

**TOWN CLERKS MINUTES  
TOWN BOARD  
REGULAR MEETING  
AUGUST 17, 2006**

Present: Supervisor Dunford  
Councilman Johnson  
Councilman Honeck  
Councilman Bonanno

Absent: Councilwoman Mitts

And: Town Clerk Ruth A. Mazzei

**REGULAR MEETING**

Councilman Johnson made a motion to open the Regular Meeting and Councilman Honeck seconded. All in favor.

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

Councilman Honeck made a motion calling for a moment of silence for Glen Anderson, father of eight, who was killed in an accident riding his motorcycle.

***PUBLIC HEARINGS***

**PUBLIC HEARING – REDUCTION OF PERFORMANCE BOND FOR ARBORSCAPE**

Introduced by Councilman Johnson and seconded by Councilman Honeck. This is for commercial property on Fields Lane. This is for a reduction of the performance bond established in connection with a site plan approval. There were no comments from the Town Board or attendees. Councilman Johnson made a motion to close the hearing and Councilman Bonanno seconded. All in favor.

**PUBLIC HEARING – ROAD NAME CHANGE – FIELDS CORNER ROAD TO RUGSLEY ROAD**

Introduced by Councilman Honeck and seconded by Councilman Johnson. All in favor. There were no comments from the Town Board or attendees. Councilman Johnson made a motion to close the hearing and Councilman Honeck seconded. All in favor.

**PUBLIC HEARING – INTERIM DEVELOPMENT LAW OF THE TOWN OF SOUTHEAST**

Introduced by Councilman Bonanno and seconded by Councilman Honeck. All in favor. This would amend Local Law 1 of 2002 known as the Interim Development Law of the Town of Southeast, as amended, for an additional six months. Supervisor Dunford said that the Board could not predict if this would be the last extension but if the Town Planner is satisfied, the SEQRA process could begin. Councilman Johnson made a motion to close the hearing and Councilman Honeck seconded. All in favor.

**REVIEW OF MINUTES**

Councilman Johnson made a motion to approve the minutes of July 20, 2006 regular meeting . Councilman Bonanno seconded. All in favor.

**CORRESPONDENCE**

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

**Correspondence Received**

1. HAHN Engineering to the Supervisor Re: Peach Lake Sewer District Map, Plan & Report Proposal Town of North Salem
2. Lynne Eckardt to the Supervisor Re: High Meadow Farm
3. Concerned Residents of Southeast to the Supervisor Re: Stateline Retail Center
4. David Bancroft to the Supervisor Re: Traffic on Minor Road
5. Ann Fanizzi to the Supervisor Re: Scoping Comments-Stateline Retail
6. Paul S. Baum to the Town Clerk Re: Super Value Citgo Station Route 22, Brewster, New York
7. Malcolm Pirnie to the Town Clerk RE: Brewster Heights WWTP Upgrade Construction EQ System Status
8. ERIE Insurance Group JESJO Builders LLC
9. M. Chris Marrone to the Supervisor Re: Resolution #130 of 2006
10. NYS Environmental Facilities Corporation to the Supervisor Re: Drinking Water State Revolving Fund Proposed Regulation Revisions
11. NYS DEC to the Supervisor Re: Clean Water State Revolving Fund for Water Pollution Control
12. ASCAP to the Supervisor Re: Authorization for D.J.s, Musicians and Other Entertainers who Perform at Town Sponsored Events
13. NYS Office of Real Property Services to the Supervisor Re: Assessment of Special Franchise Property on the Levy Roll at the Reference (Prior) Roll Level of Assessment
14. NYMIR to the Supervisor Re: Bi-annual Loss Report Detailing the NYMIR Claim Activity During the Period of 01/01/06 -06/30/06
15. Severn Trent Re: Blackberry Hill WTP, Fox Hill WTP, Starr Ridge WTP,
16. New York State Insurance Fund Re: Roberts Professional Landscaping
17. Bradley D. Schwartz Re: Taxes or Fees for Proposed Peach Lake Sewer District
18. Certiorari Re: Martin Hellman, Verizon New York, Inc., Brewster Main Corp., Carmel Holding, Inc., Drewville Realty, The City of New York, Somchai Realty, Inc., Emgee Highlands Corp., Millennium Real Estate Services, LLC, Videll Holding Corp., Orchard Ridge Associates, Putnam Associates, LLC, Tenth Jam Development, LLC, Lakeview Associates, Dretel;, Alan M., Southeast Land, LLC, Ninth Jam Development LLC, Home Depot USA, Inc., American Tower Mgmt., Inc., Barry Nesson, Brewster Realty Partners, LLC, Maurice Simon and Simon Auto Wreckers, Inc., Home Depot, Inc., Emgee Highlands Corp.,
19. NYS Department of Agriculture and Markets to the Supervisor Re: Review of the Town of Southeast's Code and the Administration of the Same, as it Pertains to Pleasant View Farm, which is Located Within Putnam County Agricultural District No. 1
20. Donald B. Smith to the Supervisor Re: Statistic Information
21. Spain Agency, Inc. to the Supervisor Re: Constables and Municipal Law Enforcement Authority
22. Pamela Schwartz Re: Wetlands Permit for Pool
23. Wright Risk Management Re: Dedicated Claims Examiners
24. Rock Work Unlimited Notice of Blasting Re: Hardscrabble Heights
25. Snyder & Snyder, LLP to the Supervisor Re: Sprint Spectrum L.P. Proposed Telecommunications Facility 300-310 Route 22

26. Harold J. Gray to the Highway Superintendent Re: Town of Southeast Lake Tonetta Stormwater Quality Improvement Project 250 & 256 Shore Drive
27. G Jeffrey Haber to the Supervisor Re: Membership Dues for 2007
28. David M. Bruen to the Supervisor Re: Peach Lake Sewer District
29. Putnam County Bureau of Emergency Services to the Supervisor Re: The Disaster Mitigation Act of 2000
30. New York State Insurance Fund Re: American Landscapes & Estates
31. Tara Karlson to the Supervisor Re: Lake Tonetta
32. Town of Southeast Recreation Department Re: Monthly Revenue Report 7/31/06
33. Town of Southeast Open Space Advisory Committee Re: Bond Resolution to Support the Preservation of Open Space in Southeast
34. NYS Worker's Compensation Board Re: Fox Ridge Motor Inn, Inc.
35. Severn Trent to the Supervisor Re: Brewster Heights Water Treatment Facility and Springhouse Water Treatment Facility
36. NYS DEC to the Supervisor Re: SPDES #NYS20A320 Annual Report Review
37. NYS Insurance Fund Re: Thuesen Mechanical Corp
38. Hogan & Rossi to the Supervisor Re: Weston chase Subdivision
39. Small Claims Re: Beth A. Briggs, Harvy Fierstein, Albert & Deborah Rossi
40. Brewster Elks Lodge No. 2101 Re: Liquor License Renewal
41. Sullivan & Cromwell LLP Re: Request for Copy of Zoning Book

Foil Requests

1. William A. Shilling, Jr. Esq. Re: Minutes of the Zoning Board of Appeals Held on 6/19/06 with Respect to Tax Map No. 57.18-1-10
2. Amy Schlosberg Re: Rental Registration Law
3. Anthony Russo Re: Copy of 2002 Bid for Garbage and Rubbish Pickup
4. Ellen Azzaretti Re: Plans for Baker Subdivision
5. Cathy Croft Re: Regular Town Board Meeting Minutes for 6/15/06, Baker Farm File
6. John Coppola Re: Any documents Regarding the Building Site Approval for Holly Stream Condominium
7. B. Beckmann Re: Above Ground Pool and Associated Building Permits on Mourning Dove Lane
8. Lynne Eckardt Re: Invoices for Stephens & Charbonneau from 1/1/06 to 7/3/06 and View Voucher Book 2006
9. Susan E. Coyle Re: Documents for Peach Lake Proposed Sewer District File
10. Hogan & Rossi Re: Local Law #3

Correspondence Sent

1. Janet McSwain, P.E. Re: Brewster Heights WWTP Upgrade
2. Assemblyman Willis H. Stephens Re: Tonetta Lake Road
3. Douglas D. Cotton, P.E. Re: Emergency Relief Program Event NY06-01-June 23 Floods
4. Robert H. Sammons, P.E. Re: Report #76 for the Brewster Heights Wastewater Treatment Plant Upgrade and Report #71 for the Blackberry Hill Sewer District Treatment Facility
5. Mr. Daniel Paesano, Mr. Charles Tessmer, Mr. William Scorca, Mr. Sciaruto Re: Full-time Position for a Zoning Enforcement Officer
6. Ms. Christine Rupolo, Ms. Eileen Drance, Ms. Laura Piaquadio, Ms. Coleen Ruston Miccio, Ms. Linda Berger, Ms. Debra Waters, Ms. Mary Pfiel Re: Full-time Position for a Clerk
7. Building Department File Tax Map # 56.20-2-35 – Kitchen #2

**VOUCHER LIST**

Supervisor Dunford made a motion to approve the voucher list in the amount of \$903,700.73. Councilman Honeck seconded. All in favor.

**BUDGET TRANSFERS**

Councilman Johnson made a motion to approve the attached budget transfers and Councilman Honeck seconded. All in favor.

**MEETING DATES**

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

August 31, 2006	7:30PM Civic Center	Work Session/Special Mtg.
September 7, 2006	7:30PM Civic Center	Work Session
September 14, 2006	7:30PM Civic Center	Regular Meeting
September 21, 2006	7:30PM Civic Center	Work Session

**RESOLUTION # /2006 FISHER SUBDIVISION 280-a DESIGNATION**

Introduced By: Councilman Honeck  
Seconded By: Councilman Bonanno

**WHEREAS**, on June 15, 2006 the Town Board of Southeast adopted Resolution No.28 of 2006 (the “Resolution”) in connection with the application of Susan Fisher, owner of property located on Nelson Boulevard (Tax Map No. 67.0-1-33.2), Town of Southeast , also known as the “Fisher Subdivision” (hereafter the “Premises”), for designation of a portion of such Premises as an “open development area” in accordance with Section 280-a (4) of the Town Law of the State of New York; and

**WHEREAS**, after consultation with the Planning Board and Town Counsel, it is the Town Board’s desire to modify, correct and amplify said Resolution; and

**WHEREAS**, the applicant wishes to subdivide the Premises to create a two (2) lot subdivision, neither lot having direct frontage on or direct access from a municipally maintained road but will be accessed by a common driveway from the Town Road known as Nelson Boulevard which is a municipally maintained highway; and

**WHEREAS**, the creation of such building lots, not having direct access from a municipally maintained road, results in the technical non-compliance with Section 280-a of the Town Law; and

**WHEREAS**, the Planning Board, acting as Lead Agency for the purpose of State Environmental Quality Review, has adopted a Negative Declaration thereby determining that the proposed project will not have a significant effect upon the environment provided such conditions are fulfilled; and

**WHEREAS**, the Planning Board referred the applicant to the Town Board for consideration of the applicant’s request to establish an Open Development Area, pursuant to Section 280- a of the Town Law; and

**WHEREAS**, the Town Highway Superintendent and Consulting Engineer have reviewed the proposal together with its engineered drawings and have found said proposal and plans to be acceptable; and

**WHEREAS**, the Town Board of the Town of Southeast has duly deliberated on said application, the comments made by interested persons and comments of the Town Engineer and Planning Board during the subdivision approval process, together with other documentation submitted in connection herewith and have found and determined that adequate measures have been or will be taken to assure the safe and unobstructed passage along said common driveway; will promote the preservation of open space and

will enhance the environment by minimizing the amount of impervious surface constructed in connection with the subdivision.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Southeast hereby designates the area described as the “rear” lots of the Fisher Subdivision as an Open Development Area in accordance with Section 280-a (4) of the Town Law of the State of New York authorizes the Planning Board to proceed with its review of the applicant’s development proposal without the requirement that the lots created thereby, one having a lot area of 9.188 acres and the other having a lot area of 32.12 acres, have direct access to a town or other municipally maintained road provided that the following conditions are met:

1. That the Southeast Planning Board complete its review of the subdivision proposal in compliance with all other provisions of the Code of the Town of Southeast relating to the subdivision of land, the Zoning Ordinance of the Town of Southeast and the provisions of any and all other State or local law relating thereto including, but not limited to, any and all approvals or permits required by the New York City Department of Environmental Protection or by the New York State Department of Environmental Conservation under Article 8 of the Environmental Conservation Law of the State of New York, together with any and all regulations promulgated thereunder.

2. That the subdivision of the Premises results in the creation of not more than two new (2) residential lots.

3. That the lots be accessed solely from Nelson Boulevard.

4. That a Declaration of Common Driveway Easement and Maintenance agreement has been prepared, and has been deemed satisfactory to the Town’s legal counsel, which provides the terms and conditions regarding the access to the Premises and the maintenance of the common driveway by the properties served thereby and the sharing of the costs associated therewith. Said agreement has been duly recorded in the Office of the County Clerk of Putnam County in Liber 1564 at page 383.

5. That, prior to the issuance of any permits to build within the Premises, the Developer shall grant to the Town of Southeast any and all easements or rights of way which may be deemed necessary for the orderly and safe development of the Premises and for the provision of emergency services to the future residents therein.

6. That the plat or plats to be filed in connection with this proposed subdivision shall bear a notation that rear lots shall be accessed solely from common driveway leading from Nelson Boulevard and shall bear the further notation that no further subdivision of the lots created by such subdivision shall be permitted.

7. That the Developer shall comply with such other or different conditions, restrictions or limitations as may be established by the Planning Board of the Town of Southeast.

8. That this Resolution shall replace and supersede Resolution 28 of 2006 in all respects.

**UPON ROLL CALL VOTE**

Supervisor Dunford – Aye  
Councilman Bonanno – Aye  
Councilwoman Mitts – Absent

Councilman Johnson – Aye  
Councilman Honeck – Aye

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

**RESOLUTION # /2006 ESTABLISHMENT OF PERFORMANCE BOND/QUINN SUBDIVISION**

Introduced By: Councilman Johnson  
Seconded By: Supervisor Dunford

**WHEREAS**, the Town of Southeast has a recommendation from the Town Engineer with respect to the Establishment of Performance Bond for the Quinn Subdivision, Turk Hill Road, Southeast, NY;

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the bond amount for the following project is set forth below:

<u>PROJECT NAME</u>	<u>PRESENT AMOUNT</u>	<u>RECOMMENDED TO</u>
QUINN SUBDIVISION	\$ .00	\$16,500.00
Site Improvements	\$14,750.00	
Soil & Erosion	<u>\$ 1,750.00</u>	
	\$16,500.00	

UPON ROLL CALL VOTE:

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

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

**RESOLUTION # /2006 ADOPTING LOCAL LAW AMENDING LOCL LAW NO. 1 OF 2002**

Introduced By: Councilman Bonanno  
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 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 PLAN 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 August 17, 2006; 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 the moratorium on development in the Rt. 22 North Corridor 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. 9 of 2006 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 – Absent

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

**RESOLUTION – OPEN SPACE BOND - deferred**

Supervisor Dunford made a motion to defer the resolution until August 31, 2006.  
Councilman Johnson seconded and all in favor.

**NEW BUSINESS**

When notified that there was commercial operations on Nichols Road, the Supervisor said he would have an answer within a week. Unfortunately the notice letter was sent to the wrong person.

Ace Endico – a letter went out to them and they have until August 22 to clear everything up regarding zoning.

Landfill – will meet with the DEC on August 21<sup>st</sup>.

Vouchers – there appears to be more this year than last but that is due to bonds becoming due.

Starr Ridge Manor – two boards (Southeast and North Salem) will meet to discuss the Peach Lake sewers.

Problems with Suscom cable were discussed but it was recently purchased by Comcast.

Team Brewster – Meeting first Thurs of September.

Councilman Honeck spoke to a resident and asked her to identify herself as the Democratic Chairman since he feels that most of her concerns are really political in nature. She responded that she felt he was knit-picking.

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

Respectfully submitted,

Ruth Argo Mazzei  
Southeast Town Clerk