-406	Starr Ridge Rd
80.5-1-12	DF Bailey House	1	214	Dingle Ridge Rd
80.5-1-12	AP Brush House	2	214	Dingle Ridge Rd

Section 83-7, "Powers and Duties of Commission" is amended to read:

- A. It shall be the duty of the commission to maintain the character of the historic sites and districts and to regulate and control the construction of new buildings, if any, and the reconstruction, repair or demolition of, or any other alterations or changes in, such historic sites, including but not limited to walls, fences, signs, steps, topographical features and paving, to ensure that any action taken in or with respect to such landmarks, areas, and historic sites are compatible with the existing character of such historic sites and districts.
- B. The commission shall have the authority to make recommendations to the Town Board of any property, area, or district to be designated as an historic site or district. The Town Board shall hold a public hearing on any proposed designation prior to adopting a Local Law amending this chapter to formally designate a property, area, or district as a local historic site or district.
- C. The commission shall have the authority to review changes in or alterations to historic sites and districts and to issue Certificates of Appropriateness per §83-8.

Section 83-8, "Certificates of appropriateness"

G. It shall be the duty of the Commission to consider the following guidelines when reviewing an application for a Certificate of Appropriateness:

(1) Site Design

- (a) The pattern and alignment of buildings and structures established by the traditional setbacks from the street should be maintained.
- (b) The traditional design vocabulary used for defining building entrances should be maintained.
- (c) The location and scale of fences, walls, and other similar objects should be maintained in their original location.
- (d) Parking lots should be sub-divided into small components so that the visual impact of large paved areas is reduced. Parking lots should be screened from view from public rights of way. Where historic paving materials exist in the area, similar materials should be used for new paving.

(2) Rehabilitation of Structures

- (a) Any construction or reconstruction to an historic structure should respect the original design character of the building.
- (b) New uses that require the least change to the existing structure should be encouraged.
- (c) The removal or altering of any historic material or significant architectural features should be avoided to the greatest extent possible. Examples of historically significant features include porches, window trim, cupolas chimneys and steps.
- (d) The replacement of missing architectural elements should be based on accurate duplications of original features.
- (e) The use of materials similar to those employed historically should be required.

- (f) Where reconstruction of an element is impossible because of a lack of historical evidence, then a new design that relates to the building in general size, scale, and material may be considered.
 - (g) Service equipment and trash containers should be screened from public view.
 - (h) On commercial buildings, large display windows at the street level that are characteristic off commercial buildings should be preserved.
 - (i) Original roof forms and pitch should be preserved where they contribute to the historic character of the building.
 - (j) Original roof materials that are visible from the street should be preserved.
 - (k) Historic trim and ornament should be preserved.
- (3) Additions to historic structures
- (a) Additions to existing buildings should be compatible with the size, scale, color, material, and character of the main building and its environments.
 - (b) New additions or alterations should not obscure or confuse the essential form and character of the original building.
 - (c) New additions or alterations that would hinder the ability to interpret the design character of the historic period of the district should be avoided.
 - (d) When locating additions to historic buildings, the pattern created by the repetition of building facades in the area should be maintained.

Section 4. Validity

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

Section 5. Effective Date

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

RESOLUTION # /2004 ADOPTING LOCAL LAW TO AMEND CHAPTER 87 OF THE TOWN CODE

Introduced By: Councilman Johnson

Seconded By: Councilman Bonanno

WHEREAS, a resolution having been 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 amend Chapter 87 of the Town Code relating to Junkyards,

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 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. 14 of 2004 amending Chapter 87 of the Town Code, 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 Bonanno-Aye
Councilman Mitts-Aye

Councilman Johnson-Aye
Councilman Honeck-Aye

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

**Town of Southeast, Putnam County, NY
Local Law No. 14 of 2004**

A LOCAL LAW entitled: “**A Local Law to Amend Chapter 87 of the Town Code, ‘Junkyards’.**”

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

Section 1. Legislative Intent

The Town Board of the Town of Southeast intends to clarify the process by which applicants would apply for a renewal permit and requires that a current map of the facility be submitted along with an inspection report filed by the Town Code Enforcement Officer certifying that operating conditions on the property meet all conditions set forth Chapter 87.

Section 2. Amendments to Chapter 87, “Junkyards”

Section 87-9, “Renewal of license” is amended, in part, to read:

“C. Upon annual expiration of a license issued per §87-5, an applicant shall apply for renewal of any license issued under this chapter. The applicant for such renewal will file

an application as required under §87-4. The Town Board shall obtain an inspection report filed by the Town Code Enforcement Officer certifying that operating conditions on the property meet all conditions set forth in this chapter prior to renewal of the permit.”

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.

RESOLUTION # /04 – ADOPTING A LOCAL LAW TO AMEND CHAPTER 123 OF THE TOWN CODE

Introduced by Councilwoman Mitts

Seconded by Councilman Honeck

WHEREAS, a resolution having been 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 amend Chapter 123 of the Town Code relating to the Subdivision of Land; 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 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. 15 of 2004 amending Chapter 123 of the Town Code, 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 Bonanno-Aye
Councilman Mitts-Aye

Councilman Johnson-Aye
Councilman Honeck-Aye

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

Town of Southeast, Putnam County, NY
Local Law No. 15 of 2004

A LOCAL LAW entitled: “**A Local Law to Amend Chapter 123 of the Town Code, ‘Subdivision of Land’.**”

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

Section 1. Legislative Intent

The Town Board of the Town of Southeast intends to make certain corrections and additions to the Subdivision of Land regulations to ensure orderly development within the community.

Section 2. Amendments to Chapter 123

Section 123-8.A is amended, in part, to read:

(5) Chapter 78, Freshwater and Wetlands Protection of the Town of Southeast

Section 123-13, “Final Plat,” is amended, in part, to read:

J. Filing of approved final subdivision plat. Upon completion of the requirements of this Article and Article IV, the final plat or any section thereof shall be deemed to have final approval and it shall be signed by the duly authorized officer of the Planning Board. The original copy of the plat shall be returned to the sub-divider, who shall file it in the office of the County Clerk. Any final plat or any section thereof not so filed or recorded within sixty (60) days of the date upon which such plat is signed by the duly authorized officer of the Planning Board or considered approved by reason of the failure of the Planning Board to act shall become null and void. The sub-divider shall provide the Town of Southeast with five (5) copies of the full-size filed plat, to be distributed to the Town Engineer, the Planning Board, the Town Clerk, the Tax Assessor and the Building Inspector and five (5) copies of the filed plat and all construction drawings on 11 inch by 17 inch or similar paper to be distributed to the Town Engineer, the Planning Board, the Town Clerk, the Tax Assessor and the Building Inspector.

Section 123-15, “Commencement of construction,” is amended, in part, to read:

A. The construction of required public improvements shall not be started nor shall any existing features, such as trees, be removed or relocated until the Planning Board has granted approval of the final plat or a section thereof and the sub-divider has complied with all conditions, including those set forth in Article III, §123-13.H.

Construction shall not commence until a pre-construction meeting has occurred and the approved limits of clearing, conservation easements, wetlands, watercourses, and wetland controlled areas have been flagged and demarked as "Protected Area".

- B. No property owner with an application for subdivision 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 subdivision approval, the alterations are required to complete technical investigations in support of the subdivision application, or until final approval of the pending subdivision application has been granted by the Planning Board and all conditions thereto have been met. 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 123-29.A, "Sketch Plan," is amended, in part, to read:

- F. Approximate location of wetlands, watercourses and their associated control areas as defined in Chapter 78.

Section 123-30.E, "Erosion and sediment control plan," is amended, in part, to read:

- E(1). "An erosion and sediment control plan shall be submitted by the sub-divider setting forth the provisions to be made and measures to be taken to adequately control and minimize erosion and sedimentation on the site of the proposed subdivision or re-subdivision during and after construction of all improvements thereon and to prevent off-site erosion and sedimentation. The Erosion and Sediment Control Plan shall be prepared in compliance with New York State Department of Environmental Conservation Phase II standards."

Section 123-31, "Final plat and supporting documents," is amended, in part, to read:

A(13) "Street names; house numbers; monuments"

- (a) The name of each street shall be shown on the final plat and shall be submitted to the Planning Board together with a copy of a Town Board resolution approving the street names (see §123-35.E).

Section 123-35.A, "Streets," is amended, in part, to read:

- A(1)(b) "Streets should in general follow the contour of the land and should have a location and grade that preserves desirable trees and natural features. All streets should be located fifty (50) feet from adjoining property lines wherever possible. All driveways should be located ten (10) feet from adjoining property lines wherever possible."

Section 123-35.E, "Street names," is amended, in part, to read:

- E. Street names. All streets shall be named, and such names shall be subject to the approval of the Town Board. Names shall be sufficiently different in

sound and spelling from other street names in the town or the Village of Brewster so as not to cause confusion; and the sub-divider shall contact the Town Emergency 911 Coordinator to verify that this requirement has been met. The sub-divider shall also contact the Town Historian to determine if historically significant names would be appropriate.

Section 123-18, "Inspections," is amended, in part, to read:

- A. The Planning Board may designate a representative or representatives to enforce the provisions of this chapter. Said designated representative(s) may cause any place, premises or work to be inspected or examined, order the cessation of any work when any condition is found to violate this chapter and order the remedy of any such condition. The Planning Board may institute an action or proceeding to prevent or restrain any such work or to correct or abate any such condition. In addition to any civil or criminal penalties or other remedies as may be provided by law, a violation of this chapter may be enforced by mandatory or other injunctive relief.
- B. Inspections of non-public improvements. The following inspections, at a minimum, shall be performed and no further work shall be permitted until each inspection has been made by the Town Engineer:
 - (1) The approved limits of clearing, conservation easements, wetlands, watercourses, and wetland controlled areas shall be flagged and demarked as "Protected Area" prior to the start of any work.
 - (2) After cutting of trees and brush and the installation of sediment and erosion control measures, but prior to any stumping and/or grading.
 - (3) After restoration of all disturbed areas.
 - (4) The Town Engineer shall make weekly inspections of all stormwater best management practices and sediment and erosion control measures and may require that corrections or improvements be made to such best management practices to ensure continued compliance with applicable stormwater regulations.
- C. Inspection of public improvements. The required inspection schedule established in Chapter A143 of Town Code shall be followed for all work on Town roads and/or the Town drainage system.

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.

RESOLUTION # /ADOPTING LOCAL LAW TO AMEND CHAPTER 138 OF THE TOWN CODE

Introduced By: Councilman Honeck
Seconded By: Supervisor Dunford

WHEREAS, a resolution having been 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 amend Chapter 138 of the Town Code relating to Zoning; 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 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. 16 of 2004 amending Chapter 138 of the Town Code, 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 Bonanno-Aye
Councilman Mitts-Aye

Councilman Johnson-Aye
Councilman Honeck-Aye

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

**Town of Southeast, Putnam County, NY
Local Law No. 16 of 2004**

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

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

Section 1. Legislative Intent

The Town Board of the Town of Southeast has embarked upon a process of updating its Comprehensive Plan and local land use regulations to protect the community character and environmental quality of the Town. On June 20, 2002, the Town Board adopted an updated Comprehensive Plan. The Amendments contained within this Local Law are intended to achieve a number of objectives defined within the Comprehensive Plan. Specifically, this Local Law implements at least the following recommendations contained with the Town's Comprehensive Plan:

- Adjust the distribution of allowed uses within existing zoning districts to more clearly define areas of commercial development that are consistent with community character.
- Change uses in NB-1 districts to encourage compatible development near residential zones. Encouraged uses could include "specialty retail" or bed-and-breakfast type uses. Special permit criteria should be developed to ensure that new commercial uses would not negatively affect residential uses. Strip malls and automobile related uses are not seen as encouraged uses.
- Clarify Special Permit criteria for commercial uses to ensure that the Town's objectives with respect to design and buffering of neighboring uses are met. Clarify process by which Special Permit applications are reviewed.
- Develop more descriptive, or graphic, design guidelines within the existing sign ordinance to encourage a more coordinated and attractive community.
- Attract "clean" businesses and industries that are appropriate for location in a drinking water supply watershed. Clean businesses would have minimum impervious surface area coverage, and use or generate minimum quantities of waste- or process-water and require little or no use, storage, or transport of hazardous materials.
- Encourage businesses that market the scenic qualities of the Town such as tourism and lodging provided that strong design and siting criteria are established to prevent unwanted impacts on residential neighborhoods.

Section 2. Amendments to Article I, "General Provisions; Definitions"

The definition of "Automotive, Gasoline Station or Motor Vehicle Service Station" is amended by changing the title to "Motor Vehicle Service Station" and amended to read: "Any area of land, including structures thereon, or any building or part thereof that is used for lubricating or otherwise servicing motor vehicles, including towing service, body work or painting. Repair work shall be permitted on premises only within a totally enclosed soundproof building. A gasoline pump may be included in a motor vehicle service station where gasoline is not made available for retail sale to the general public but that may be used to refuel tow trucks or portable containers to carry off-site to a stranded vehicle. Temporary gasoline storage used to remove gasoline from damaged vehicles may be included so long as all storage is conducted in a manner consistent with all State and local codes."

Revise the definition of “Body Shop” to read: “Any area of land or structures thereon or any building or part thereof that is used, in whole or in part, for the repair of automobile, motorcycle, all-terrain vehicle, or truck bodies or frames. See Motor Vehicle Service Station.”

Add: “Coffee Shop — A food-service facility providing counter service only and accessory to a hotel or conference center and intended primarily for the use of guests.”

Add: “Conference Center — A building with meeting facilities, hotel rooms and food and beverage service. See also ‘hotel.’”

Add: “Footprint — The exterior dimension of any building or structure including all areas enclosed by walls but excluding open porches, decks, and terraces.”

Revise the definition of “Garage, Public” to read: “A principal or accessory structure or part of a principal structure used for parking of motor vehicles accessory to a permitted use on the same or adjoining lot. A commercial parking structure providing public parking not associated with a principal use on the same or adjoining lot is not included in this definition and is prohibited.”

Revise the definition of Gas Station to read: “Any area of land, including buildings and other structures thereon, that is used to dispense motor vehicle fuels, oils and accessories at retail, where repair service is incidental and no storage or parking space is offered for rent. It shall not include the operation of a body shop or a car wash. Sale of other retail products from the premises shall not be deemed to affect use of the facility as a ‘gas station’

Revise the definition of “Hotel” to read: A building or any part thereof designed and used for temporary occupancy by transient guests which provides sleeping accommodations for compensation, but does not allow cooking in rooms. These facilities may provide rooms for public assembly and may include the serving of food. The term ‘hotel’ includes, but is not limited to ‘motel,’ ‘auto court,’ ‘motor hotel,’ ‘motor court,’ ‘motor lodge,’ ‘tourist court,’ ‘tourist cabins,’ or ‘roadside hotel.’ (See also ‘conference center.’)

Revise the definition of “Outside Storage” to read: “Includes the outside storage or display of merchandise, supplies or vehicles associated with a principal use, other equipment or materials and the outside manufacture, processing or assembling of goods. The area occupied by the storage yard must comply with setback requirements and cannot be considered part of the open space requirements of a site. No shipping containers are permitted as part of outside storage. ‘Outside storage’ shall not mean off-street parking areas associated with passenger cars used by employers, employees or visitors commonly associated with the principal permitted uses.”

Revise the definition of “Recreation” to read: Golf courses, dance studios, indoor health and exercise facilities, tennis courts (indoor and outdoor), indoor swimming pools,

racquetball, squash and the like, excluding facilities intended primarily for spectator activities, such as, but not limited to, stadium and arenas, shooting ranges and amusement parks, automotive tracks and other similar uses or structures maintained for the amusement, patronage or recreation of the public.

Add: “Self Storage – Storage of domestic or household objects in individual, fully enclosed storage spaces and outdoor storage of vehicles and boats in a screened enclosure in a facility accessible to the general public for a fee.”

Add: “Shipping Container – Any container used for shipping or storage of bulk products that can be placed on a truck chassis or railcar or set directly on the ground.”

Revise the definition of “Structure” to read: “Any building or thing that is constructed or erected that requires a location on the ground or attachment to something having location on the ground, that exceeds four feet in height at its highest point when measured perpendicular from the ground at that point, including fences, stone walls, telecommunication towers and antennas, but excluding satellite dish antennas having maximum diameter less than one meter. For the purpose of this chapter, tennis courts, basketball courts, swimming pools, and decks of any height shall be considered structures.”

Revise the definition of “Warehouse” to read: “A building or structure used for the storage of commercial nonpolluting and non-hazardous manufactured goods. Self Storage facilities are not included in the definition of warehouse.”

Section 3. Amendments to Article II, “Establishment of Districts; Map”

Section 138-5, “Districts Enumerated” is amended as follows:

Add:

District

Map Code

“Gateway Commercial GC-1 District”

GC-1

“Gateway Commercial GC-2 District”

GC-2

“Lake Tonetta Watershed LTW District”

LTW

Delete:

Economic Development ED-1 District

ED-1

Rename:

Economic Development ED-2 District

to Economic Development ED District

ED

Section 138-6, "Zoning Map," is amended as shown on the map provided in Attachment A to this Local Law.

Section 4. Amendments to Article III, "Provisions Applicable to All Districts"

Section 138-12, "Performance Standards" is amended, in part, to read:

D. Noise. It shall be unlawful for any person to make, continue or cause to be made or continued any load, unnecessary or any noise which annoys, disturbs, injures or endangers the comfort, repose, healthy, peace or safety of others. The noise necessarily involved with the construction or demolition of buildings and other structures shall be prohibited except between the hours of 7:00 a.m. and 8:00 p.m. weekly and 9:00 a.m. and 5:00 p.m. on Saturdays.

J. "Stone Wall, Stone Chamber, and Root Cellar Protection –

(1) All existing stone walls along or within 100 feet of a public right-of-way or adjoining public property, shall be maintained in a state of good repair and shall not be altered except in cases where the public health, safety, and welfare is endangered.

Application to alter an existing stone wall under this section, must be made to the Town Board. In its deliberations on the application to alter a stone wall, the Town Board may rely on its own assessment of the condition of the wall, its location, its historic and/or aesthetic qualities, and the stated reason for its alteration in determining if the application should be approved. In instances where an application for subdivision or site plan approval is before the Planning Board, the Town Board shall have the authority to make a determination on whether the stone wall may be altered based upon a recommendation from the Planning Board.

K. No site modification or improvement shall result in a net increase in stormwater flow to a neighboring property or to a modification of any existing watercourse.

Section 138-13, "Prohibited uses," is amended, in part, to read:

C. "The Placement or use of a trailer or shipping container on any site for any purpose whatsoever, unless such trailer or shipping container is used as a temporary office or storage facility in connection with an on-going construction project for which a valid building permit has been issued. Said trailer or shipping container shall be removed from the site not more than 30 days after the issuance of a certificate of occupancy for such construction project. This section shall not apply to trailers used to deliver materials or products to a particular location within the town, provided that such trailer does not remain on the site for more than three (3) business days."

Section 5. Amendments to Article IV, "Residential Districts"

Section 138-17, "Table of General Use Requirements," is amended, in part, to read:

The "Table of General Use Requirements, Residential Districts" is amended, in part, by adding:

A.	District	LTW
B.	Uses Permitted by Right	<ol style="list-style-type: none"> 1. A single detached dwelling for 1 family and not more than 1 such dwelling per lot and any permitted accessory use shall be located on the same lot with the permitted lot to which it is accessory 2. The creation of an accessory apartment subject to §138-22 and §138-56.1 of this chapter. 4. Buildings, uses, and any facilities of any governmental unit.
B-1.	Use Group	<ol style="list-style-type: none"> 1. g 4. N/A
C.	Conditional Uses by Planning Board	None.
C-1.	Use Group	N/A
D.	Uses by Special Permit of the Town Board	<ol style="list-style-type: none"> 1. Farms, commercial greenhouses and nurseries, including the processing and selling of products therefrom, provided that there shall be no commercial piggeries, mink farms or slaughtering of animals.
D-	Use Group	<ol style="list-style-type: none"> 1. g
E.	Accessory Uses Permitted by Right	Same as R-80.
F.	Minimum Off-Street Parking For Each Use 1 Space Per	Same as R-80.
G.	Additional Use Requirements	Same as R-80.

The “Table of General Use Requirements, Residential Districts” is further amended, in part, by amending Column B, “Uses Permitted by Right”:
Delete Item 2 and renumber Item 3 to Item 2.

The “Table of General Use Requirements, Residential Districts” is further amended, in part, by amending Column D, “Uses by Special Permit of the Town Board,” by adding:
Item 2. “Nursery school or day care center, provided that such use meets all New York State requirements for licensing.”
Item 13. Farms, commercial greenhouses and nurseries, including the processing and selling of products therefrom, provided that there shall be no commercial piggeries, mink farms or slaughtering of animals.

The “Table of General Use Requirements, Residential Districts” is amended, in part, by amending Column E, “Accessory Uses Permitted by Right,” by adding:

Item 6. “Notwithstanding the provisions above, a horse or pony may be kept on a lot of not less than 2 acres, and 1 additional horse or pony may be kept for each acre by which the lot exceeds 2 acres, up to a maximum of 15 horses. Any building in which a horse or pony is kept shall not extend within less than 100 feet of any property or street lines. Any boarding of any horse or pony for compensation shall be governed by §138-63 and shall not be considered an accessory use permitted by right.”

Delete Item 15 and renumber Item 16, “Private Utilities,” to Item 15.

The “Table of Bulk Requirements, Residential Zoning Districts” is amended, in part, by: Amend Column 7, “Required Side and Rear Yard Depth,” for Use Group ‘g’ to read: “100”

Delete Use Group ‘l’ and all standards associated therewith.

Section 138-21, “Resource Protection Plan,” is amended, in part, to read:

- B. “Calculation of base site area. The base site area shall be determined as follows:
 - 2. Subtract land constituting roads and land within rights-of-way of existing roads, rights-of-way of utilities and easements of access and land with deed restrictions prohibiting building or development.

Section 6. Amendments to Article V, “Nonresidential Districts”

Section 138-24, “General” the Commercial Zoning Schedule is amended, in part, by replacing the column labeled “Permitted Principal Uses (see Notes G and N)” with the following:

District	Permitted Principal Uses (see Notes G and N)
NB-1	<p>Permitted Principal Uses Retail Use Personal Services Professional Services Restaurant Recreation Special Permit Uses* General business Public Utilities</p>
NB-2	<p>Permitted Principal Uses Retail Use Personal Services Professional Services Restaurant Recreation Special Permit Uses* General business Bed & Breakfast Public Utilities</p>
ED	<p>Permitted Principal Uses Warehouse General business Nursery Office Professional services Recreation Restaurant Special Permit Uses* Light manufacturing Motor Vehicle Service Stations Hotel/motel/conference facility</p>

District	Permitted Principal Uses (see Notes G and N)
	Public utilities
GC-1	Permitted Principal Uses Office Personal Services Professional Services Restaurant Special Permit Uses* Public Utilities Retail Use
GC-2	Permitted Principal Uses General Business Office Personal Services Professional Services Restaurant Special Permit Uses* Public Utilities Retail Use
HC-1	Permitted Principal Uses Retail Use Office Personal Services Professional Services Restaurant Recreation Special Permit Uses* Car wash Public Utilities
HC-2	Permitted Principal Uses Retail Use Office Personal Services Professional Services

District	Permitted Principal Uses (see Notes G and N)
	Restaurant Recreation Special Permit Uses* Car wash Fast food Public Utilities
OP-1	Permitted Principal Uses Offices Research labs Special Permit Uses* Restaurant/recreation Hotel/motel/conference facility Warehouse Light manufacturing Public Utilities
OP-2	Permitted Principal Uses Offices Research labs Warehouse Light manufacturing Special Permit Uses* Restaurant/recreation Hotel/motel/conference facility Senior housing Public Utilities
OP-3	Permitted Principal Uses Office Residential, including single-family detached and single-family attached* (see Note K) Research labs Special Permit Uses* Restaurant

District	Permitted Principal Uses (see Notes G and N)
	Recreation Hotel/motel/conference facility Retail and service Light manufacturing Public Utilities
RC	Permitted Principal Uses Office Restaurant Recreation Special Permit Uses* Bed & Breakfast Cemetery Country Inn Conference Center Equestrian Center Farm Use Hotel Institutional Nursery Public Utilities Research Labs
Notes: * - All special permit uses are subject to site plan review by the Planning Board and architectural review by the Architectural Review Board.	

Section 138-24, "General," is further amended by revising the following elements within the Commercial Zoning Schedule:

With respect to the Gateway Commercial (GC-1) and Gateway Commercial (GC-2)

Zoning Districts:

Add "Utilities (private)" to "Permitted Accessory Uses"

Add "See Note Q" to "Conditional Uses"

Amend Note F to read: "Permitted accessory uses are not to exceed 20% of the total gross floor area of permitted space for all uses, except outside storage which shall not exceed 5% of the lot area."

The Commercial Zoning Schedule is further amended as indicated below:

Zone	Minimum Lot Size			Yards			
	Sq. Feet (000s)	Frontage	Width	Depth	Front (min)	Side	Rear
GC-1	10	50	50	50	35	35	35
GC-2	30	50	100	100	35	35	35
NB-1	10	50	50	50	35	35	35
NB-2	30	50	100	100	35	35	35
ED	80	200	200	200	100	50	75
HC-1	40	150	150	150	50	35	35
HC-2	80	175	175	175	100	50	50
OP-1	120	250	250	250	100	50	50
OP-2	200	400	400	400	100	50	50
OP-3	100	400	400	400	100	50	50
RC	200	400	400	400	100	100	100

Zone	Coverage (Pct)				Max. Height		Parking Setback		
	Building	Lot	FAR	Open Space	Stories	Feet	Front	Side	Rear
GC-1	15%	45%	0.4	55%	2	30	15	10	10
GC-2	15%	45%	0.4	55%	2	30	20	10	10
NB-1	15%	45%	0.4	55%	2	30	15	10	10
NB-2	15%	45%	0.4	55%	2	30	20	10	10
ED	15%	45%	0.3	55%	2	35	25	15	15
HC-1	15%	45%	0.3	55%	2	35	25	15	15
HC-2	15%	45%	0.3	55%	2	35	50	25	25
OP-1	25%	55%	0.25	45%	3	45	50	25	25
OP-2	25%	55%	0.25	45%	3	45	50	25	25
OP-3	25%	55%	0.25	45%	3	45	50	25	25
RC	15%	45%	0.15	55%	3	35	100	100	100

Section 138-27. Re-title to “Side and rear setback and yard exceptions.”

Section 7. Amendments to Article IX, “Site Plan Review and Approval”

Section 138-41, “Application procedures,” is amended, in part, to read:

Section 138-41.E(2)(c)[2][d]: An outdoor lighting plan in compliance with §138-104.C.

Section 138-41.E(2)(c)[2][g]: A Stormwater Pollution Prevention Plan prepared in compliance with New York State Department of Environmental Conservation standards for Phase II stormwater regulations and/or New York City Department of Environmental Protection Watershed Rules & Regulations.

Section 138-41.E(2)(c)[2][i]: An Erosion and Sediment Control Plan prepared in compliance with New York State Department of Environmental Conservation Phase II standards.

Section 138-41.E(4), "Filing of approved plans," is added and reads:
Upon final approval, the applicant shall provide to the Town of Southeast Planning Board one (1) full set of final full-sized plans and five (5) copies of the filed plans on 11 inch by 17 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.

Section 138-41.H, "Referral to other agencies" is amended to read:
"Referral to other agencies. Site plans within 500 feet of state or county facilities shall be immediately referred by the Planning Board to the County Division of Planning and Development. Any plans showing access to a state road shall be referred to the State Department of Transportation. Sites including state-designated wetlands or within 100 feet of state wetlands shall be referred to the State Department of Environmental Conservation. Sites that include or abut any wetlands, as defined by Chapter 78 of the Town Code, or sensitive ecological areas such as reservoirs and aquifers that are identified in the environmental assessment form (EAF) shall be referred to the Town Conservation Commission. Sites within 300 feet of a reservoir or 100 feet of a watercourse or state-designated wetland shall be referred to the New York City Department of Environmental Protection. Sites located within an historic district designated in Chapter 83 or that include historic structures designated in Chapter 83 shall be referred to the Historic Sites Commission for review. Applications that require Architectural Review Board review per §3-3 of Town Code shall be referred to the Architectural Review Board. Recommendations shall be requested from these agencies within 30 days from the time of submission of the site plan to the town.

Section 138-45, "Site plan approval," is amended, in part, to read:

B(1) "The erection or enlargement of any building or other structure, other than one- or two- family dwellings."

B(4) "Any change of use that includes alterations to the exterior of any building or structure, site improvements, or changes in site grading, or that, by virtue of the new use would result in any increase in consumption of water, production of wastewater, or the generation of traffic."

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. 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 138-46.L. “Outside storage” is amended, in part, to read:

(2) Any permitted outside storage areas shall not extend into the required yards for setbacks from a property line, street line or residence district boundary line and shall not exceed five (5) percent of the lot.

Section 8. Amendments to Article X, “Special Permits and Conditional Uses”

Section 138-58, “Motor vehicle service stations,” is amended, in part, to read:

Motor vehicle service stations are subject to the following supplementary regulations.

- A. No stations shall be located closer than 200 feet from a school, public recreation area, church or hospital, measured to the lot lines thereof, nor closer than 300 feet to any watercourse, nor closer than 300 feet to any reservoir, nor closer than 1,000 feet to any other service station or automotive use. The one-thousand-foot distance from another service station or automotive use is to be measured from the closest building or proposed building locations.
- C. Pumps shall not be located in any required yards. It is not the intent of this chapter to prevent preexisting motor vehicle stations from improving existing pumps for purposes of public safety and environmental protection.
- E(2). There shall be no outside storage or display of accessories, products, or portable signs.
- E(4). No repair work may be performed out of doors, with the exception of simple repairs that do not include the replacement of any fluid.

Section 138-61, “Fast-food eating establishments” is amended by adding:

- D. The design of any fast-food establishment shall include materials and design elements in context with the Town’s community character. The Architectural Review Board shall have the authority to request revisions to prototypical designs to ensure continued consistency of the Town’s character and to avoid “placeless” architecture created by repetitive or iconic design.

Section 9. Amendments to Article XII, “Signs”

Section 138-72, “Purpose” is amended to read:

- A. The Purpose of this Article is to promote and protect the public health, welfare, and safety and the community character of the Town of Southeast by regulating existing and proposed outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the local character of the community, the regional visual resources, the physical appearance of the community, preserve the scenic and natural landscape and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be cause by signs overhanging or projecting over public rights-of-way, provide more visual open space by limiting visual clutter and curb the deterioration of the community’s appearance and attractiveness.

- B. This Article is intended to promote attractive signs that clearly present the visual message in a manner that is compatible with its surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.

Section 138-73, “Definitions” is amended to read:

REPRESENTATIONAL SIGN—A sign built so as to physically represent the object advertised.

SIGN HEIGHT— The height of the sign shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including supporting structures. See Sketch D at the end of this Chapter. {Sketch D is provided as Attachment B to this Local Law}. Architectural embellishments shall be excluded from the calculation of the sign height provided that the only information displayed in such embellishments is the street address.-

SIGN STRUCTURE AREA—The entire area within a single, continuous rectangular perimeter, with a base parallel to the ground, enclosing all elements that form an integral part of the sign. The structure supporting a sign (e.g., a wall or fence) shall be excluded unless the structure is designed in a way to form an integral background for the display or is constructed for the sole purpose of supporting the sign. When a sign consists of two faces, only one face shall be used in computing the sign structure area if the faces are parallel to and within 12 inches of each other. Architectural embellishments shall be excluded from the calculation of the sign structure area provided that the only information displayed in such embellishments is the street address. See Sketch D at the end of this Chapter.

Section 138-74, “General regulations” is amended to read:

Except as otherwise provided, no person shall erect, alter or relocate any sign without first obtaining a permit from the Building Inspector. No person shall erect any sign on public property, including within road rights-of-way. No permit shall be required for a sign to be repainted or repaired consistent with its original form, design, and dimensions.

- C. Permit. Upon filing of a completed application for a sign permit and the payment of the required fee, the Building Inspector shall examine the plans, specifications and other data submitted and the premises on which the sign is to be erected or now exists. If it shall appear that the application is complete with respect to the requirements of this Article, the Building Inspector shall then, within fifteen days refer the application to the Architectural Review Board. In the case of a concurrent application to the Planning Board for site plan approval or to the Town Board for Special Permit approval, the application for a sign permit shall be referred to the ARB with the site plan and/or special permit application. The

issuance of a permit shall not excuse the applicant from conforming to the other laws and ordinances of the municipality.

Section 138-75, "Specific sign regulations" is amended to read:

- A. Exempt signs. The following signs are exempt from the provisions of this Article.
- (1) Historical markers, tablets and statues; memorial signs and plaques; names of building and dates of erection when cut into any masonry surface or when constructed of wood, bronze, stainless steel or similar material; and emblems installed by governmental agencies: not exceeding twelve (12) square feet.
 - (3) On premise directional signs for the convenience of the general public identifying public parking areas, fire zones, entrances and exits and similar signs. Such signs shall be non-illuminated and shall not exceed one (1) square foot per face and four feet in height. Business names and personal names shall not be allowed, including advertising messages and insignias. The number of such signs shall be limited to those determined by the Planning Board to be necessary for the safe and orderly circulation of traffic and as necessary to indicate specific traffic and/or parking regulations applying to the site.
 - (5) One (1) on-premise sign, either freestanding or attached, in connection with any residential building in a zoning district for permitted professional offices or home occupations, not exceeding two (2) square feet, six feet in height, and setback ten (10) feet from the highway right-of-way. Such sign shall state the name and vocation only. The sign and sign structure shall be made of wood, stone, metal (but not aluminum), or any wood-like material. Freestanding signs shall be placed within ten feet of the driveway or walkway leading from the public road to the residence.
 - (9) Temporary non-illuminated "For Sale," "For Rent," real estate signs and signs of similar nature, concerning the premises upon which the sign is located: in a residential zoning district, one (1) sign not exceeding four (4) square feet per side; and in a business or industrial zoning district, one (1) sign not exceeding six (6) square feet set back at least fifteen (15) feet from all property lines. All such signs shall be removed within three (3) days after the sale, lease, or rental of the premises. No more than two (2) temporary non-illuminated real estate "Open House" directional signs not exceeding four (4) square feet in size per sign face and not exceeding ten (10) square feet overall (including a maximum of two faces and support legs) may be placed at street corners to direct traffic to the house for sale and may not be left overnight. All such signs shall be no more than (4) feet in height.
 - (10) One (1) temporary sign for a roadside stand selling agricultural produce grown on the premises in season, provided that such sign does not exceed fifteen (15) square feet and is setback at least ten (10) feet from the public right-of-way. Such signs shall be no greater than 6 feet in height and shall be made of wood.

- (11) Non-illuminated window signs and posters not exceeding four (4) square feet and limited to one (1) sign per business. One (1) non-illuminated "Open/Closed" sign per business not exceeding four (4) square feet is permitted in addition to the one (1) window sign.
- (12) Holiday decorations, including lighting displayed in season.
- (13) At gasoline stations:
 - (a) Integral attached price signs on gasoline pumps.Remove (b) and (c)
- (14) Temporary directional signs for meetings, conventions and other public assemblies, not exceeding two (2) square feet and to be removed within three days following the meeting, convention or public assembly.
- (16) Political posters, banners, promotional devices and similar signs, not exceeding four (4) square feet in the residential districts nor sixteen (16) feet in the business districts, provided that:
 - (a) Placement shall not exceed twenty-one (21) days.
 - (b) The names and addresses of the sponsor, or organization, responsible for removal are identified.
 - (c) No political posters, banners, promotional devices, or similar signs shall be placed within the public right-of-way.
 - (d) Persons or organizations wishing to display any political posters, banners, promotional devices or similar signs must first file with the Town Clerk a statement of proposed locations for such posters, banners, and promotional devices indicating the date(s) that such signs shall be in place and the name and phone number of the person or organization responsible for their removal immediately following the twenty-one (21) day period. If it shall be found, upon inspection by any town official, that such removal has not, in fact, been completed at every location, the responsible person, firm or corporation, as the case may be, shall be liable to a fine of not more than two-hundred-fifty (\$250) dollars.
- (17) Public telephone identification signs.
- (18) Handicap accessible parking access signs and pavement markings which meet Department of Transportation standards and dimensional requirements.
- (19) Signs customarily incident to municipal buildings and structures, parks and playgrounds.

B. Prohibitions.

- (2) Neon signs and electronic variable message displays shall not be permitted.
- (6) No advertising message shall be extended over more than one (1) sign.
- (8) No string lighting is permitted in any commercial district, except as allowed in Section 138-75 (A)(12).

C. Sign permit required.

- (1) Temporary signs
 - (a) All signs of a temporary nature, except as otherwise provided by this Article, shall be permitted for a period not exceeding six (6) weeks prior to the activity or event nor exceeding four (4) days after the activity or event. Such signs

shall not exceed sixteen (16) square feet in business or industrial districts nor eight (8) square feet in residential districts, nor be attached to fences, trees, utility poles, rocks or other parts of a natural landscape, nor be placed in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety and welfare of the general public. Temporary signs may not be illuminated. No more than one such temporary sign shall be permitted per lot at any given time. Sales at retail businesses shall not be considered an activity or event and temporary signs for sales at retail businesses shall be restricted to sixteen (16) square feet and shall be displayed for a period not to exceed two (2) weeks beginning on the actual start date of the sale.

- (c) A non-illuminated, single-sided real estate development sign, including industrial and commercial development, residential subdivision or construction sign denoting the architect, engineer, and/or contractor, not exceeding sixteen (16) square feet may be erected on property being developed. Such sign shall be erected parallel to the fronting highway, set back a minimum of fifteen (15) feet from the property line or attached to the building face. Such a sign shall be removed upon completion of the project and shall be in place for a period not exceeding two (2) years. Such a sign shall not exceed four feet in height.

(2) Permanent Signs

- (a) Within any zoning district, the following permanent signs may be erected; provided, however, that this subsection shall not serve to expand the number of signs otherwise allowed, pursuant to Subsection C(3) on business and industrial districts:

- [1] Signs or bulletin boards customarily incident to places of worship, libraries, museums, social clubs, or societies may be erected on the premises of such institutions. One (1) such sign or bulletin board not exceeding ten (10) square feet may be erected for each entrance on a different street or highway. Such a sign shall not exceed four (4) feet in height.
- [2] For multiple dwellings or apartment developments, one (1) sign advertising availability of several dwelling units, not exceeding ten (10) square feet, may be erected. One such sign shall be permitted for each entrance on a different street or highway. Such a sign shall not exceed four (4) feet in height.
- [3] Recreational areas, day camps, golf clubs, ski areas, and other similar facilities permitted by the Zoning Chapter shall, in all zones be permitted one (1) sign, not exceeding ten (10) square feet. Such a sign shall not exceed four (4) feet in height.

- [4] Signs necessary for the identification, operation or production of a public utility, not exceeding ten (10) square feet, may be erected on the premises of such a public utility. Such a sign shall not exceed four (4) feet in height.
- [5] For non-residential uses within a residential district, one free standing sign or one wall sign not to exceed four (4) square feet in area and not to exceed six (6) feet in height.

(b) Signs permitted in residential districts with a sign permit.

- [1] Freestanding signs to identify a unified residential development. A maximum of two such signs are permitted per access drive provided that each sign faces in different directions. Such signs shall not exceed thirty-two (32) square feet in area and not exceed six (6) feet in height. All such signs must be constructed of wood or wood-like material and may be externally illuminated in accordance with section 138-76(5).

(c) Within business and industrial districts, the following permanent sign provisions shall apply:

- [1] On any parcel within the Highway Commercial HC-1 District or the Highway Commercial HC-2 District:
 - i. One wall sign per business, provided that such wall sign shall not exceed a maximum horizontal dimension or length of fifty (50) percent of the building front or face wall (for the purpose of this section, the building front or face wall shall be measured as the horizontal and vertical dimension of the exterior wall of the occupied space for a given business use upon which sign is attached); such maximum horizontal dimension or length shall not exceed thirty (30) feet; and such wall sign shall not exceed a maximum vertical dimension of fifteen (15) percent of the building front or face wall upon which the sign is attached; such maximum vertical dimension shall not exceed four feet. Notwithstanding the above, a minimum area of eighteen (18) square feet shall be permitted.
 - ii. Freestanding signs:
 - (a) If the business is set back fifty (50) feet or less from the roadway either one wall sign (as set forth in subsection (i)) or one freestanding sign is permitted. Any freestanding sign shall not exceed sixteen (16) square feet.
 - (b) If the business is set back more than fifty (50) feet from the roadway, one freestanding sign is permitted not to exceed sixteen (16) square feet in addition to a wall sign as set forth in subsection (i).

- (c) Where groups of three (3) or more businesses are located together in a shopping center or business park and such businesses are set back one-hundred (100) feet or more from the roadway, one common freestanding sign shall be permitted not exceeding (40) square feet in addition to wall signs as set forth in subsection (i).
- (d) No freestanding signs shall exceed fifteen (15) feet in height.

[2] On any parcel in the Office Park OP-1 District, Office Park OP-2 District, Office Park OP-3 District, and Economic Development ED District:

- i. One wall sign per business, provided that such wall sign shall not exceed a maximum horizontal dimension or length of thirty (30) percent of the building front or face wall (for the purpose of this section, the building front or face wall shall be measured as the horizontal and vertical dimension of the exterior wall of the occupied space for a given business use) upon which sign is attached; such maximum horizontal dimension or length shall not exceed fifteen (15) feet; and such wall sign shall not exceed a maximum vertical dimension of ten (10) percent of the building front or face wall upon which sign is attached; such maximum vertical dimension shall not exceed three (3) feet. Notwithstanding the above, a minimum area of eighteen (18) square feet shall be permitted.
- ii. Free standing signs:
 - (a) If the business is set back 50 feet or less from the roadway, either one wall sign (as set forth in subsection (i)) or one freestanding sign is permitted. Any freestanding sign shall not exceed sixteen (16) square feet.
 - (b) If the business is set back more than fifty (50) feet from the roadway, one freestanding sign is permitted not to exceed ten (10) square feet in addition to a wall sign as set forth in subsection (i).
 - (c) Where two (2) or more businesses are located together in a single building, shopping center, or business park and such businesses are set back one-hundred (100) feet or more from the roadway, one common freestanding sign shall be permitted not exceeding thirty (30) square feet in addition to wall signs as set forth in subsection (i). No additional freestanding signs are permitted.
 - (d) No freestanding signs shall exceed ten (10) feet in height.

[3] On any parcel in the Neighborhood Business NB-1 District or Neighborhood Business NB-2 District:

- i. One wall sign per business, provided that such wall sign shall not exceed a maximum horizontal dimension or length of twenty (20)

percent of the building front or face wall (for the purpose of this section, the building front or face wall shall be measured as the horizontal and vertical dimension of the exterior wall of the occupied space for a given business use) upon which sign is attached; such maximum horizontal dimension or length shall not exceed ten (10) feet; and such wall sign shall not exceed a maximum vertical dimension of ten (10) percent of the building front or face wall upon which sign is attached; such maximum vertical dimension shall not exceed two (2) feet. Notwithstanding the above, a minimum area of eighteen (18) square feet shall be permitted.

- ii. Free standing signs:
 - (a) If the business is set back 50 feet or less from the roadway, either one wall sign (as set forth in subsection (i)) or one freestanding sign is permitted. Any freestanding sign shall not exceed ten (10) square feet.
 - (b) If the business is set back more than fifty (50) feet from the roadway, one freestanding sign is permitted not to exceed ten (10) square feet in addition to a wall sign as set forth in subsection (i).
 - (c) Where two (2) or more businesses are located together in a single building, shopping center, or business park and such businesses are set back one-hundred (100) feet or more from the roadway, one common freestanding sign shall be permitted not exceeding twenty (20) square feet in addition to wall signs as set forth in subsection (i). No additional freestanding signs are permitted.
 - (d) No freestanding signs shall exceed eight (8) feet in height.

[4] On any parcel in the Gateway Commercial GC-1 District, Gateway Commercial GC-2 District or Rural Commercial RC District:

- i. One wall sign per business, provided that such wall sign shall not exceed a maximum horizontal dimension or length of twenty (20) percent of the building front or face wall (for the purpose of this section, the building front or face wall shall be measured as the horizontal and vertical dimension of the exterior wall of the occupied space for a given business use) upon which sign is attached; such maximum horizontal dimension or length shall not exceed ten (10) feet; and such wall sign shall not exceed a maximum vertical dimension of ten (10) percent of the building front or face wall upon which sign is attached; such maximum vertical dimension shall not exceed two (2) feet. Notwithstanding the above, a minimum area of eighteen (18) square feet shall be permitted.
- ii. Free standing signs:

- (a) If the business is set back 50 feet or less from the roadway, either one wall sign (as set forth in subsection (i)) or one freestanding sign is permitted. Any freestanding sign shall not exceed four (4) square feet.
- (b) If the business is set back more than fifty (50) feet from the roadway, one freestanding sign is permitted not to exceed four (4) square feet in addition to a wall sign as set forth in subsection (i).
- (c) Where two (2) or more businesses are located together in a single building, shopping center, or business park and such businesses are set back one-hundred (100) feet or more from the roadway, one common freestanding sign shall be permitted not exceeding twenty (20) square feet in addition to wall signs as set forth in subsection (i). No additional freestanding signs are permitted.
- (d) No freestanding signs shall exceed eight (8) feet in height.

[5] On parcels on which two or more commercial businesses are located, all signs on the parcel shall be coordinated in material, shape, lettering, color and/or decorative elements.

[6] Representational signs shall not project in any direction more than four (4) feet beyond the principle structure to which they are attached and shall not exceed fifteen (15) square feet.

D. Nonconforming signs. In the event that a sign lawfully erected prior to the effective date of this Article does not conform to the provisions and standards of this Article, then such sign shall be modified to conform or be removed according to the following regulations:

- (1) Any permanent nonconforming sign that serves as a primary business shall be modified or replaced by its owners to comply or be removed within seven (7) years of the effective date of this Article or any amendments thereto. Any owner who elects to replace a nonconforming sign within three (3) years of the effective date of this Article shall have any fee associated with application and approval of the replacement sign waived. Any sign with an electronic variable message display used solely for purposes of displaying time, temperature, and public service messages which is lawfully in existence and in use on the effective date hereof shall be exempt from this provision. Any nonconforming temporary or prohibited sign shall be removed immediately upon adoption of this Article.

Section 138-76, "Construction standards" is amended, in part, to read:

B. Specific regulations to sign types. The following additional conditions shall apply unless otherwise specified elsewhere in a local law:

- (3) Freestanding signs.
 - (c) No freestanding sign shall extend over or into the public right-of-way, nor shall it overhang the property lines.
 - (d) Freestanding signs shall not be located within, or project into or over, any pedestrian walkway or driveway if the sign could interfere with safe vertical or horizontal clearance to pedestrians or vehicles.
 - (g) At the base of all ground-signs, landscaping of live ground cover shall be planted and maintained at the base of the supporting structure equal to twice the area of one face of the sign, shielding all utility boxes and structures.
- (4) Other signs:
Remove: (a)[3]
- (5) Illumination of signs
 - (a) External light sources shall be directed and shielded to prevent direct illumination of any object other than the sign. Internally illuminated signs (e.g., box signs, back-lit signs) are not permitted in any district except within the HC-1 and HC-2 Zoning districts where internally illuminated wall signs are permitted where groups of three (3) or more businesses are located in a shopping center or business park and such businesses are set back one-hundred (100) feet or more from the roadway. Internally illuminated freestanding signs are not permitted in any district.
 - (b) Light sources (e.g. light bulbs) used for externally illuminated signs shall not be visible within 100 feet of any residential zoning district.
 - (c) Electrical raceways and conduits shall be placed so that they are not within public view.
 - (d) No outdoor sign shall be illuminated by a light source directed at the sign from the interior of any building or store.
 - (e) No sign shall contain flashing, intermittent, rotating, or moving lights.
- (6) Sign Material. The permitted materials used for the construction of signs varies by zoning district.
 - (a) On any parcel within the Highway Commercial HC-1 District or Highway Commercial HC-2 District, signs are permitted to be constructed of wood, metal (excluding aluminum), stone, and/or plastic.
 - (b) On any parcel in the Office Park OP-1 District, Office Park OP-2 District, Office Park OP-3 District, or ED District, signs are permitted to be constructed of wood, wood-like material, metal(excluding aluminum), and/or stone.
 - (c) On any parcel in the Neighborhood Business NB-1 District, Neighborhood Business NB-2 District, Rural Commercial, Gateway Commercial GC-1, Gateway Commercial GC-2, and all residential zoning districts, signs shall be constructed of wood or a wood-like material.

Section 138-77, "Design Guidelines" is amended to read:

A. The Architectural Review Board shall use the following guidelines in review of sign applications:

1. The sign should serve to define or enhance architectural elements of the building, not obscure or obliterate them. Each building has a character based on its age and the quality of the original design. Signs should be made of the appropriate materials and complement the design.
2. Sign size and dimensions shall be proportionate to the size and dimensions of the building, site and setting. The Zoning Ordinance sets maximum allowances.
3. Sign design should reflect consistency, simplicity, neatness, and minimum wording.
4. The business name should be the largest lettering. Any subsidiary message, if used, should be smaller than the business name.
5. A name that does not describe the goods or services should have a subsidiary explanatory message.
6. Sign colors should be limited in number and should be compatible with the façade. More sign colors may be allowed in cases of extraordinary design and creativity. In most circumstances, dark backgrounds for signs are preferred over light backgrounds.
7. Creative use of high quality materials should be encouraged.
8. If multiple signs are to be placed on a site, all signs should follow a coordinated theme.
9. No more than two typefaces should be used on any one sign.
10. No Day Glo, luminous or sparkling colors shall be used.

Section 10. Creation of Article XVIII, "Outdoor Lighting"

Article XVIII, "Outdoor Lighting" is created and reads:

Section 138-103, "Purpose"

This chapter regulates and restricts the location, construction and use of artificial lighting in both commercial and residential zoning districts in order to promote and protect the public health, safety, and welfare by regulating outdoor lighting of all types. It is intended to protect property values, create a more attractive residential and economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of the Town, and provide a more enjoyable and pleasing community.

Section 138-104, "Lighting Regulations"

- A. Any outdoor lighting in any zoning district (residential or commercial) shall be arranged in such a way that no direct glare is cast toward any highway or adjacent property, and luminary devices shall be hooded and/or arranged so that the source of the illumination is not visible from such public rights of way or other properties.

B. Site lighting shall be reduced to a minimum level to maintain site security at the close of business and shall be controlled by motion detectors to minimize light pollution.

C. Lighting Plan

1. An outdoor lighting plan including all exterior building-mounted lights, all pole-mounted lights, all sign lights, and all ground-mounted lights shall be submitted to the Planning Board as part of Site Plan Review pursuant to §138-41.E(2)(c)[2][d]. Any modification to an approved lighting plan, whether or not other modifications to the approved site plan are being considered requires review and approval by the Planning Board.

2. The lighting plan shall include, at a minimum:

- a. Safety or functional justification for all proposed outdoor lighting fixtures whether on buildings, poles, or any other structure.
- b. How the proposed fixtures will minimize off-site light spillage.
- c. Hours of operation of individual lighting fixtures or systems.
- d. Analysis of light spillage view sheds from all surrounding developed and undeveloped property.
- e. Specifications of all proposed fixtures including light intensity ratings and coverage ratings.
- f. Illuminance values for all developed portions of the site in foot-candles (Fc) including the following calculated values: average, maximum, minimum, average:minimum ratio, maximum:minimum ratio. Average illuminance values shall only be calculated for developed portions of the property. Any portion of the property to remain undeveloped shall not be illuminated.
- g. An estimate of annual energy savings in kilowatt-hours (kWh) and dollars resulting from the use of timing systems and lower intensity fixtures.

3. Lighting plans shall be prepared in accordance with the guidelines established in the most recent edition of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook.

4. The lighting plan shall account for all off-site lighting (e.g., adjacent properties, street lighting) that may increase minimum, maximum, or average values.

5. The lighting plan shall be prepared in coordination with the site plan and landscaping plan to take into account any structures or landscaping that may affect light distribution across the site.

6. Any lighting plan for banks or automatic teller machines must conform to the New York State ATM Safety Act as administered by the New York State Banking Department.

D. Sign lighting shall only be permitted pursuant to Article XII of this chapter.

- E. In all districts, flashing, intermittent, moving or chaser lights or lighting of varying intensity shall be prohibited.

Section 138-105, "Pre-existing non-conforming sites"

- A. All approved and/or constructed commercial projects within the town shall submit a lighting plan to the Planning Board in compliance with §138-104.C within six (6) months of the adoption of this Article.
- B. The Planning Board may require modification of existing site lighting on any pre-existing non-conforming site to meet the requirements of this Article.

Section 11. 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 12. Effective Date

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

Attachment A. Zoning Map

Attachment B. Sketch D

RESOLUTION # /2004 GASLAND PETROLEUM, INC. /MORATORIUM-VARIANCE REQUEST

Introduced By: Councilwoman Mitts

Seconded By: Supervisor Dunford

WHEREAS, on February 28, 2002 this Town Board adopted Local Law No. 1 of 2002, which imposed a moratorium on certain residential subdivision and commercial projects in specified areas of the Town of Southeast; and

WHEREAS, said local law has been amended and extended and remains in full force and effect with regard to commercially zoned properties in specified areas of the Town; and

WHEREAS, pursuant to Article IV of said Local Law, Gasland Petroleum, Inc. owner of certain commercial property located on Route 6 (Tax Map No. 68.-2-69) (the premises") has filed a written request for relief from the restriction of such moratorium; and

WHEREAS, Gasland Petroleum, Inc., has appeared before the Town Board and presented arguments in support of its request for a variance to allow him to expand the footprint of the building while the moratorium remains in effect.

NOW, THEREFORE BE IT RESOLVED that the Town Board finds and determines that, given the Premises location in one of the "Gateway" areas of the

Town, it is unclear at this point whether the intensity of the proposed project may or may not be consistent with the spirit of the master plan and prospective zoning code amendments being considered; likewise, given the sensitive nature of the “gateway” corridor, it remains unclear whether the applicant’s proposal will be consistent with the health, safety and general welfare of the Towns, there is insufficient proof that the application of the provisions of Local Law No. 1 of 2002 to the specific property will cause undue economic hardship that is unique to that specific property; and be it further

RESOLVED, that based upon the foregoing findings of fact, the application for a variance or waiver of the provision of Local Law No. 1 of 2002 by Gasland Petroleum, Inc., is hereby DENIED and, therefore, the applicant shall not be permitted to prosecute a project development plan application for the Premises pursuant to Local Law No. 1 of 2002 and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Secretary of the Planning Board, the Building Inspector and the Zoning Enforcement Officer forthwith.

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.

REPEAL OF LOCAL LAW 7/2004 – RESIDENTIAL MORATORIUM

Supervisor Dunford made a motion to repeal the residential moratorium and Councilman Johnson seconded. All in favor.

NEW BUSINESS

The Supervisor said that the budget for 2005 reflects a 2.3% increase for the average assessment, which will be under a dollar a month. The contract with the teamster and the CSEA will expire this year, so those costs are undetermined as yet. This budget was created to treat all the taxpayers fairly and equitable.

Graham Trelstad, the Town Planner, was introduced. He was hired by the town to help draft the zoning ordinance and various other documents. The new zoning is in compliance with the Master Plan, which was adopted in 2002. 100 parcels were up-zoned to 4 acres, which will greatly reduce the density. The Lake Tonetta Conservation Area is a newly formed section.

November 18, 2004

Mayor Cesar asked where the Historic Sites were and the Supervisor said a copy can be provided at Town Hall.

Ms. Ekhard asked about significant changes. Supervisor Dunford said there were no significant changes. She then asked about the state industrial access program and if a grant was not awarded, who then would pay. Supervisor Dunford explained the reasoning in various scenarios but said that the town was not willing to pay.

The Supervisor said that we were still in the process of developing the internet access and the links. In regards to Local Law #7 (residential moratorium) he said that under the advice of the Town Attorney, since it is not being extended that the board must repeal. With respect to Historic Sites they have removed the wording regarding the 500 feet notification. He will urge the board to revisit it.

Councilman Johnson gave an update of the Simons Junkyard case and on December 16 the new dimensions will be decided.

Supervisor Dunford made a motion to close the meeting and Councilwoman Mitts seconded. All in favor.

Respectfully submitted.

Ruth Argo Mazzei
Southeast Town Clerk

November 18, 2004