

**TOWN OF SOUTHEAST
John J. Dunford Civic Center
1360 Route 22, Brewster, New York 10509
June 10, 2010
Regular Meeting - 7:30 PM**

Notation of Exits
Pledge of Allegiance

Present: Supervisor Michael Rights
Councilman Roger Gross
Councilman Dwight Yee
Councilwoman Elizabeth Hudak
Councilman Robert Cullen

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

And: Approximately 40 persons

CALL FOR THE ORDER OF THE DAY – Councilwoman Hudak

REGULAR MEETING

Supervisor Rights made a motion to open the meeting and Councilman Gross seconded. All in favor.

2010 Fire Safety Educator of the Year – Kenneth Clair received a citation from the Town of Southeast to honor his achievement.

PUBLIC HEARINGS

NOISE ORDINANCE

Supervisor Rights made a motion to open the public hearing and Councilman Yee seconded. All in favor. No comments were submitted. Supervisor Rights made a motion to close the meeting and Councilwoman Hudak seconded. All in favor.

GRANT APPLICATION – COMMUNITY DEVELOPMENT BLOCK GRANT

Supervisor Rights made a motion to open the public hearing and Councilman Gross seconded. All in favor. This is for a possible grant application to the NYS Office of Community Renewal. This program may be used by municipalities for general economic development that create and/or retain permanent, private sector job opportunities principally for low and moderate income persons.

Ann Fanizzi spoke of the grant application and asked if the zone has to be changed. Town Attorney Stephens said that this was a retail operation with no manufacturing. The grant is favored by the Putnam County Legislators. Ms Fanizzi felt that this was not a proper application for that location and that it should be consistent with the Town and County as to whether it is a significant manufacturing facility.

Supervisor Rights said that there is no need for a zone change.

Town Attorney Stephens stated that the resolution was amended to read a regionally significant employment opportunity.

Initially the IDA felt the Empire Zone could be expanded and there had to be a finding. According to the County, it was properly zoned. There will be regional employment opportunities.

Ann Fanizzi felt that this was not viable employment for Putnam County because out of 73 employees, more than half will be earning less than \$40,000.00 a year.

Town Attorney Stephens explained that this Public Hearing was in connection with the application for a Community Block Grant, which is a Federal Program that requires Two Public Hearings. One, to discuss the concerns and economic development of the Town of Southeast, and two, the specifics of the application for a Community Block Grant to help the DeCicco facility.

Supervisor Rights made a motion to close the meeting and Councilman Yee seconded. All in favor.

CORRESPONDENCE

Supervisor Rights made a motion to waive the reading of the Correspondence. Councilman Yee seconded. All in favor.

CORRESPONDENCE RECEIVED

1. Laura Nowack to Town Board Re: Concerns about Landfill
2. Putnam County Action Program to Town Board Re: Annual Motorcycle Run for H.O.P.E
3. PC Legislature Tony Hay to Town Board Re: Peaceable Hill Water Rates
4. PC Executive to Town Board Re: Landfill Project Status
5. PC Legislature Vincent Tamagna to Town Board Re: MMM#17
6. PC Legislature Vincent Tamagna to Town Board Re: MMM#20 – Landfill
7. PC Executive to NYSDEC Re: Proposed Consolidation of the Southeast & Putnam County Landfills
8. PC Legislature Tony Hay to Town of Southeast Re: Sales Tax Revenue Sharing
9. PC Legislature Tony Hay to Town Board Re: Sales Tax Revenue Sharing Proposal
10. PC Legislature Vincent Tamagna to Town Board Re: MMM#19 – Tilly Foster Farm
11. PC Executive to Supervisor Rights Re: Landfill Reclamation Study
12. PC Office for the Aging to Supervisor Rights Re: Contract for the Outreach Position
13. Laurie Fricchione to Supervisor Rights Re: Resume
14. Kathleen Barrett to Supervisor Rights Re: Resume
15. James Bacon to Millie Nugent – open space committee Re: Proposed Open Space Transfer
16. Zoning Amendment Protest Petition to Town of Southeast Re: Parcel 68-1-4 from GC-2 to NB-1
17. Mary E Vail Esq To ZBA Re: Vails Grove Cooperative, Inc
18. NYC DEP to Town of Southeast Re: Permits for Temporary Use of Property
19. Glynn Mercep & Purcell LLP to Supervisor Rights Re: North Salem Volunteer Ambulance w/ Town of Southeast
20. Petition in Opposition to the Town of Southeast Amending the Comprehensive Plan
21. EAF to Town Board Re: EAF for Local Law to Amend the Town of Southeast Comprehensive Plan
22. Tarter Krinsky & Drogin to supervisor Rights Re: Salem View Farms LLC
23. Brandt, Steinberg & Lewis LLP to Assessor Re: Complaint on Real Property Assessment – the Great Atlantic & Pacific Tea Co.
24. Jacobson to Planning Board Re: Metro PCS NY Site Plan Application
25. Jacobson to Planning Board Re: Palumbo Sand & Gravel Continued Plan Review
26. Jacobson to Planning Board Re: Paraco Gas Corp Site Plan Review
27. Brewster Fire Dept to Town Board Re: Annual Fire Dept Parade
28. Milly Nugent to Town Board Re: Final report of survey of Haines Pond

29. Utica First Notice of Cancellation Re: A to Z Building Maintenance
30. Acord Certificate of Liability Ins Re: Landscape Unlimited Inc
31. Utica First Notice of Payment Re: Bruce Major Contracting Inc
32. NYSIF Cancellation of Certificate of Workers Comp Re: Laurel Oak Landscaping of NY Inc
33. Utica First Notice of Payment Re: A to Z Building Maintenance
34. Brewster Lodge to Supervisor Rights Re: Flag Day Service
35. Putnam County to Supervisor Rights Re: Putnam County Real Property Tax Service Contract
36. **FOILS:**
 - Houlihan Lawrence Re: Survey for 58 Wetherill Rd
 - Ann Fannizzi Re: Information on Circus
 - Keller Williams Re: Septic Plans for 888 Drewville Rd
 - Superior Data Re: CO's, permits & violations for 108 Ice Pond Rd
 - Susan Picone Re: Copy of survey for 303 Twin Brook Ct
 - Harsha Saxena Re: Survey map for 19 Sherrys Lane
 - Ann Fannizzi Re: DeCicco file
 - Century 21 Re: CO for 76 Friendly Rd
 - Empire State Research Re: CO's, permits, & violations for 24 Blueberry Dr
 - Pasquale DiDomizio Re: Survey for 80 Bloomer Rd
 - H. Stockfield Re: CO's & letters for 14 Ann Dr
 - Superior Data Re: CO's, permits, and violations for 80 N Brewster Rd
 - Shamberg Marwell Davis & Hollis PC Re: Zoning Map
 - Harris Beach PLLC Re: CO for 133 Peaceable Hill Rd
 - Houlihan Lawrence Re: CO for 179 Overlook Dr
 - Neumann Real Estate Re: CO's, permits and plans for 3 Blaney Rd
 - Empire State Research Re: CO's, permits & violations for 1250 Route 22
 - Anthony Fanelli Re: 40 Milltown Rd
 - Coldwell Banker Re: CO's for 667 Milltown Rd
 - Joyce Lockwood-Roach Re: 276 Daisy Lane

CORRESPONDENCE SENT:

1. Planning Dept to P.W. Scott & Associates Re: Escrow Accounts
2. Town Clerk to Brewster Salvage Re: Application and Fee for 2009 License
3. Supervisor to Residents Re: Residents of Town affected by Village Water Rates
4. Supervisor to Groups Galore Inc Re: Permission to film in Southeast

VOUCHERS

Supervisor Rights made a motion to approve the vouchers totaling \$652,257.91. Councilman Gross seconded. All in favor.

SETTING OF MEETING DATES

All meetings will be held at 1360 Route 22, Brewster, New York at 7:30 pm unless otherwise noted.

Supervisor Rights made a motion to set the following meeting dates. Councilman Gross seconded. All in favor.

July 8, 2010 - Worksession
 July 29, 2010 - Regular Meeting

BUDGET TRANSFERS

Supervisor Rights made a motion to approve the budget transfers and Councilwoman Hudak seconded. All in favor.

RESOLUTION #30/10 NEGATIVE DECLARATION FOR THE COMPREHENSIVE PLAN

Introduced by Supervisor Rights
Seconded by Councilman Yee

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Significance

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

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

Name of Action: A Local Law to Amend the Comprehensive Plan of the Town of Southeast

SEQR Status: Type 1
Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The proposed amendments to the Town of Southeast Comprehensive Plan would recognize existing automobile dealers as uses permitted by Special Permit in the Neighborhood Business 1 (NB-1) Zoning District, and include amendments to the "Future Land Use" map and "Future Zoning Map," as well as the "Goal and Policy" and "Implementation Actions" sections.

At the time the Comprehensive Plan was adopted on June 20, 2002, the Comprehensive Plan included recommendations that discouraged automobile related uses in certain commercial zoning districts in favor of commercial uses that would serve surrounding residential neighborhoods. Subsequent to the adoption of the Comprehensive Plan, previous Town Boards attempted to implement Zoning amendments that would, among other issues, provide specific provisions related to automobile related uses. Zoning amendments were adopted relative to motor vehicle service stations and gasoline stations, but no resolution was achieved on how to treat existing automobile dealerships. The current Town Board recognizes that existing automobile dealerships represent an important business sector within the Town of Southeast and Putnam County and desires to make certain amendments to the Comprehensive Plan and Zoning Amendments to allow for the continued operation of these businesses and expansion of these businesses subject to Special Permit conditions.

Location: Town of Southeast, NY

Reasons Supporting This Determination:

The following materials have been reviewed:

- Expanded EAF, dated April 2010

The Town Board recognizes that at the time the Comprehensive Plan was adopted on June 20, 2002, the Comprehensive Plan included recommendations that discouraged automobile related uses in certain commercial zoning districts in favor of commercial uses that would serve

surrounding residential neighborhoods, and that subsequent to the adoption of the Comprehensive Plan, the Town Board attempted to implement Zoning amendments that would, among other issues, provide specific provisions related to automobile related uses, and that zoning amendments were adopted relative to motor vehicle service stations and gasoline stations, but no resolution was achieved on how to treat existing automobile dealerships.

The proposed Comprehensive Plan Amendments were prepared by the Town Board in response to the Planning Board's report and recommendation on the Brewster Honda Zoning Petition dated September 28, 2009. The Planning Board recommended that the Comprehensive Plan be amended to identify automobile dealerships and their support activities and that the Comprehensive Plan recognize appropriate locations for these types of businesses, as well as appropriate performance standards or supplementary regulations. The Town of Southeast Town Board declared its Intent to be Lead Agency for the proposed action under the State Environmental Quality Review Act (SEQRA) on February 18, 2010, and declared itself Lead Agency on May 20, 2010.

The Town Board referred the proposed Comprehensive Plan Amendments to the Putnam County Division of Planning and Development pursuant to General Municipal Law §239-m on February 18, 2010. The Putnam County Division of Planning and Development approved the proposed action pursuant to General Municipal Law §239-m in a letter dated May 14, 2010.

The Town Board referred the proposed Comprehensive Plan Amendments to the Town of Southeast Planning Board on February 18, 2010. The Town of Southeast Planning Board, in a resolution dated April 26, 2010, voted to positively recommend the proposed Comprehensive Plan Amendments as written.

The Town Board held a public hearing on March 18, 2010 and April 15, 2010, at which time members of the public were given the opportunity to comment on the proposed Comprehensive Plan Amendment. Representatives from the Allview Avenue neighborhood presented written and oral comments in opposition to the proposed Comprehensive Plan Amendment. The primary concerns of the Proposed Action were the potential for automobile dealerships to locate throughout the Town, as well as the potential for automobile dealerships to locate in close proximity to residential areas. Representatives from Brewster Honda and local business persons presented written and oral comments in favor of the proposed Comprehensive Plan Amendment. They emphasized the importance of the retention of the automobile dealerships to the local economy and tax base. The Town Board considered all comments from the public with regards to the proposed Comprehensive Plan Amendment, and found that the potential impacts to residential areas could be mitigated through the creation of special permit conditions and careful site planning, and that the economic benefits to the Town warranted the retention and legalization of these businesses.

Furthermore, the Town Board considered the potential impact of the proposed Comprehensive Plan Amendments and companion Zoning Amendment on zoning districts elsewhere in the Town of Southeast. The proposed zoning amendment, would define automobile dealerships and their support activities as "general business" which use is currently permitted in several zoning districts. However, automobile dealerships traditionally require the outside storage and display of vehicles to conduct their business. The Code of the Town of Southeast defines outside storage as the "outside storage or display of merchandise, supplies or vehicles associated with a principal use." As identified in the table below, the only districts that would permit both general business and outside storage are NB-1 and ED. The ED Zoning District currently permits "Motor Vehicle Service Stations" and other more intense special permit uses than automobile dealerships; as such the addition of automobile dealerships is not anticipated to result in any significant adverse impacts to uses in this district. The NB-1 Zoning District encompasses existing automobile dealerships, which would be legitimized by the Proposed Action; therefore no significant adverse impacts to this district are anticipated. Although general business would be permitted in GC-2, a dealership would not be allowed to store their cars outside onsite, which would be a significant

deterrent to any such business attempting to locate in that location. Furthermore, the maximum size of a general business building would be 50,000 square feet, which would restrict indoor display. Therefore, the proposed Comprehensive Plan and companion Zoning amendments would not result in the proliferation of automobile businesses throughout the Town, and no significant adverse impacts to community character or growth inducing impacts are anticipated.

Zoning District	General Business	Outside Storage ¹
NB-1	Special Permit Use	Conditional Accessory Use ²
NB-2	Special Permit Use	Not Permitted
ED	Permitted Principal Use	Permitted Accessory Use
OP-1	Not Permitted	Permitted Accessory Use
OP-2	Permitted Accessory Use	Permitted Accessory Use
OP-3	Not Permitted	Not Permitted
GC-1	Not Permitted	Not Permitted
GC-2	Permitted Principal Use	Not Permitted
HC-1	Not Permitted	Not Permitted
SR22	Not Permitted	Not Permitted
RC	Not Permitted	Not Permitted
Notes: ¹ Defined in the Code as the "...outside storage or display of merchandise, supplies or vehicles associated with a principal use..." ² Proposed as part of the Local Law		

As noted in the above table, outside storage would be added as a conditional accessory use to the NB-1 Zoning District. The Town Board recognizes that outdoor storage currently exists in the NB-1 Zoning District, and that by allowing it as a conditional accessory use with requirements for setbacks and visual buffers, they are enhancing the Town's regulation of an existing condition. Therefore, no significant adverse impacts are anticipated.

The Comprehensive Plan Amendments would amend Figures 5-2 and 5-4 to reflect the land use and zoning changes recommended by the Comprehensive Plan Amendment. Although the existing Comprehensive Plan depicts land use of the Brewster Honda property as Rural Residential, it has in fact historically been a commercial property. The proposed rezoning area is bounded by I-84, an abandoned railroad line, and a small residential area in the Village of Brewster. The residential area is bounded on three sides by existing commercial uses, and is therefore a transitional neighborhood between the business districts and the more rural residential areas. The recommendation of rezoning this property to NB-1, instead of GC-2 as it is currently zoned, is to reflect its closer relationship with the adjacent NB-1 District.

The proposed text amendments to the Comprehensive Plan would recognize the importance of the continuation and enhancement of existing businesses, in particular automobile dealerships and their support activities, in the Town of Southeast. The proposed amendments note that the expansion of existing businesses should not be to the detriment of residential areas, and recommend that Special Permit criteria be developed to protect residential uses; therefore no significant adverse community character impacts are anticipated.

The Proposed Action contains several revisions to the Comprehensive Plan that, when taken together, will provide greater opportunities for the preservation and enhancement of existing automobile dealership businesses and provide a greater protection of community character than currently exists, and the potential effect on the environment from these amendments will not result in impacts when considered independently or cumulatively. While the proposed Comprehensive Plan Amendments would allow for the expansion of existing businesses, and

possibly the creation of new businesses, these would be located within areas already considered for commercial development.

In addition to the factors considered above, the Town Board considered the following guidance from the State Environmental Quality Review Act and its implementing regulations and determined that the Proposed Action would:

- (i) Not result in "a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;" (§617.7(c)(1)(i))
- (ii) Not result in "the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;" (§617.7(c)(1)(ii))
- (iii) Not result in "the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;" (§617.7(c)(1)(iii))
- (iv) Not result in "the creation of a material conflict with a community's current plans or goals as officially approved or adopted;" (§617.7(c)(1)(iv))
- (v) Not result in "the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;" (§617.7(c)(1)(v))
- (vi) Not result in "a major change in the use of either the quantity or type of energy;" (§617.7(c)(1)(vi))
- (vii) Not result in "the creation of a hazard to human health;" (§617.7(c)(1)(vii))
- (viii) Not result in "a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;" (§617.7(c)(1)(viii))
- (ix) Not result in "the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;" (§617.7(c)(1)(ix))
- (x) Not result in "the creation of a material demand for other actions that would result in one of the above consequences;" (§617.7(c)(1)(x))
- (xi) Not result in "changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or" (§617.7(c)(1)(xi))
- (xii) Not result in "two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision." (§617.7(c)(1)(xii))

In conclusion, the Proposed Action will not have any significant adverse environmental impacts.

For Further Information:

Contact Person: Ruth A. Mazzei, Town Clerk

Address: Town of Southeast Town Hall
1360 Route 22
Brewster, NY 10509

Telephone Number: (845) 279-2196

A Copy of this Notice has been filed with:

- Hon. Michael Rights, Supervisor, Town of Southeast
- Town Clerk, Town of Southeast
- Putnam County Division of Planning and Economic Development, 841 Fair Street, Carmel, NY 10512
- Commissioner, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-1011
- Village of Brewster Planning Board, Village of Brewster, 208 Main St, Brewster, NY 10509
- Village of Brewster Village Board, Village of Brewster, 208 Main St, Brewster, NY 10509
- Environmental Notice Bulletin (ENB)

UPON ROLL CALL VOTE:

Supervisor Rights – aye
Councilman Gross – aye
Councilman Yee – aye
Councilwoman Hudak – aye
Councilman Cullen – nay

Carried by a vote of 4 ayes, 1 nay.

RESOLUTION NO. 31 / 2010 LOCAL LAW NO. 1 of 2010 LOCAL LAW TO AMEND THE COMPREHENSIVE PLAN

INTRODUCED BY: Councilman Yee
SECONDED BY: Councilwoman Hudak

WHEREAS, the Town Board is considering a set of amendments to the Comprehensive Plan relative to desired land uses within the Gateway and Neighborhood Business Districts; and

WHEREAS, the proposed Comprehensive Plan amendments are being considered in relation to proposed Zoning amendments that would change the definition of “general business” to allow existing automobile dealerships within the Neighborhood Business Zoning Districts to be recognized as permitted uses subject to Special Permit criteria; and

WHEREAS, the Town Board recognizes that at the time the Comprehensive Plan was adopted on June 20, 2002, the Comprehensive Plan included recommendations that discouraged automobile related uses in certain commercial zoning districts in favor of commercial uses that would serve surrounding residential neighborhoods, and that subsequent to the adoption of the Comprehensive Plan, the Town Board attempted to implement Zoning amendments that would, among other issues, provide specific provisions related to automobile related uses, and that zoning amendments were adopted relative to motor vehicle service stations and gasoline stations, but no resolution was achieved on how to treat existing automobile dealerships; and

WHEREAS, the proposed Comprehensive Plan Amendments was prepared by the Town Board in response to the Planning Board’s report and recommendation on the Brewster Honda Zoning Petition dated September 28, 2009; and

WHEREAS, the Planning Board recommended that the Comprehensive Plan be amended to identify automobile dealerships and their support activities and that the

Comprehensive Plan recognize appropriate locations for these types of businesses, as well as appropriate performance standards or supplementary regulations; and

WHEREAS, the Town of Southeast Town Board declared its Intent to be Lead Agency for the proposed action under the State Environmental Quality Review Act (SEQRA) on February 18, 2010; and

WHEREAS, the Town of Southeast Town Board declared itself Lead Agency for the proposed action under SEQRA on May 20, 2010; and

WHEREAS, the Town Board referred the proposed Comprehensive Plan Amendments to the Putnam County Division of Planning and Development pursuant to General Municipal Law §239-m on February 18, 2010; and

WHEREAS, the Putnam County Division of Planning and Development approved the proposed action pursuant to General Municipal Law §239-m in a letter dated May 4, 2010; and

WHEREAS, the Town Board referred the proposed Comprehensive Plan Amendments to the Town of Southeast Planning Board on February 18, 2010; and

WHEREAS, the Town of Southeast Planning Board, in a resolution dated April 26, 2010, voted to positively recommend the proposed Comprehensive Plan Amendments as written; and

WHEREAS, the Town Board held publically noticed hearings on March 18, 2010, and April 15, 2010, at which time members of the public were given the opportunity to comment on the proposed Comprehensive Plan Amendment; and

WHEREAS, representatives from the Allview Avenue neighborhood presented written and oral comments in opposition to the proposed Comprehensive Plan Amendment; and

WHEREAS, representatives from Brewster Honda and local business persons presented written and oral comments in favor of the proposed Comprehensive Plan Amendment; and

WHEREAS, the Town Board has considered comments from the public with regards to the proposed Comprehensive Plan Amendment; and

WHEREAS, the Town Board has considered the potential impact of the proposed Comprehensive Plan Amendments and companion Zoning Amendment on Zoning Districts elsewhere in the Town of Southeast; and

WHEREAS, the Town Board issued a Negative Declaration on the proposed action pursuant to SEQRA on June 10, 2010; and

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 1 of 2010 to amend the Comprehensive Plan of the Town of Southeast, as appended hereto, is hereby adopted.

UPON ROLL CALL VOTE:

Supervisor Rights – aye
Councilman Gross – aye
Councilman Yee – aye
Councilwoman Hudak – aye
Councilman Cullen – nay

Vote: Carried by a vote of 4 ayes, 1 nay.

RESOLUTION #32/10 LOCAL LAW #2 - TO AMEND THE ZONING TEXT AND MAP

Introduced by Councilman Gross
Seconded by Councilwoman Hudak

WHEREAS, the Town Board of the Town of Southeast is in receipt of a zoning petition submitted on behalf of Brewster Honda in conjunction with a site plan application for the development of a property located at 2-4 Allview Avenue, Brewster, NY 10509 (Tax Map Numbers 68-1-4, 68-1-5, and 68.5-1-2); and

WHEREAS, the property is currently zoned R-60 and GC-2 in the Town of Southeast; and;

WHEREAS, the applicant originally proposed to rezone the entirety of the GC-2 zoned property, and a portion of the R-60 zoned property, to OP-2 to accommodate the proposed use; and

WHEREAS, the Town Board referred the zoning petition to the Planning Board for a report and recommendation; and

WHEREAS, in a report and recommendation dated September 28, 2009, the Planning Board considered this rezoning measure and instead recommended that the property be rezoned to NB-1, along with certain text changes to the definition of “general business,” and amendments to the use table; and

WHEREAS, Local Law 2 of 2010, as appended hereto, was prepared by the Town Board in accordance with the Planning Board’s report and recommendation; and

WHEREAS, the Town Board referred the proposed Zoning Amendments to the Putnam County Division of Planning and Development pursuant to General Municipal Law §239-m, which, in a letter dated February 9, 2010, concurred with the Planning Board’s recommendation and report; and

WHEREAS, the Planning Board, as Lead Agency, issued a Negative Declaration pursuant to the State Environmental Quality Review Act (SEQRA) on the Proposed Action on January 11, 2010; and

WHEREAS, the Town Board held Public Hearings on the proposed Zoning Amendment on January 21, 2010 and February 18, 2010, at which time members of the public were given the opportunity to comment on the proposed project and zoning petition; and

WHEREAS, the Town Board has considered comments from the public with regards to this zoning amendment; and

WHEREAS, the Town Board has considered the goals and objectives of the Town of Southeast Comprehensive Plan as amended on May 20, 2010; and

WHEREAS, the Town Board has considered the surrounding land uses, both adjacent to, and in close proximity to the site; and

WHEREAS, the project site, formerly the Dills Best Lumber yard, is bounded by I-84 to the east, Allview Avenue and residences to the west, residences to the south, and an abandoned railway line to the north; and

WHEREAS, this site has historically been used for commercial purposes, most recently as a lumber yard and the northern portion of the site is developed with buildings associated with prior commercial uses; and

WHEREAS, given the condition of the northern portion of the site as a previously developed site, its access from Route 6 (although not directly from Route 6), and the project site's prior use as a commercial business with access from the Village of Brewster and primarily located in the Town of Southeast, the Planning Board finds that it is appropriate that this portion of the site continue as a commercial use; and

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 2 of 2010 to amend the Zoning Code of the Town of Southeast, as appended hereto, is hereby adopted.

UPON ROLL CALL VOTE:

Supervisor Rights – nay
Councilman Gross – aye
Councilman Yee – aye
Councilwoman Hudak – aye
Councilman Cullen – nay

See Minutes on June 24, 2010 for final decision.

RESOLUTION #33/10 PROTEST PETITION #1

Councilman Cullen made a motion to put the decision on the ruling of the status of the Protest Petition on the June 24th Meeting. Supervisor Rights seconded.

Upon Roll Call Vote:

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Nay</u>
Councilman Yee	<u>Nay</u>
Councilman Gross	<u>Nay</u>
Supervisor Rights	<u>Aye</u>

VOTE: defeated by a vote of 2 ayes, 3 nays.

RESOLUTION #34/10 PROTEST PETITION #2

Councilwoman Hudak made a motion that we determine that the petition filed by the residents of Meadow Lane, The Zoning Amendment Protest Petition to rezone tax map 68-1-4 and 68-1-5 is invalid pursuant to the provisions of Town Law section 265. Councilman Gross seconded.

Upon Roll Call Vote:

Councilman Cullen	<u>Nay</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Abstain</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Nay</u>

VOTE: fails by a vote of 2 in favor, 2 against, 1 abstained.

RESOLUTION #35/10 PROTEST PETITION #3

Supervisor Rights made a motion to move this matter of the validity of the petition to a special Meeting to be held on June 24, 2010 and to receive such documents from counsel on both sides and any additional parties may seek to interpose.

Upon Roll Call Vote:

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Nay</u>
Councilman Gross	<u>Nay</u>
Supervisor Rights	<u>Aye</u>

VOTE: carried by a vote of 3 in favor, 2 against; 0 abstained.

RESOLUTION #36/10 PROTEST PETITION #4

Supervisor Rights made a motion to accept documents pertinent to the petition by Monday June 21, 2010 and no materials after that. There was no second.

Councilwoman Hudak made a motion that on or before June 21, 2010, Counsel representing the Zoning Amendment Protest Petition and Counsel for Brewster Honda, submit legal memoranda and supporting documentation to the Town on this singular issue by 4:30 PM in either written or electronic submission.

Upon Roll Call Vote:

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Nay</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Nay</u>

VOTE: carried by a vote of 3 in favor, 2 against; 0 abstained.

MOTION-OLD TOWN HALL TASK FORCE – REFERENDUM PROPOSAL

Councilman Cullen made a motion to accept the recommendation of the Old Town Hall Task Force and place it on the November Ballot for the Public to consider.

Upon Roll Call Vote:

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Nay</u>

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

MOTION- TO DIRECT ARCHITECT NOT TO PREPARE ANY FURTHER DOCUMENTS REGARDING OLD TOWN HALL

The Town Board felt that since they were supporting the recommendation from Old Town Hall Task Force and the plan that were submitted for the Old Town Hall, that there was no need to vote on the motion.

MOTION-WATER DISTRICTS – PENALTY RELIEF

Councilman Yee made a motion to assess no penalties for all the water districts from 1/1/2010. Supervisor Rights seconded.

UPON ROLL CALL VOTE:

Supervisor Rights – aye
Councilman Gross – nay
Councilman Yee – abstain
Councilwoman Hudak – nay
Councilman Cullen – nay

Vote: Defeated by a vote of 1 ayes, 3 nay, 1 abstain.

MOTION- Made by Councilman Cullen to waive the penalties for all water districts from July 1, 2010 until 12/31/10. Councilman Cullen seconded and all in favor.

MOTION-FOR COURT PERSONNEL

Councilman Gross made a motion to appoint Nancy Dwyer as a Clerk for the Southeast Town Courts; Supervisor Rights seconded. This appointment is an announcement of Judge Vercollone’s as he has the ability to have one appointed clerk. All in favor.

MOTION- CONSOLIDATION OF SECRETARIES FOR THE PLANNING BOARD, ZONING BOARD OF APPEALS, ARCHITECT REVIEW BOARD AND MS4

Supervisor Rights made a motion to consolidate secretaries for the Planning, Zoning, Architect Review Boards and MS4. Councilman Gross seconded. All in favor.

MOTION-HIRING OF FULL-TIME SECRETARY FOR CONSOLIDATED BOARDS

Supervisor Rights made a motion to hire Victoria Desidero as secretary for the Planning Board, Zoning Board of Appeals, Architectural Review Board and the MS4 at a salary of \$35,000. Councilman Gross seconded and all in favor.

MOTION-AUTHORIZE AN RFP FOR AN ATTORNEY REGARDING BOARD OF ETHICS

Councilwoman Hudak made a motion to authorize a Request for Proposal and accept proposals from qualified attorneys or law school based law clinics with an amount not to exceed \$200. an hour in connection with the review of the Town’s Ethics Law Chapter 18 of the Code of the Town of Southeast in preparation of Chapter 18 to incorporate current trends in Municipal and Governmental Ethics reform. Supervisor Rights seconded and all in favor.

RESOLUTION #37/10-- WETLANDS PERMIT BAROODY RESIDENCE

INTRODUCED BY: Councilman Gross

SECONDED BY: Supervisor Rights

WHEREAS, the Town of Southeast Wetlands Consultant, Stephen W. Coleman, issued a report and recommendation in connection with the application of Nagy Baroody, to merge two previously subdivided lots into one for property located on Farm to Market Road, Tax Map No. 34-1-1 in the Town of Southeast; and

WHEREAS, the Report and Recommendation concludes that the proposed activity will have minimum impacts upon regulated wetlands and wetland buffer areas and makes recommendations regarding the mitigation of potential impacts; and

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

NOW, THEREFORE, BE IT

RESOLVED, that after reviewing the maps, plans and submissions of the Applicant, together with the Report and Recommendation of Stephen W. Coleman Environmental Consulting and the Wetlands Permit referral of the Planning Board both of which are incorporated herein by reference, the Town Board of the Town of Southeast hereby GRANTS a wetlands permit, subject to any conditions set forth in the Report of Stephen W. Coleman Environmental Consulting; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to Harry Nichols, Jr., P.E., project engineer for Nagy Baroody, and to the Secretary of the Town of Southeast Planning Board forthwith.

UPON A ROLL CALL VOTE:

- Councilman Cullen aye
- Councilwoman Hudak aye
- Councilman Yee aye
- Councilman Gross aye
- Supervisor Rights aye

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

RESOLUTION #38 /10 - WETLANDS PERMIT FOR PARACO GAS CORP.

INTRODUCED BY: Councilman Cullen

SECONDED BY: Councilwoman Hudak

WHEREAS, the Town of Southeast Wetlands Consultant, Stephen W. Coleman, issued a report and recommendation in connection with the application of Paraco Gas Corp., for an amended site plan approval to install a 30,000 gallon propane storage tank located entirely within a designated wetland buffer on premises located at 4 Joe’s Hill Road, Tax Map No. 68-2-41 in the Town of Southeast; and

WHEREAS, the Report and Recommendation concludes that upon incorporation of prescribed wetland buffer mitigation plans, the proposed activity will have minimal impact upon regulated wetlands and wetland buffer areas and makes recommendations regarding the mitigation of potential impacts; and

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

NOW, THEREFORE, BE IT

RESOLVED, that after reviewing the maps, plans and submissions of the Applicant, together with the Report and Recommendation of Stephen W. Coleman Environmental Consulting and the Wetlands Permit referral of the Planning Board both of which are incorporated herein by reference, the Town Board of the Town of Southeast hereby GRANTS a wetlands permit, subject to any conditions set forth in the Report of Stephen W. Coleman Environmental Consulting; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to Harry Nichols, Jr., P.E., project engineer for Paraco Gas Corp. and to the Secretary of the Town of Southeast Planning Board forthwith.

UPON ROLL CALL VOTE:

Councilman Cullen aye

Councilwoman Hudak aye

Councilman Yee aye

Councilman Gross aye

Supervisor Rights aye

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

RESO. #39/10 TWO STARR RIDGE ROAD CORP. - WETLANDS PERMIT

INTRODUCED BY: Councilwoman Hudak

SECONDED BY: Supervisor Rights

WHEREAS, the Town of Southeast Wetlands Consultant, Stephen W. Coleman, issued a report and recommendation in connection with the application of Two Starr Ridge Road Corp, for a site plan approval to a commercial building and accessory site improvements on premises located at 2 Starr Ridge Road, Tax Map No. 68.-2-1, in the Town of Southeast; and

WHEREAS, the Report and Recommendation concludes that upon incorporation of prescribed conditions, the proposed activity will have minimal impact upon regulated wetlands and/or wetland buffer areas and makes recommendations regarding the mitigation of potential impacts; and

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

NOW, THEREFORE, BE IT

RESOLVED, that after reviewing the maps, plans and submissions of the Applicant, together with the Report and Recommendation of Stephen W. Coleman Environmental Consulting and the Wetlands Permit referral of the Planning Board both of which are incorporated herein by reference, the Town Board of the Town of Southeast hereby GRANTS a

wetlands permit, subject to any conditions set forth in the Report of Stephen W. Coleman Environmental Consulting; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to Bibbo Associates LLP, project engineer for Two Starr Ridge Road Corp. and to the Secretary of the Town of Southeast Planning Board forthwith.

UPON ROLL CALL VOTE

Councilman Cullen Aye

Councilwoman Hudak Aye

Councilman Yee Aye

Councilman Gross Aye

Supervisor Rights Aye

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

RESOLUTION #40 / 10 ARCHITECTURAL REVIEW BOARD – TWO STARR RIDGE ROAD

INTRODUCED BY: Councilwoman Hudak

SECONDED BY: Supervisor Rights

WHEREAS, the Town Board is in receipt of a Report of the Architectural Review Board of the Town Southeast dated 5/19/10 in connection with the application of Two Starr Ridge Road, to construct a new commercial building at 2 Starr Ridge Road, Tax Map No. 68-2-1 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 with conditions; 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 19, 2010 in connection with the proposal of Two Starr Ridge for premises located at **2 Starr Ridge Road** that such Report shall be incorporated in any final Site Plan approval by the Planning Board; and be it further

RESOLVED, that the Town Clerk shall forward a Certified Copy of the foregoing resolution to the Planning Board Secretary forthwith.

UPON ROLL CALL VOTE:

Councilman Cullen Aye

Councilwoman Hudak Aye

Councilman Yee Aye

Councilman Gross Aye

Supervisor Rights Aye

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

RESOLUTION #41/10 BOS LAND DEVELOPMENT - SETTLEMENT OF CERTIORARI PROCEEDINGS

INTRODUCED BY: Councilman Yee

SECONDED BY: Councilwoman Hudak

WHEREAS, proceedings have been commenced challenging the assessed valuation of premises known generally as Tax Map No. 2008 tax year (Index No. 2703/08); and

WHEREAS, the Town Board is in receipt of settlement recommendations from the Town's Assessor, Appraiser and Town Attorney with regard to such proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby accepts the recommendations of its professional advisors as follows:

<u>Year</u>	<u>Tax Map No.</u>	<u>Original:</u>	<u>Reduced to:</u>
2008	67.-12-1.28	\$939,300.00	\$400,000.00

And be it further

RESOLVED, that the Town Attorney is hereby authorized to execute a Consent Judgment and Stipulation in accordance with said recommendations.

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Aye</u>

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

RESOLUTION #42/10 SETTLEMENT OF CERTIORARI PROCEEDINGS - SUZANNE DEBAUN

INTRODUCED BY : Councilman Yee

SECONDED BY: Councilman Gross

WHEREAS, proceedings have been commenced challenging the assessed valuation of premises known generally as Tax Map No. 80.5-1-12 for the 2009 tax year (Index No. 2197/2009); and

WHEREAS, the Town Board is in receipt of settlement recommendations from the Town's Assessor, Appraiser and Town Attorney with regard to such proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby accepts the recommendations of its professional advisors as follows:

<u>Year</u>	<u>Tax Map No.</u>	<u>Original:</u>	<u>Reduced to:</u>
2009	80.5-1-12	\$1,400,000.00	\$1,100,000.00

And be it further

RESOLVED, that the Town Attorney is hereby authorized to execute a Consent Judgment and Stipulation in accordance with said recommendations.

UPON A ROLL CALL VOTE:

- Councilman Cullen Aye
- Councilwoman Hudak Aye
- Councilman Yee Aye
- Councilman Gross Aye
- Supervisor Rights Aye

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

RESOLUTION NO.43 / 10 SETTLEMENT OF CERTIORARI PROCEEDINGS - VIDEL HOLDING CORP.

INTRODUCED BY: Councilman Gross

SECONDED BY: Supervisor Rights

WHEREAS, proceedings have been commenced challenging the assessed valuation of premises known generally as Tax Map No. 46.-1-6 for the 2005, 2006, 2007, 2008 and 2009 tax years (Index Nos. 1264/05, 1569/06, 1665/07, 16217/08, & 16347/09); and

WHEREAS, the Town Board is in receipt of settlement recommendations from the Town's Assessor, Appraiser and Town Attorney with regard to such proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby accepts the recommendations of its professional advisors as follows:

<u>Year</u>	<u>Tax Map No.</u>	<u>Original:</u>	<u>Reduced to:</u>
2005	46.-1-6	\$2,240,000.00	\$2,150,000.00
2006	46.-1-6	\$2,329,600.00	\$2,236,000.00
2007	46.-1-6	\$2,469,400.00	\$2,348,000.00
2008	46.-1-6	\$2,543,500.00	\$2,395,000.00
2009	46.-1-6	\$2,416,300.00	\$2,275,000.00

And be it further

RESOLVED, that the Town Attorney is hereby authorized to execute a Consent Judgment and Stipulation in accordance with said recommendations.

UPON A ROLL CALL VOTE:

Councilman Cullen Aye
Councilwoman Hudak Aye
Councilman Yee Aye
Councilman Gross Aye
Supervisor Rights Aye

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

RESOLUTION NO.44 / 10 - SETTLEMENT OF CERTIORARI PROCEEDINGS - JOHN G. GRESS, JR. and JOSEPHINE GRESS

INTRODUCED BY: Councilwoman Hudak

SECONDED BY: Supervisor Rights

WHEREAS, proceedings have been commenced challenging the assessed valuation of premises known generally as Tax Map No.. 67.35-1-39 and 67.27-1-3 for the 2007 and 2008 tax years (Index Nos. 1780/2007, 1781/2007, 2028/2008 & 2029/2008) and

WHEREAS, the Town Board is in receipt of settlement recommendations from the Town's Assessor, Appraiser and Town Attorney with regard to such proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby accepts the recommendations of its professional advisors as follows:

<u>Year</u>	<u>Tax Map No.</u>	<u>Original:</u>	<u>Reduced to:</u>
2007	67.35-1-39	\$33,000.00	\$27,500.00
2008	67.35-1-39	\$33,000.00	\$27,500.00
2009	67.35-1-39	\$31,400.00	\$27,500.00

<u>Year</u>	<u>Tax Map No.</u>	<u>Original:</u>	<u>Reduced to:</u>
2007	67.27-1-3	\$400,000.00	\$200,000.00
2008	67.27-1-3	\$412,000.00	\$205,000.00
2009	67.27-1-3	\$391,400.00	\$200,000.00

And be it further

RESOLVED, that the Town Attorney is hereby authorized to execute a Consent Judgment and Stipulation in accordance with said recommendations.

UPON A ROLL CALL VOTE:

Councilman Cullen Aye
Councilwoman Hudak Aye
Councilman Yee Aye
Councilman Gross Aye
Supervisor Rights Aye

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

RESOLUTION NO. 45 / 10 SETTLEMENT OF CERTIORARI PROCEEDINGS - FORTY-SEVEN PROPERTIES, LLC

INTRODUCED BY: Councilman Cullen

SECONDED BY: Supervisor Rights

WHEREAS, proceedings have been commenced challenging the assessed valuation of premises known generally as Tax Map No. 67.36-1-17 and 67.36-1-18. For the 2007 tax years (Index Nos. 1779/2007, 1782/2007) and

WHEREAS, the Town Board is in receipt of settlement recommendations from the Town's Assessor, Appraiser and Town Attorney with regard to such proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby accepts the recommendations of its professional advisors as follows:

<u>Year</u>	<u>Tax Map No.</u>	<u>Original:</u>	<u>Reduced to:</u>
2007	67.36-1-17	\$476,800.00	\$440,000.00
2007	67.36-1-18	\$386,200.00	\$355,000.00

And be it further

RESOLVED, that the Town Attorney is hereby authorized to execute a Consent Judgment and Stipulation in accordance with said recommendations.

UPON A ROLL CALL VOTE:

Councilman Cullen Aye
Councilwoman Hudak Aye
Councilman Yee Aye
Councilman Gross Aye
Supervisor Rights Aye

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

MOTION-SEX OFFENDERS

Supervisor Rights made a motion to direct the Town Attorney to send a letter to the NYS Department of Corrections regarding Sex Offenders. Councilman Yee seconded and all in favor.

MOTION-NORTH SALEM AMBULANCE SERVICES

Supervisor Rights made a motion to authorize the Supervisor to send a letter to the PC Emergency Services and the North Salem Ambulance regarding Ambulance Services within the Croton Falls Fire District; Councilwoman Hudak seconded. All in favor.

DEC LANDFILL MEETING

The Supervisor and Councilman Gross attended a meeting with the DEC. The DEC appears to be supportive regarding the choices made by the town and that the Town of Southeast will continue to work with other sources. Councilman Gross was very happy with the outcome of the meeting.

MOTION-HIGHWAY TRUCKS

Supervisor Rights made a motion to authorize the disposal of Highway Trucks that are no longer needed. Councilman Gross seconded and all in favor.

MOTION-RFP COPY MACHINE

Supervisor Rights made a motion to authorize an RFP for a copy machine. Councilman Yee seconded and all in favor.

NEW BUSINESS

MOTION-REFUSE COMPANY- Supervisor Rights made a motion to authorize the granting of a permit to Green Valley Disposal, LLC for Commercial Refuse in Southeast. Councilwoman Hudak seconded and all in favor.

PARKING SPACES - Councilwoman Hudak stated in her attempt to work harmoniously she felt that people should be given respect with regards to parking spaces that were issued to them and try to work with others. Councilman Yee apologized to the Town Clerk and said he will no longer use parking spaces that were issued to others.

Respectfully,

Ruth Argo Mazzei

Southeast Town Clerk