

TOWN OF SOUTHEAST
1360 Route 22
Brewster, New York 10509
Thursday, July 9, 2020
WORK SESSION/REGULAR MEETING 7:00 P.M.

Please be advised that any and all Town Board Meetings held at 1360 Route 22 will practicing recommended social distancing guidelines. Seating and speaking areas are designated at a minimum distance of six feet, all guests entering the meeting room shall be required to wear a face covering and shall be subject to having his/her temperature recorded and documented prior to entering the meeting room.

Pledge of Allegiance

Notation of Exits

Turn Off/Put on Vibrate – All Electronic Devices

Public Hearing:

1. Barrett Hill
2. Commercial Shooting Ranges – Chapter 138
3. Parks and Recreation Advisory Board – Chapter 28

Work Session:

1. Discussion – Peddling & Soliciting, Article I, Chapter 103-1 – 103-5
2. Discussion – Funding a Route 22 Master Plan and Zoning Update

Regular Meeting:

1. Resolution – Set Erosion Control Bond – State Line Retail (Restaurant Depot)
2. Resolution – ARB Recommendation – Eurotech Construction
3. Resolution – ARB Recommendation – Northwood Tree Care
4. Resolution – Authorize Additional Expenditure To Purchase Highway Equipment – Skid
5. Motion – Appoint Tom Frasca – Chairman ARB
6. Motion – Authorize Town Supervisor to Negotiate Funding a Route 22 Master Plan and Zoning Update with the Town Planner at a price not to exceed \$19,500
7. Motion – Set Public Hearing – Peddling & Soliciting, Article I, Chapter 103-1 – 103-5
8. Motion – At the Conclusion of Recognition of Public and Town Board Go Into Executive Session to Discuss Possible Litigation

Recognition of Public/Public Comment

Recognition of Town Board/Town Board Comment

PH #1

PUBLIC NOTICE

PLEASE TAKE NOTICE on July 9, 2020 the Town Board of the Town of Southeast shall hold a Public Hearing at Town Hall, 1360 Route 22, Brewster, NY at 7:00 PM or as soon thereafter as interested parties may be heard, pursuant to Chapter 138 of the Town Code (“Zoning”) on the application of Barrett Hill Associates, LLC / Wilder-Balter Partners and Covington Management seeking a Re-Approval of a Special Permit to construct a multi-family residential development qualifying as Multifamily Work Force Housing on property known generally as “Barrett Hill” located at Mt. Ebo Lot 6, Mt. Ebo Road North (Tax Map No. 45.-5-2) including the environmental significance thereof. Copies of the proposed Barrett Hill application are available for inspection at office of the Town Clerk during normal business hours. All persons having an interest in the foregoing matters will be given an opportunity to be heard at this time.

By Order of the Town Board
Michele Stancati, Town Clerk

LADA, P.C.

PH #1

Land Planners

Land Development Consulting, Site Planning, Landscape Architects, Planners, Corridor Studies, Visual Assessment, Environmental Impact Statements, Erosion Control Specialists, Streetscapes, Recreation, and Master Planning

June 18, 2020

Mr. Tony Hay, Supervisor
Town of Southeast Town Board
1360 Route 22
Brewster, NY 10509

Re: Mount Ebo Lot 6- Barrett Hill Special Permit for Multifamily Workforce Housing in MFWF Floating Zone (Section 138-105) Extension Request

Dear Supervisor Hay and Town Board members,

In September 2019, the applicant, Barrett Hill Associates, LLC, submitted a request to extend the Special Permit granted by the Town Board in December 2017 for the project known as Barrett Hill (or Mount Ebo Lot 6) located in Mount Ebo Corporate Park North. The request for extension was accompanied by a letter dated September 12, 2019, from the project attorney, Mr. Richard O'Rourke of Keane and Beane, P.C.. This letter is and details the history of the project and request for an extension of the Special Permit under Section 138-52(C). During the weeks that followed that submission, there were a number of conversations between the applicant and the Town Planner and Town Board which resulted in the submission of (i)an additional letter from Mr. Richard O'Rourke, dated October 4, 2019, which letter provided additional information about the history of the Mount Ebo Water system and again requested an extension of the Special Permit; and (ii) a letter from WSP, the hydrogeologist for New York American Water (NYAW) dated September 26, 2019 (attached), which letter confirmed the successful redevelopment of the existing wells comprising the Mount Ebo Water system allowing for compliance with NYSDEC water supply requirements for the systems' existing users. This WSP letter also confirmed NYAW's intent to supply the Barrett Hill development with water from the Mount Ebo Water system, subject to the drilling of anew supply well to augment the existing potable water supply system.

On October 11, 2019, the Town Planner, Ms. Ashley Ley of AKRF, issued a memo which, in part, stated that the applicant would need to demonstrate that there is adequate potable water available for the project so that the Town Board can address this topic as part of an amended Negative Declaration for SEQRA before acting on the requested extension of the Special Permit . To this end, the applicant has successfully worked with New York American Water to drill a new source well for the Mount Ebo Water system. This new well is identified as Well #12 in the attached Yield Summary and Water Supply Adequacy letter prepared by WSP dated June 3, 2020. This letter confirms that, with the addition of Well #12, the existing Mount Ebo system has sufficient capacity (with a 38.6 gpm surplus) to supply the combined maximum daily demand for both the existing Mount Ebo Water system users and the Barrett Hill project with the best well out of service. Well #12 and the existing Mount Ebo wells on the Barrett Hill property are shown on Exhibit 1. Well #12 and all the wells within the Mount Ebo Water system are shown on Exhibit 2.

No changes to the site plans have occurred from the original submittal for the extension and these plans have been approved by NYCDEP, NYSDEC and PCDOH. There are no other new SEQRA issues that will need to be addressed prior to the Town Board's granting of the extension.

At this time, we request the following:

1. Place the project on the next Town Board agenda to reaffirm Lead Agency if not done in the Fall of 2019
2. Reaffirm the project SEQRA Negative Declaration and amend to add the updated well data
3. Schedule a public hearing limited to discussion regarding the extension of the Special Permit
4. Close the public hearing and grant the project extension which includes both the retroactive time period and a new 18 month time clock.
5. Forward the Special Permit to the Planning Board for Final Site Plan review and Approval.

Digital Copies of the site plans are being mailed and have been forwarded to the required town staff and consultants.

Copies of the previously submitted documents including the Community Benefits Agreements, Recreation Fees and Marketing Plan are included by reference. Copies of the referenced letters on page 1 are attached to this pdf.

As was stated at the time of the Special Permit approval, it is the applicant's opinion that the Special Permit criteria in general (Section 138-53) and for the MFWF Zone (Section 138-105) have been met and the Town Board can extend the Special Permit. We request that the project be added to the next Town Board agenda and a Public Hearing be scheduled for the July 2020 Town Board meeting.

Please let us know if you require any additional information.

Sincerely,



Terri Hahn
Principal

c. John Bainlardi
Harold Lepler
Richard O'Rourke
Planning Board
Willis Stephens
Ashley Ley

attachments

PA 62

PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Town Board of the Town of Southeast shall hold a public hearing on July 9, 2020 at 7:00 PM or as soon thereafter as interested parties may be heard, at Town Hall, 1360 Route 22, Brewster, NY, to hear public comment on a proposed LOCAL LAW which would amend Chapter 138 of the Town Code entitled “Zoning” to redefine the terms “Recreation” and “Recreation, Residential”; add a definition for “Shooting Range”; provide a new section 138-54.2 establishing exemptions and Special Permit regulations for the establishment of shooting ranges; amend the Commercial Zoning Schedule to provide “shooting ranges” as a Special Permit use in certain commercial zones; and to correct certain notes on the Commercial Zoning Schedule to reflect current zone classifications. Copies of the proposed local law may be obtained from the Town Clerk of the Town of Southeast during normal business hours.

By Order of the Town Board
Hon. Michele Stancati, Town Clerk

PH #2

DRAFT

Town of Southeast, Putnam County, NY

Local Law No. __ of 2020

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 proposes to amend the permitted recreational uses within the Town to permit new recreation and sporting uses within commercial zoning districts.

SECTION 2. AMENDMENTS TO ARTICLE I, “GENERAL PROVISIONS; DEFINITIONS”

Section 138-4.B, “Definitions” is hereby amended, in part, to amend the following definitions:

RECREATION - Commercial

Recreation uses include golf courses and driving ranges; dance, gymnastics, and martial arts studios; indoor health and exercise facilities; tennis, racquetball, pickleball, and squash courts (indoor and outdoor); swimming pools, spas, and splash pads (indoor and outdoor); ice skating rinks; ~~indoor~~ soccer or basketball facilities; indoor rock climbing gym; and ball sports fields. Recreation uses shall exclude outdoor automotive or go-cart tracks; shooting ranges; amusement parks; and any use of archery equipment, guns, weaponry, or similar equipment that may be used to simulate combat, including equipment that has the capacity to propel a projectile or emit a light and/or laser.

RECREATION, RESIDENTIAL

Residential recreation uses include golf courses and driving ranges; dance, gymnastics, and martial arts studios; indoor health and exercise facilities; tennis, racquetball, pickleball, and squash courts (indoor and outdoor); swimming pools, spas, and splash pads (indoor and outdoor); outdoor ice skating rinks; ~~indoor soccer or basketball facilities;~~ ~~indoor rock climbing gym;~~ and public or not-for-profit ball sports fields. Residential recreation uses shall exclude facilities intended primarily for spectator activities, such as, but not limited to, stadia and arenas, and any of the above permitted uses with spectator seating for more than 25 people. Residential recreation uses shall also exclude shooting ranges; amusement parks; and any use of archery equipment, guns, weaponry, or similar equipment that may be used to simulate combat, including equipment that has the capacity to propel a projectile or emit a light and/or laser.

SHOOTING RANGE

An indoor or outdoor facility that is designed or intended as a place for the regular and repeated discharge of firearms for the purpose of target practice or target shooting, skill development and training, recreation and/or competitions, including skeet shooting, trap shooting and/or other similar shooting activities, and is open to use by persons other than the owner of the property and the owner's family and social guests, whether the facility is operated by a club or membership group, government entity, or private person or entity.

SECTION 3.

Section 138-54.2 Shooting Ranges is hereby added as follows:

All shooting ranges shall be subject to the following supplementary regulations:

A. Exempt ranges. The provisions of this section shall not apply to shooting ranges not open to the public which are utilized solely for law enforcement and/or governmental purposes.

B. Supervision.

(1) There shall be a certified range master, a firearms instructor or a range safety officer on site and actively in control of the shooting range whenever open to the public or the range is in use.

(2) Range masters, firearm instructors or range safety officers shall have been trained by and have a valid current certification from one of the following organizations:

(a) Firearms instructors: National Rifle Association (NRA), New York State-Division of Criminal Justice Services (NYS-DCJS), International Association of Law Enforcement Firearms Instructors (IALEFI), Smith & Wesson Academy, SIG Arms Academy, any U.S. federal law enforcement agency (FBI, FLETC, ICE, USSS, ATF, USBP), any U.S. military agency (Army, Navy, Marines, Air Force, Coast Guard, National Guard).

(b) Range safety officers: National Rifle Association (NRA), International Defensive Pistol Association (IDPA), International Practical Shooting Association (IPSC), United States Practical Shooting Association (USPSA).

(c) Range master: SIG Arms Academy, Smith & Wesson Academy, Action Target Academy, any U.S. military agency and any federal law enforcement agency.

(3) Range masters, firearm instructors or range safety officers shall also:

(a) Be at least 21 years of age.

(b) Not have ever been convicted of any felony involving violence or intimidation, or the use of firearms or any offense related to the use, control, possession or sale of firearms.

(c) Not be a person prohibited from possessing firearms as provided by Article 265 of the New York State Penal Law.

(4) There shall be at least one range master, firearms instructor or range safety officer for every five shooters.

C. Operation of shooting ranges.

(1) No new shooting range shall be located nearer than 1,000 feet from any entrance to any school, daycare center, church or hospital or in any location which, in the opinion of the Town Board, will result in the annoyance of any nearby resident.

(2) No gambling, betting or wagering shall be permitted upon the premises.

(3) No alcoholic beverages shall be possessed or consumed on the premises, and no person under the influence of alcohol, mind-altering drugs, or controlled substances as defined by Article 220 of the New York State Penal Law shall be allowed on the premises.

(4) Range masters, firearms instructors, range safety officers, and any other employees shall wear a uniform or other distinguishing mark to identify them as employees.

(5) Access for entrance to the shooting range shall be under continuous control, monitoring and supervision by the operator and/or employees.

(6) All waste material generated at the range will be managed and timely disposed of in accordance with all federal and state hazardous waste regulations.

(7) The conduct and operation of any shooting range shall be in compliance with any and all federal, state and/or local laws, rules, codes and/or regulations.

(8) Firearm types used at shooting ranges are restricted to rifles, shotguns, pistols and similar firearms. The use of bows and crossbows are also permitted. The use of fully automatic firearms and explosives is permitted for official police or military training exercises only.

(9) The owner / operator of the shooting range shall keep on file with the Town Clerk a current certificate of insurance indicating it has in force and effect general liability insurance coverage with coverage limits of not less than \$1,000,000 per occurrence for bodily injury and death, and not less than \$500,000 for property damage.

(10) No shooting range shall operate except upon the issuance of a certificate of compliance issued by the Town of Southeast Code Enforcement Officer signifying the issuance of a special permit, and compliance with the provisions of this section. The certificate of compliance must be renewed annually, and may be revoked at any time upon the determination of the determination of the Code Enforcement Officer that the shooting range is being operated in violation of the provisions of the Special Permit or the provisions of this section.

D. Indoor shooting ranges are subject to the following supplementary regulations:

(1) All doors, gates and entrances leading into that part of the premises between the firing point and the backstop shall be securely locked and alarmed, and no person shall be permitted therein at any time persons are engaged in shooting or have access to the firearms used. Attendants and employees may, however, enter said part of the premises between the firing point and the backstop while shooting is not in progress.

(2) The shooting range shall be properly and adequately ventilated at all times.

E. Outdoor shooting ranges are subject to the following supplementary regulations:

(1) Minimum lot size shall be ten (10) acres.

(2) No part of a shooting range shall be located within 1,000 feet of a property line bordering a commercially zoned property, or 1,320 feet (one-quarter mile) of a property line bordering a residentially zoned property.

(3) Shooting ranges shall be oriented to take advantage of natural terrain and vegetation, to avoid watercourses and wetlands, to minimize the effects of glare from the sun and to minimize noise impacts and safety risks to adjoining property owners and those traveling on public roads.

(4) The shooting range shall have a safety fence six feet in height erected around the entire perimeter of the portion of the property where weapons are discharged. A gate shall be erected to permit vehicular entry into the shooting range. The gate must be kept locked at all times the shooting range is not open and under supervision of the owner / operator.

(5) All shooting ranges shall be designed, constructed, maintained and operated in such a manner as to contain all bullets, shot, or other debris on the range facility, and in accordance with the recommendations set forth in the most recent edition of the "NRA Range Source Book" published by the National Rifle Association, and the most recent edition of "Best Management Practices for Lead at Outdoor Shooting Ranges" published by the United States Environmental Protection Agency. Minimum design features shall include, but shall not be limited to:

(a) Adequate backstop

(b) Adequate side berms

(c) Appropriate firing line covers / safety baffles

(6) Shooting shall not occur before 9:00 a.m. Mondays through Saturdays, and no earlier than 10:00 a.m. on Sundays. All shooting shall cease not less than one hour prior to sunset.

(7) Shooting ranges shall be subject to the noise restrictions of Chapter 96, "Noise" of the Code of the Town of Southeast.

(8) Warning signs shall be posted around the entire perimeter of the shooting range in 100 foot intervals, including on the security fence, identifying the premises as a shooting ranges and warning of lethal danger. The size and spacing of all such signs shall be so as to be readily visible to anyone within 100 feet of the range perimeter.

(9) All applications for a special permit to establish or expand a shooting range shall be accompanied by a site plan drawn by a licensed design professional to an appropriate scale which includes the following:

(a) Property lines for any and all parcels upon which the range facility will be located, north arrow, drawn to scale, date, ownership information for the site, and all existing roads and structures within 1,000 feet of the site;

(b) Complete layout of all range facilities, including all buildings, shooting stations and other structures, firing lines, target areas, shot-fall zones or safety fans, backstops, berms and baffles;

(c) Such other information as the Town Board may deem appropriate and relevant to determining compliance with the provisions of this section.

F. Transfer of Special Permit. Shooting range Special Permits shall not be transferred. In the event of any change involving the owner or operator of the business, the type of business, the name of the business or the business location, a new Special Permit shall be required.

G. Severability. Should any section, paragraph, sentence, clause or phrase in this chapter be declared unconstitutional or invalid for any reason, the remainder of this section shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this section are declared to be severable.

SECTION 4. AMENDMENTS TO COMMERCIAL ZONING SCHEDULE

Chapter 138 Attachment 5, "Town of Southeast Commercial Zoning Schedule," is hereby amended, in part to add "Shooting range" as a Special Permit Use in the following zoning districts:

NB
ED
OP-1
OP-2
OP-3
GC
SR-6
HC
SR22
RC

Chapter 138 Attachment 5, "Town of Southeast Commercial Zoning Schedule," is hereby amended, in part as follows:

Note I: In the ~~OP-MU~~ OP-3 Zone, permitted principal uses under special permit, retail/service shall not exceed 5% of the total permitted commercial development area.

Note J: In the ~~OP-MU~~ OP-3 Zone, a floor area ratio of 0.15 shall not be exceeded without a transportation district in place or until the road improvements necessary to accommodate the additional development are made.

Note K: In the ~~OP-MU~~ OP-3 Zone, permitted principal uses, residential use shall not exceed 50% of the total lot area. An open space area, suitably planted and screened, shall be provided on the site consisting of not less than 200 feet between any principal building on a residential lot and any principal building on a commercial lot. Nothing herein shall be deemed to prohibit interior site roads to penetrate such buffer zone.

Note L: In the ~~OP-MU~~ OP-3 Zone, minimum lot size shall be the minimum lot size necessary to qualify for ~~OP-MU~~ OP-3 mixed-use development treatment. In addition, for rezoning purposes, such lot must be currently zoned OP to be considered for rezoning to ~~OP-MU~~ OP-3. Resubdivision of the commercially developed portion of such district shall be governed by the area standards established for OP-3 District. Resubdivision of the residentially developed portions of such district shall be governed by the provisions of the Residence R-20 District of this chapter.

Note O: In the ~~OP-MU~~ OP-3 Zone, parking requirements for office use shall be provided in accordance with § 138-67H.

SECTION 5. 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 6. EFFECTIVE DATE

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

PH # 3

PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Town Board of the Town of Southeast shall hold a public hearing on July 9, 2020 at 7:00 PM or as soon thereafter as interested parties may be heard, at Town Hall, 1360 Route 22, Brewster, NY, to hear public comment on a proposed LOCAL LAW which would repeal Chapter 28 of the Town Code entitled "Parks and Recreation Advisory Board". Copies of the proposed local law may be obtained from the Town Clerk of the Town of Southeast during normal business hours.

By Order of the Town Board
Hon. Michele Stancati, Town Clerk

Tony Hay

From: Janet Keyes <jakeyes923@gmail.com>
Sent: Wednesday, July 8, 2020 10:10 AM
To: thay@southeast-ny.gov; townboard@southeast-ny.gov
Cc: Janet Keyes
Subject: Shooting Range

July 7, 2020

Dear Supervisor Hay and Town Board Members,

In the midst of a pandemic when masks and social distancing are required by state law, why is the Southeast Town board holding a public hearing on a very controversial amendment with far reaching consequences for the citizens of our town? Due to COVID 19, we are not able to attend in person. Even a hearing by Zoom would have to be rescheduled over an extended period of time for citizens to be properly represented. This is not a transparent and representative way to conduct the people's business at all. My family and I are completely shocked at both the timing and the content of this amendment and very disappointed in our elected officials.

Why does Southeast need a shooting range? Wished for items in this community.....a dog park, a town pool, a golf range....are facilities and recreation that families want. Not a shooting range!

Safety is paramount, both within the facility and externally. Do we really want people traveling to our town with automatic weapons and military firearms? Law enforcement and the military have their own shooting facilities. Why come into a residential community? There are an adequate number of shooting ranges in the surrounding area already.

Noise. There is no cover up for the noise generated from a shooting range. I think the suggested quarter and half mile separation is too lax. Who wants to sit on their deck and listen to gunshots? Who wants to worry about their children's safety with a proliferation of weapons in our community?

I can't imagine a worse time to hold a public hearing when people cannot fully participate in such an important change in our town's governance. This amendment should not be passed. Shooting ranges do not belong in Southeast.

Janet Keyes
19 Bearberry Lane
Brewster NY

jakeyes923@gmail.com

Tony Hay

From: Barbara Harrison <bharrison1@comcast.net>
Sent: Wednesday, July 8, 2020 10:58 AM
To: Thay@southeast-ny.gov
Subject: OPPOSE EXPANSION OF COMMERCIAL SHOOTING RANGES

Dear Supervisor Hay,

I am writing to oppose any expansion of shooting ranges that will create NUISANCE NOISE for neighbors.

The proposed distance of 1/4 mile from residential property is not enough to protect neighbors from this highly annoying noise.

Please protect us from noise pollution. Please protect the quality of life of the majority. Most people do not use shooting ranges.

Thank you for your protection.

Sincerely,

Barbara Harrison
102 Holly Stream Court
Brewster, NY 10409

Sent from my iPad

Tony Hay

From: wmajosiger Josiger <wmajosiger@msn.com>
Sent: Wednesday, July 8, 2020 4:12 PM
To: thay@southeast-ny.gov; townboard@southeast-ny.gov
Cc: wmajosiger Josiger
Subject: Southeast Gun Range

Good afternoon. My name is Bill Josiger, I live on Bearberry Lane in Brewster New York where I've been a resident for 22 years. I'm an avid sportsmen and outdoorsman who enjoys hunting, fishing, canoeing, hiking and other outdoor activities. I'm also a gun owner and shoot pistol, rifle and shotgun. I want to express my concern about the pending zoning changes to allow a shooting range in the town of Southeast, but first let me address the timing of this issue. It seems to me there couldn't be a worse time to bring up such an issue, particularly with the limited attendance and social distancing required at the upcoming Town meeting, which will limit many concerned residence from participating. So, I ask a question, why now? Of all the things that are going on around us today, it just doesn't seem to be an item that should rise to this level of importance now. If you want to do something productive with some local land, then build an outdoor park for young families and children, or hiking trails, or a skateboard Park or something else productive that helps the community, **not a gun range.**

Back to the issue of the shooting gun range, I'm not sure most people realize how far the sound travels and how potentially dangerous these things can be. Sound from a standard pistol will travel a mile. Sound from a rifle will go 2 miles and the sound from a magnum cartridge in a rifle will travel even further. The last thing I want to hear is the continuous sound of rifle and pistol shots in our neighborhood. Most of us moved here so we could enjoy the serene and quiet comfort of the countryside, not to be listening to a constant boom boom crack of gun fire, whether it's close or far away. The idea that part of the criteria to safely locate the shooting range is to locate it 1000ft from a school is totally inadequate. The Board members need to realize how far sound travels and how far bullets travel, which is typically measured in miles, not feet. I know gun ranges are designed and operated with safety in mind, but accidents happen, there's always a concern for a stray bullet that goes beyond the boundary of the range. You don't want to be downrange of the targets even when there is a backstop behind the targets, stray bullets happen!

I also question the need for this. There are ample sportsman clubs and shooting facilities with an easy drive from Southeast. So, if you want to shoot a gun, just get in your car and drive 10 or 30 minutes like I do. There's no need to have this annoyance and potential safety issue in our backyard. I vigorously encourage you to deny this Zoning change. I would have preferred to deliver these comments in person at the

meeting, but I'm 73 years old and probably should not take the risk, even though this is a very important and passionate issue for me and my family.

Thanks for listening to my concerns and comments.

Regards, Bill Josiger
19 Bearberry Lane
Brewster, NY. 10509

Tony Hay

From: HELEN EVERS <hevers_325@comcast.net>
Sent: Wednesday, July 8, 2020 4:50 PM
To: Thay@Southeast-ny.gov
Subject: Proposed gun range zoning change

Dear Supervisor Hay,

Thanks for holding this hearing. I have numerous questions re the allowing gun ranges to operate in Southeast:

1. Will the allowable gun ranges be indoor only?
2. Are they only to be used as a testing facility for gun permits?
3. Are they to be used for recreational purposes?
4. What, if any, restrictions are there for the types of firearms to be used at the facility?
5. If outdoor gun ranges are permitted, what are the noise tolerance limits?
6. If outdoor, will there be hour and day restrictions on operating times?
7. If outdoor, what is the minimum distance allowed between the facility and the surrounding public, whether they be in residences, on accessible roads, walking/jogging on paths?
8. Who will be responsible for creating facility safety requirements?
9. Who will be responsible for enforcing safety requirements, and how frequently?
10. If the facility is outdoors, will thorough daily cleanup of spent lead ammo be required?
11. If lead from the spent ammo leaches into the ground water, will the Town of Southeast take on responsibility and cost of cleanup?

I appreciate your attention to my queries, thank you!

Kindest regards.
Helen Evers
512 Tonetta Lake Rd
Southeast, NY

Tony Hay

From: margi vazquez <margivazquez@comcast.net>
Sent: Thursday, July 9, 2020 8:34 AM
To: Thay@Southeast-ny.gov
Subject: shooting range

Good morning, Mr. Hay,

I am not opposed to indoor shooting ranges but do not want outdoor shooting ranges and the noise they would bring.

Thank you,

Margaret Vazquez

92 Blueberry Drive

Tony Hay

From: Jamie Williams Grossman <jamiewg@aol.com>
Sent: Thursday, July 9, 2020 12:56 PM
To: townboard@southeast-ny.gov; Thay@Southeast-ny.gov
Subject: Zoning Changes

To the Southeast Town Board:

I hope that our Southeast Town Board will vote against any changes in zoning that would result in an increase in noise levels in our community. This includes noise related to shooting ranges, ATV use, go-carts or other vehicles, or any other land usage that has the potential to yield noise pollution. Living by a lake, and with a larger-than-average sensitivity to noise, I can testify to the fact that even medium-level noise travels over great distances with ease, and quickly becomes a nuisance. Southeast is not a heavily forested community that absorbs sound; it is comprised of suburban neighborhoods, open commercial areas, reservoirs, ponds, fields, and roads, where sound travels far. Many of us are here because we appreciate our natural surroundings. Even now, it's hard to avoid traffic noise, no matter where you are in the town. Adding to the noise level would render our town a less attractive place to live, adversely affect our property values, change how we spend our time outdoors, and even determine if we can enjoy lunch out on our patios and porches or open our windows. Please do not compromise the peace and quiet of our town with these changes.

Sincerely,
Jamie Williams Grossman
40 Seven Oaks Lane
Brewster NY

Tony Hay

From: Eileen McDermott <mizzemm@gmail.com>
Sent: Thursday, July 9, 2020 2:55 PM
To: Tony Hay
Subject: Chapter 138 of the Town Code in regard to Commercial Shooting Ranges and other recreational activities.

Dear Supervisor Hay:

I'm submitting my opposition for the record to the proposal to allow for commercial shooting ranges in select zones throughout Southeast - one of which seems to be close to my residential zone R-40. Apart from the standard environmental impact the development of commercial shooting ranges would undoubtedly have, I'm very concerned about the noise factor--will zoning allow for both indoor and outdoor ranges? How will soundproofing be handled for outdoor? I am sure no one wants to hear gunshots all day long. I hope you will address these issues at tonight's meeting and/ or by direct reply to this email.

Thank you,

Eileen McDermott
Brewster

Tony Hay

From: Lynne Eckardt <lynne.eckardt@gmail.com>
Sent: Thursday, July 9, 2020 9:59 AM
To: tony Hay; John Lord; Ed Alvarez; joconnor@southeast-ny.gov; Stancati, Michele; Chris DuBois
Subject: Shooting Range/Zoning Changes

Dear Supervisor Hay and Members of the Board,

I hope that everyone is well.

I write to you today to express my concern regarding the proposed zoning code change on shooting ranges and would ask that this letter be read into the record tonight.

Usually when a town code is revised or completely changed there is a reason for this change. And since this specific use on Shooting Ranges was banned as enacted by the Town Board less than four years ago (April 6, 2017) I would have to assume that there is an important reason for this significant change to our zoning code. A clear explanation for this change is an important component to this legislation. For example, is a shooting range proposed for Southeast? There have been rumors of this for years. Even if the plans are tentative it would be helpful for residents to know about any possible shooting ranges that might be planned for Southeast and what location(s) are proposed. If Councilman O'Connor proposed these changes perhaps he can shed some light on any county plans.

In addition, there should be concerns that much of what was written into the 2017 code has now been removed and has been crossed out. Specifically under **Section 2. RECREATION: 'Recreation uses shall exclude automotive or go-cart tracks; shooting ranges; amusement parks; and any use of archery equipment; guns weaponry; or similar equipment that would simulate combat including equipment that has the capacity to propel a projectile or emit a light and/or laser.'**

After Board discussions and a unanimous vote in 2017 (this includes votes by two current Board members Supervisor Hay and Councilman Alvarez) it makes no sense to completely eliminate this portion of the code. Especially in light of the problems the town has encountered in regard to motorized vehicle tracks within Southeast. As you know, there are at least three locations where off-road vehicular use has been problematic. Without these protections future applicants might believe that these uses are welcome additions in any Southeast location. These exclusions should be addressed now and incorporated into any code changes.

There are many ways to improve the proposed changes on shooting ranges. One would be to allow only indoor ranges. Southeast is a suburban town where residents work hard to enjoy peace and quiet. Neighborhoods should not be subjected to gunfire noise, because repetitive noise that falls below the accepted decibel level is still disturbing.

Another positive change would be to scale back the number of zones where shooting ranges would be allowable. If outdoor ranges are to remain then the Town Board should study maps and limit these ranges to areas where noise and safety will not be a factor. Outdoor ranges could then be limited to these specific areas.

Finally, the timing on this code change is unfortunate and unfair. If there are no shooting range proposals in the works or even in discussion then there is no reason to rush this code change through the process. There are still many residents who are reluctant to attend gatherings and all residents should be able to attend public hearings

without fearing for their health. At the very least the public hearing should be held tonight but extended to a later date so that interested parties on either side of the debate feel comfortable enough to attend and speak.

Thank you in advance for your consideration.

Sincerely,
Lynne

Tony Hay

From: Jerry H <uncmozo@comcast.net>
Sent: Thursday, July 9, 2020 7:41 PM
To: Thay@Southeast-ny.gov
Subject: "shooting range" special permit use comment

Mr. Tony Hay
Supervisor, Town of Southeast

July 9th, 2020

I am writing this in reference to a possible zoning change in the Town of Southeast, specifically "shooting range", special permit use.

My comments have nothing to do with 2nd Amendment rights, I believe gun owners have a right to use guns, and this has been supported by the courts over the years. The issue I have with shooting ranges is noise. I have nothing against an indoor shooting range, there are many acoustic remedies to prevent the sounds of gunfire from leaving a building. However, the idea of an outdoor shooting range in town is a bit hard to swallow. This past Fourth of July weekend was a reminder of how the sound of firecrackers can carry quite a distance. I see (or hear) no difference between the sound of firecrackers and the sound of gunshots. Perhaps an indoor range with an outdoor archery range would work. But I would be strongly against an outdoor shooting range in Southeast. There is a reason why people at shooting ranges wear hearing protection, shooting ranges are very loud, and I am sure they would be loudest on weekends.

I also find it peculiar that this topic is being brought up before the town at this time. I have lived in Southeast for over 20 years, and I haven't heard any recent rumblings over 'why can't we have a shooting range?'. Since this isn't any kind of impending doom situation, it seems more like a solution looking for a problem. Perhaps it would be best that this issue be tabled until the current pandemic settles down and things return a bit more to normal. It just seems like this is being rushed through for no reason at all.

Thank you, and best regards,

Jerry Halter
23 Marlin Rd.
Town of Southeast NY

PH #3

Chapter 28

PARKS AND RECREATION ADVISORY BOARD

- § 28-1. Name.
- § 28-2. Duties.
- § 28-3. Membership.
- § 28-4. Appointment of officers; duties.
- § 28-5. Meetings.
- § 28-6. Amendments.
- § 28-7. Repealer.
- § 28-8. When effective.

[HISTORY: Adopted by the Town Board of the Town of Southeast 12-17-1992 as L.L. No. 7-1992.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Parks — See Ch. 99.

§ 28-1. Name.

The name of the Board will be the "Parks and Recreation Advisory Board of the Town of Southeast."

¹ Editor's Note: This local law also repealed former Ch. 28, Parks and Recreation Advisory Board, adopted 5-5-1988 as L.L. No. 3-1988.

§ 28-2. Duties.

The duties of the Board shall be as follows:

- A. Advise the Town Board on the administration of the recreation program of the Town of Southeast.
- B. Oversee the maintenance of park lands, playing fields, playgrounds and related facilities.
- C. Issue and recommend park facility permits.
- D. Formulate and make recommendations for basic policy with respect to parks and recreation programs of the town.
- E. Develop and recommend long-range plans for acquisition of land for park and recreation purposes.
- F. Recommend plans for facility development in conjunction with the Director of Parks and Recreation which, in turn, must be approved by the Town Board before implementation.
- G. Formulate capital project plans in conjunction with the Director of Parks and Recreation which, in turn, must be approved by the Town Board before implementation.
- H. Formulate a yearly proposed operating budget in conjunction with the Director of Parks and Recreation which shall be submitted to the Town Board for approval.
- I. Regulate user fees and charges in regard to parks and recreation.
- J. Make recommendations upon any proposed sale or purchase of parklands.
- K. Make recommendations in regard to the recreation fee structure associated with newly subdivided lots. Such recommendations may consist of possible fee increases in conjunction with the acceptance of the appropriate dollar values in lieu of land as required by New York State law.

§ 28-3. Membership.

- A. The Board shall consist of seven (7) members, who shall be residents of the Town of Southeast, to be appointed by the Town Board. The Director of Parks and Recreation shall be an ex officio member of the Board but shall have no vote. The seven (7) members shall be selected with an emphasis on demonstrated interest in parks, recreation, youth service or related areas. In addition, members should be individuals of diverse backgrounds from different areas of the town when possible.
- B. The terms of appointed members of the Board shall be three (3) years, each to expire at the end of a calendar year, except that, of those first appointed, two (2) shall be appointed to serve for one (1) year; two (2) shall be appointed to serve for two (2) years; and three (3) shall be appointed to serve for a period of three (3) years. The Chairman shall make specific recommendations to the Town Board concerning any member whose term has expired and who wishes to apply for reappointment.

§ 28-4. Appointment of officers; duties.

- A. Chairman. The Chairman shall be appointed by the Town Board.
- B. Vice-Chairman. The Vice-Chairman shall be designated by the Chairman subject to the approval of a majority of the Parks and Recreation Advisory Board.
- C. Duties of officers.
 - (1) The Chairman. The Chairman shall preside at all meetings of the Parks and Recreation Advisory Board. He or she shall be an ex officio member of any committee of the Parks and Recreation Advisory Board. He or she is responsible for the review of all reports and studies coming from work of the standing committees. He or she must sign all memoranda and reports submitted by the Parks and Recreation Advisory Board to the Town Board and to any other board, official or agency of the government of the Town of Southeast. In addition, he or

she shall timely submit minutes of all meetings held by the Parks and Recreation Advisory Board to the Town Clerk.

- (2) The Vice-Chairman. The Vice-Chairman shall, in the absence, death or resignation of the Chairman of the Parks and Recreation Advisory Board, carry on the duties of the Chairman until the return of the Chairman, in case of a temporary absence, or the appointment of a new Chairman by the Town Board.

§ 28-5. Meetings.

A. Meetings of the full Parks and Recreation Advisory Board. The Board shall hold monthly meetings throughout the calendar year [minimum of ten (10) meetings per year]. The Board may hold other such meetings as required. Four (4) members shall constitute a quorum. Whenever approval by the Advisory Board is required, a vote by a majority of members present shall be required to approve such action.

B. Attendance at meetings. Any Advisory Board member who misses three (3) consecutive meetings shall automatically forfeit his or her appointment. Further, any member missing four (4) meetings in a calendar year (except for reasons of sustained illness) shall forfeit his or her appointment. However, the Chairman of the Parks and Recreation Advisory Board may recommend to the Town Board that there be a waiver granted of such forfeiture. It shall be the sole and independent discretion of the Town Board whether or not to grant such waiver of forfeiture.

§ 28-6. Amendments.

Recommendations for amendments to this chapter may be made by the Advisory Board with the approval of a two-thirds majority thereof, either in person or by proxy, of the full Parks and Recreation Advisory Board. Notice of such proposed amendments shall be sent to the members of the Advisory Board at least one (1) month in advance of the meetings at which the vote thereon will be taken. Upon

approval, the proposed amendments shall be submitted to the Town Board for final decision and enactment in accordance with applicable law. Nothing herein shall be construed to prohibit the Town Board from adopting amendments to this chapter on its own initiative as it sees fit.

§ 28-7. Repealer.

The provisions of Chapter 28 of the Code of the Town of Southeast as enacted by Local Law No. 3 of 1988 are repealed in their entirety and are hereby replaced by provisions of this chapter (Local Law No. 7 of 1992).

§ 28-8. When effective.

This chapter shall take effect immediately as prescribed by law.

NYS DEPARTMENT OF STATE
BUREAU OF STATE RECORDS
162 Washington Avenue
Albany, NY 12231-0001
DATE: 12/30/92

Local Law Acknowledgment

TOWN CLERK

MUNICIPALITY		
Town of Southeast		
LOCAL LAW(S) NO.	YEAR	FILING DATE
7	1992	12/28/92

The above-referenced material was received and filed by this office as indicated.

**TOWN BOARD
TOWN OF SOUTHEAST, NEW YORK**

R#1

**STATELINE RETAIL CENTER – RESTAURANT DEPOT
BOND ESTABLISHMENT**

RESOLUTION NO. _____ / 2020

DATE: July 9, 2020

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, the Town Board of the Town of Southeast is in receipt of a report and recommendation from the Town Engineer dated July 1, 2020 with respect to the Performance Security in connection with Stateline Retail Center – Restaurant Depot Site Plan (“Applicant”), for the erosion and sediment control measures for the commercial development on property located at US Route 6/202, Southeast Tax Map No. 68.-2-48.1 & 48.2 (the “Subject Premises”).

NOW, THEREFORE, BE IT

RESOLVED, that the bond amount is hereby established for the project set forth below:

PROJECT NAME:

BOND AMOUNT:

Stateline Retail – Restaurant Depot
Commercial Site Plan

Site Improvements: \$1,686,000.00
Erosion/Sediment Control: \$ 66,200.00

and be it further

RESOLVED, that a certified copy of this resolution shall be transmitted by the Town Clerk to the Applicant, Planning Board Secretary and Building Inspector forthwith.

UPON A ROLL CALL VOTE:

Councilman Alvarez _____

Councilman Larca _____

Councilman Lord _____

Councilman O’Connor _____

Supervisor Hay _____

VOTE: carried / defeated by a vote of _____ in favor, _____ against; _____ abstained.

TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF PUTNAM)

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 9th day of July, 2020.

MICHELE STANCATI
Town Clerk

K #2

**TOWN BOARD
TOWN OF SOUTHEAST**

**EUROTECH CONSTRUCTION
19 SUTTON PLACE
ARCHITECTURAL REVIEW BOARD**

RESOLUTION NO. _____ / 2020

Date: July 9, 2020

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, the Town Board is in receipt of a Report of the Architectural Review Board (“ARB”) of the Town Southeast dated June 30, 2020 in connection with the application of Eurotech Construction, which seeks amended site plan approval and re-use an existing commercial building located at 19 Sutton Place, Tax Map ID 78.-2-16.6, including improvements to an existing gravel access way and restoration of an existing soccer field to lawn; and

WHEREAS, the Report concludes that the ARB positively recommends the project to the Town Board as proposed; 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 the instant application,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts and approves the Report of the Architectural Review Board dated June 30, 2020 in connection with the application of EUROTECH CONSTRUCTION, which seeks amended site plan approval for an existing commercial / recreation facility located 1639 Route 22, Tax Map ID 46.-3-13 to be used as a general business use of; including making improvements to an existing gravel access way and restoration of an existing soccer field to a lawn (a copy of the ARB Review and Report is annexed hereto and made part hereof) and that such Report shall be incorporated in any final Site Plan subsequently reviewed and approved for this project by the Planning Board.

UPON ROLL CALL VOTE:

Councilman Alvarez _____
Councilman Larca _____
Councilman Lord _____
Councilman O’Connor _____
Supervisor Hay _____

VOTE: carried / defeated by a vote of _____ in favor, _____ against; _____ abstained.

TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF PUTNAM)

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 9th day of July, 2020.

MICHELE STANCATI
Town Clerk

C#3

**TOWN BOARD
TOWN OF SOUTHEAST**

**NORTHWOOD TREE CARE
25 FIELDS LANE
ARCHITECTURAL REVIEW BOARD**

RESOLUTION NO. _____ / 2020

Date: July 9, 2020

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, the Town Board is in receipt of a Report of the Architectural Review Board (“ARB”) of the Town Southeast dated June 30, 2020 in connection with the application of NORTHWOOD TREE CARE, which seeks amended site plan approval for an expansion of an existing wood processing business and a soil processing business located 25 Fields Lane, Tax Map ID 78.-2-73; and

WHEREAS, the Report concludes that the ARB positively recommends the project to the Town Board as proposed; 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 the instant application,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts and approves the Report of the Architectural Review Board dated June 30, 2020 in connection with the application of NORTHWOOD TREE CARE, which seeks amended site plan approval for an expansion of an existing wood processing business and a soil processing business located 25 Fields Lane, Tax Map ID 78.-2-73, (a copy of the ARB Review and Report is annexed hereto and made part hereof) and that such Report shall be incorporated in any final Site Plan subsequently reviewed and approved for this project by the Planning Board.

UPON ROLL CALL VOTE:

- Councilman Alvarez _____
- Councilman Larca _____
- Councilman Lord _____
- Councilman O’Connor _____
- Supervisor Hay _____

VOTE: carried / defeated by a vote of _____ in favor, _____ against; _____ abstained.

TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF PUTNAM)

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 9th day of July, 2020.

MICHELE STANCATI
Town Clerk

**TOWN BOARD
TOWN OF SOUTHEAST, NEW YORK**

R#4

PURCHASE HIGHWAY EQUIPMENT

RESOLUTION NO. _____ / 2020

DATE: July 9, 2020

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, by memorandum dated July 2, 2020 the Highway Superintendent has requested authorization to expend funds to enable the Highway Department to acquire an all-wheel "skid steer" loader; and

WHEREAS, it is found and determined that there are sufficient funds available and allocated for the proposed purchase within the 2020 Highway Department Budget and such purchase will not require issuance of bonds or notes for the purchase thereof.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Highway Superintendent is authorized to expend an amount not to exceed eighty thousand (\$80,000) dollars for the purchase of an all-wheel "ski steer" loader;

And be it further

RESOLVED, that if the Southeast Superintendent of Highways requires any addition funds above the amount allotted, he will need further authorization by the Town Board to make such expenditure; and be it further

RESOLVED, that this resolution shall take effect immediately.

Upon Roll Call Vote:

Councilman Alvarez _____
Councilman Larca _____
Councilman Lord _____
Councilman O'Connor _____
Supervisor Hay _____

VOTE: carried / defeated by a vote of _____ in favor, _____ against; _____ abstained.

TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF PUTNAM)

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 9th day of July, 2020.

MICHELE STANCATI
Town Clerk