

**TOWN CLERKS MINUTES
REGULAR MEETING
TOWN BOARD
AUGUST 16, 2007**

Present: Supervisor John J. Dunford
Councilman Johnson
Councilman Honeck
Councilman Bonanno
Councilwoman Mitts

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

REGULAR MEETING

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

Pledge of Allegiance
Notation of Exits
Brief Explanation of Town Board's Decision-Making Process

PROCLAMATION – George Rohrman

*Town of Southeast
Distinguished Service Citation*

WHEREAS, a Great State is only as great as the individuals who give of themselves to make their communities better places to live, work and raise families; and

WHEREAS, GEORGE ROHRMAN, has served this community with distinction in various public and private capacities; and

WHEREAS, GEORGE ROHRMAN has continually demonstrated his commitment to the betterment of his community through his service on the Planning Board of the Town of Southeast from 1981 through 2007 having served as its Chairman for the better part of two decades; and

WHEREAS, with a background in defense electronics and a degree in physics, throughout his career in public service, GEORGE ROHRMAN has distinguished himself as someone with a keen understanding of municipal zoning, planning and land use; and

WHEREAS, while his list of accomplishments in public office are many, GEORGE ROHRMAN, has played a leadership role in shepherding our Town through several cycles of growth and development, all the while maintaining a balanced approach in addressing the needs of a growing community with protecting our natural resources; and

WHEREAS, it is the sense this Town Board that in GEORGE ROHRMAN we have an individual who is worthy of the esteem of our Town, County and the Great State of New York.

NOW, THEREFORE, BE IT

RESOLVED AND PROCLAIMED, that the Town Board of the Town of Southeast hereby thanks GEORGE ROHRMAN, his wife Marie, and his children Gerald, Gail, Kenneth and Claire, for George’s many years of distinguished and exemplary public service to the people of the Town of Southeast; and be it further

RESOLVED, that on the foregoing, it is our distinct pleasure to confer upon GEORGE ROHRMAN this **Certificate of Distinguished Service** in recognition of his many efforts to secure and enhance the public welfare of our Town, all above and beyond the call of duty.

JOHN DUNFORD, SUPERVISOR PAUL JOHNSON, COUNCILMAN
PAT BONANNO, COUNCILMAN RICHARD HONECK, COUNCILMAN
LORRAINE MITTS, COUNCILWOMAN

PUBLIC HEARINGS

PUBLIC HEARING - BREWSTER TRANSIT BOND REDUCTION

Councilman Honeck made a motion to open the hearing and Councilwoman Mitts seconded. All in favor. Town Clerk Mazzei read the legal notice. The reduction was to \$0. Councilman Johnson made a motion to close the hearing and Councilman Honeck seconded. All in favor.

PUBLIC HEARING - LOCAL LAW ROUTE 22 – ZONING

Councilwoman Mitts made a motion to open the hearing and Councilman Bonanno seconded; all in favor. Town Clerk Mazzei read the legal notice.

This law will reduce the overall permitted uses and is consistent with the Route 22 area plan. Streetscape is part of the Local Law and this will also change Route 22 to HC-2 zone. The overall permitted uses will be reduced. One single anchor store can be between 50,000 to 80,000 square feet and part of an integrated area plan. A sketching of the overlay zone was shown. Parking will be in the rear and there will be pedestrian walking, etc. The east side will have smaller modules instead of a long stretch of stores. There is a large wetland area and only a small section will be affected. The wetlands will be cleared of invasive material. The total will be between 100 to 150 square feet. The Route 22 section will be more pedestrian friendly with sidewalks and lighting. The drawings will be part of the law. Environmental impact and performance bonds were discussed as was ecological economics. Supervisor Dunford made a motion to close the hearing and Councilman Honeck seconded. All in favor.

REVIEW OF MINUTES

Supervisor Dunford made a motion to approve the minutes of July 12, 2007 and Councilman Honeck seconded. All in favor.

CORRESPONDENCE

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

Correspondence Received

1. New York State Public Service Commission to the Supervisor Re: Notice Seeking Public Comment on the Terms of Joint Proposal Concerning the Provision of Fixed Price Commodity Service by New York State Electric & Gas Corporation
2. New York State DEC to the Supervisor Re: Great Swamp
3. NYS Office of Real Property Services to the Supervisor Re: Full Value of Special Franchise Property on the Levy Roll
4. New York State Insurance Fund Re: De-Fence Inc.
5. Putnam County Department of Planning, Development & Public Transportation to the Supervisor Re: Zoning Amendments Referral 07-PC-51 Chapter 138
6. Hogan & Rossi to the Supervisor Re: Industrial Access Program Agreement for Terravest Corporate Park; Traffic Control Device and Lane Widening at NYS Route 312 and International Boulevard
7. New York State EFC to the Supervisor Re: NYC Watershed – WWTP Upgrade Program Brewster Heights Sewer District #1 Construction Change Order Approval/Denial
8. PC EDC to the Supervisor Re: Meeting on Wednesday 9/12/2007 at the Mahopac Public Library
9. State Environmental Quality Review Notice of Determination of Non-significance Re: Adoption of Amendments to the Town Code
10. State of New York DOT Re: Removal of Restriction of Highway Contract D260183
11. State of New York Office of the Attorney General Re: Citizens Campaign for the Environment Registration #03-75-62 (Statute(s): Dual – EPLT and 7-A)
12. State of New York Department of State to the Supervisor Re: Master Planning and Zoning Incentive Award Project
13. H. George Seitz Re: Liquor License Application/Renewal Re: The Arch Restaurant at PO Box 34 Route 22 Brewster, New York 10509
14. Putnam County Legislature Re: Resolution #139 of 2007
15. Associations of Towns Re: Power Plants
16. Certiorari's Against the Assessor of the Town of Southeast, The Board of Assessment Review of the Town of Southeast and The Town of Southeast Re: Somchai Realty, Inc., 5th Avenue Investors, Alan M. Dretel, Martin Hellman, Millennium Real Estate Services, LLC, Tenth Jam Development, LLC, Videl Holding Corp., Collins Brothers, Inc., Linens 'N Things, Maurice Simon and Simon Auto Wreckers, Inc., Putnam Seabury Partners, LLC, Barry Nesson, Mt. Ebo 22 Associates, LLC, Oak Ridge Partnership and Quantum Realty, Inc., Brewster Sports Center, Michael J. & Caroline Cirrito, MCC New York Family Limited Partnership, The City of New York, Fox Ridge Motor Inn Inc., Susan I Newman, Paul & Alicia Castle, Joseph & Melissa Cook, Ninth Jam Development LLC, Home Depot USA, Inc., Gilbert & Joy Kaminer, Emgee Highlands Corp., Forty Seven Properties, LLC, John & Josephine Gress,
17. Veterans of Foreign Wars Brewster Post 672 Re: Liquor License Application/Renewal for VFW at 262 Peaceable Hill Road
18. Franz & Franze Re: Southeast Courthouse – SO 002
19. Jacobson Re: Brewster Plaza Bond Estimate, Root Avenue Subdivision Review for Final Approval, Pegasus Therapeutic Riding Inc. Bond Estimate, Millennium Commercial Preliminary Site Plan, D'Uva Site Plan Preliminary Site Plan Review, Brewster Plaza Site Plan Review, Cingular Wireless Bond Estimate, Cingular Wireless PCS Final Review, Dodge Grading Plan Sketch Site Plan Review, Brewster Plaza Bond Estimate, Root Avenue Subdivision Review for Final Approval, Pegasus Therapeutic Riding, Inc. Bond Estimate, Dodge Grading Plan Sketch Site Plan Review
20. Department of Health Re: Brewster Heights Water Supply Lead and Copper Round 7 After Corrosion Control
21. NYC DEP Re: Non-Compliance with Discharge Monitoring Report Requirements Brewster Heights WWTP (T) Southeast SPDES #NY-0110353
22. NYS Office of Real Property Services Re: Excellence in Equity Award
23. United States Environmental Protection Agency City Filtration Avoidance Determination for the Catskill/Delaware Water Supply
24. ACORD Certificate of Insurance Re: Clove Excavators Inc.

- 25. Paul Aversano Re: Liquor License Application/Renewal Aversano’s Restaurant
1620 Rt. 22, Brewster, New York 10509
- 26. FOILS:
 - Peggyann Routhier Re: Request for Plans for Eagles Ridge HOA
 - Theresa Ryan Re: Request for Building Department Files for Tax Map #79.-1-46
 - Benny Weiss Re: Request for Plan Tax Map #58.5-1-32
 - Matt Neuringer Re: Request to View All Returned 2007 Recreation Department Survey’s
 - Ann Fanizzi Re: Request for John Lynch Letter for Zoning Code and Millennium Project Minutes of Meeting
 - Patricia A. Wall Bondi Re: Request for Sign Ordinance
 - Tobey Weissman Re: Request for Building Permits for Dodge Reports
 - Finkelstein & Partners Re: Request for Information in a fall down Accident on Property in the Village of Brewster

Correspondence Sent

- 1. Mayor John Degnan Re: Consolidating Services
- 2. Lovett & Gould, LLP Re: Foil Request
- 3. Division of Library Development Re: Brewster Public Library Request
- 4. Finkelstein & Partners Re: Foil Request
- 5. Robert H. Sammons, P.E. Re: Report #83 Blackberry Hill Sewer District Treatment Facility

VOUCHERS

Councilman Honeck made a motion to approve the voucher list in the amount of \$926,117.82. Councilman Johnson seconded. All in favor.

MEETING DATES

Councilman Bonanno made a motion to set the following meeting dates and Councilwoman Mitts seconded. All in favor.

September 6, 2007	7:30PM Civic Center	Work Session
September 13, 2007	7:30PM Civic Center	Special Meeting/Work Session
September 20, 2007	7:30PM Civic Center	Regular Meeting
October 4, 2007	7:30PM Civic Center	Special Meeting/Work Session

BUDGET TRANSFERS

Supervisor Dunford made a motion approving budget transfers. Councilman Honeck seconded. All in favor. (See attached)

APPOINTMENT

A motion was made by Councilwoman Mitts to defer the appointment for Vice Chair for the Planning Board. Seconded by Supervisor Dunford. All in favor.

BOND RESOLUTION

Supervisor Dunford made a motion to defer the Water Tank for Fox Hill Water District Resolution. Councilman Bonanno seconded and all in favor.

RESOLUTION # 35/2007 - ESTABLISHING PERFORMANCE BOND-PEGASUS THERAPEUTIC RIDING, INC.

Introduced By: Councilman Honeck
Seconded By: Councilwoman Mitts

WHEREAS, the Town Board of the Town of Southeast is in receipt of a recommendation from the Town Engineer with respect to the establishment of a performance Bond for Pegasus Therapeutic Riding, Inc., 310 Peach Lake Road (Tax Map No. 79-1-46); and

WHEREAS, upon review of such recommendation, the Southeast Town Board agrees to accept this recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the bond amount shall be established for the project set forth below:

<u>PROJECT NAME:</u>	<u>BOND AMOUNT:</u>
Pegasus Therapeutic Riding, Inc.	Site Improvement: \$388,575.00
310 Peach Lake Road	Soil and Erosion: 14,728.00
	Total: \$403,300.00

UPON ROLL CALL VOTE:

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

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

RESOLUTION # 36 /2007 NEW CINGULAR WIRELESS PCS, LLC s/b/a AT&T ESTABLISHING PERFORMANCE BOND

Introduced By: Councilman Bonanno
Seconded By: Councilwoman Mitts

WHEREAS, the Town Board of the Town of Southeast is in receipt of a recommendation from the Town Engineer with respect to the establishment of a performance Bond for New Cingular Wireless PCS, LLC s/b/a AT&T, located at Vail’s Grove Golf Course, 230 Peach Lake Road (Tax Map No. 79.-1-45); and

WHEREAS, upon review of such recommendation, the Southeast Town Board agrees to accept this recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the bond amount shall be established for the project set forth below:

<u>PROJECT NAME:</u>	<u>BOND AMOUNT:</u>
New Cingular Wireless PCS, LLC d/b/a AT&T	Site Improvement \$78,930.00
230 Peach Lake Road	Soil & Erosion 1,470.00
	Total: \$80,400.00

UPON ROLL CALL VOTE:

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

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

RESOLUTION # 37 /2007 BREWSTER PLAZA/ROUTE 22 /ESTABLISHING PERFORMANCE BOND

Introduced By: Councilwoman Mitts
Seconded By: Councilman Honeck

WHEREAS, the Town Board of the Town of Southeast is in receipt of a recommendation from the Town engineer with respect to the establishment of a performance Bond for Brewster Plaza, LLC, located on 979-989 Route 22(Tax Map No. 68.-5-2-2); and

WHEREAS, upon review of such recommendation, the Southeast Town Board agrees to accept this recommendation.

NOW, THEREFORE BE IT

RESOLVED, that the bond amount shall be established for the project set forth below:

<u>PROJECT NAME:</u>	<u>BOND AMOUNT:</u>
Brewster Plaza 979-989 Route 22	Total: \$39,000.00

UPON ROLL CALL VOTE

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

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

RESOLUTION # 38/2007 ROUTE 6 BUSINESS PLAZA/ARCHITECTURAL REVIEW BOARD

Introduced By: Councilman Honeck
Seconded By: Supervisor Dunford

WHEREAS, the Town Board is in receipt of a Report of the Architectural Review Board of the Town of Southeast dated May 15, 2007 in connection with the application of Greenlands II, LLC, Route 6 Business Plaza to construct a 10,000 square foot office building on property located on Danbury-Brewster Road (NYS Route 6 East), Tax Map #69.-1-12, in the Town of Southeast, Putnam County, New York; and

WHEREAS, the Report concludes that the ARB voted to positively recommend this application to the Town Board”; and

WHEREAS, the Town Board finds that there is no reason to upset the findings and recommendation of the Architectural Review Board in connection with said application,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts and approves the Report of the Architectural Review Board dated May 15, 2007, a copy of which is annexed hereto and made part hereof, in connection with Route 6 Business Plaza and that such Report shall be incorporated in any final Site Plan subsequently reviewed by the Planning Board.

UPON ROLL CALL VOTE:

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

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

**RESOLUTION # 39 /2007 PEACH LAKE SEWER DISTRICT-AUTHORIZING
OFFER FOR LAND ACQUISITION**

Introduced By: Councilman Johnson
Seconded By: Councilman Honeck

WHEREAS, the Town Boards of the Towns of Southeast and North Salem have heretofore entered into an Intermunicipal Agreement for the intended purpose of jointly owning and operating a sewer treatment plant to service residents in the vicinity of Peach Lake; and

WHEREAS, the treatment plant is intended to be located on a parcel of property located with the Town of Southeast and currently owned by the Vail’s Grove Cooperative Corporation; and

WHEREAS, it is the intention of the Town Boards of the Towns of Southeast and North Salem of acquiring this real property in the name of and for the benefit of the Sewer Districts to be formed.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Southeast hereby authorizes the Supervisor to join with the Town of North Salem in offering the appraised value of \$245,000 to Vails Grove Cooperative for an approximate 2.0 acre site located at the northerly section of a larger parcel in the Town of Southeast; said site to be used as the treatment plant site for the proposed Peach Lake Sewer Districts to be formed in each of the Towns of North Salem and Southeast.

Said offer and any resulting Contract of Purchase and Sale shall be conditioned on and subject to the following:

1. The actual formation of sewer districts in each of North Salem and Southeast for the Peach Lake area.
2. The actual funding of the districts by the agencies and in the amounts as set forth in the respective petitions and orders to be formulated in furtherance of the formation of the sewer districts in each of said Towns.
3. Any other matter finally determined by any agency having jurisdiction thereof affecting the viability of construction of operating sewer districts for the Peach Lake area in each of said Towns.
4. Completion of any review required pursuant to the NYS Environmental Quality Review Act (SEQRA) prior to such acquisition.

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.

AMENDMENTS TO RT. 22 ZONING

Supervisor Dunford made a motion to refer the amendments for the Rt. 22 zoning to Putnam County Planning Board (239m). Councilwoman Mitts seconded. All in favor.

RESOLUTION #40/2007 ADOPTING LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 2002

Introduced By: Councilwoman Mitts
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 Local Law No. 1 of 2002 entitled “**A LOCAL LAW REGULATING FOR AN INTERIM PERIOD, THE APPROVAL OF SUBDIVISION PLATS AND PROJECT DEVELOPMENT PLANS PROPOSED IN CERTAIN AREAS OF THE TOWN OF SOUTHEAST, PURSUANT TO COMPLETION AND REVIEW OF A COMPREHENSIVE MASTER PLAND AND AMENDMENTS TO THE ZONING ORDINANCES CONTINGENT THEREON BY THE TOWN BOARD**”, and

WHEREAS, notice of said public hearing was advertised in an official newspaper of the Town of Southeast in the manner prescribed by law and such public hearing was held on July 12, 2007: and

WHEREAS, the Town Board continues to work on amendments to the Zoning Code relating to commercial properties located along the Route 22 corridor: and

WHEREAS, it is the sense of this Town Board that a moratorium on development in the Rt. 22 North Corridor should remain in effect until such time as the requisite amendments to the Zoning Code can be enacted.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Southeast hereby adopts Local Law No. 5 of 2007 amending Local Law No. 1 of 2002, a copy of which is annexed hereto and made a part of this resolution, and be it further

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

UPON ROLL CALL VOTE:

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

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

**LOCAL LAW #5/07 – EXTENDING INTERIM PERIOD, APPROVAL OF
SUBDIVISION PLANT AND PROJECT DEVELOPMENT PLANS**

A Local Law to amend Local Law No, 1 of 2002 entitled “A Local Law Regulation For an Interim Period, The Approval of Subdivision Plats and Project Development Plans Proposed in Certain Areas of the Town of Southeast, pursuant to Completion and Review of a Comprehensive Master Plan and Amendments to the Zoning Ordinance.

Be it enacted by the Town Board of the Town of Southeast as follows:

Section XI Effective Date

This local Law shall take effect immediately, as provided by law, and shall remain in force for a twelfth consecutive period of six months from the expiration of its original effective period, unless extended by a local law adopted after public hearing upon no less than five (5) days notice published in the official newspaper of the Town of Southeast.

Respectfully submitted,

Ruth Argo Mazzei
Southeast Town Clerk