

**ˆTOWN OF SOUTHEAST
1360 Route 22, Brewster, New York 10509
Thursday September 22, 2016
WORK SESSION / REGULAR MEETING 7:00 P.M.**

**Notation of Exits
Pledge of Allegiance**

Present: Supervisor Tony Hay
Councilwoman Elizabeth Hudak
Councilwoman Lynne Eckardt
Councilman Robert Cullen
Councilman Edwin Alvarez

Also Present: Town Clerk Michele Stancati
Town Attorney Willis H. Stephens Jr.
Town Planner Ashley Ley

And: 21 Persons

PUBLIC HEARINGS

Birch Hill / Highview Water District

Supervisor Hay made a motion to open the Public Hearing and waive the reading of the Legal Notice. Councilman Alvarez seconded. All in favor.

Birch Hill resident Victoria Desidero asked what the reason for the increase was and Supervisor Hay stated that now that the project is finished, the final amount is over the estimate, therefore a need for this Public Hearing. The increase will go into effect in January, 2017.

Councilman Cullen made a motion to close the Public Hearing and Supervisor Hay seconded. All in favor.

Barrett Hill – Local Law To Establish Multifamily Work Force Housing District

Supervisor Hay made a motion to open the Public Hearing and Councilwoman Hudak seconded. All in favor.

Richard O'Rourke of Keane and Beane, Council to Covington LLC, explained this hearing is to amend the Zoning Code to allow Workforce Housing, similar to what Westchester County has. To be eligible for the affordable units, anyone making 80 percent of the median income in Putnam County, which is \$96,000.00, would qualify, which comes out to having an income of under \$77,000.00. That would

include teachers starting jobs just out of college. The essence of the text amendment would be to give full time employees of the Town of Southeast and the School district, persons 55 and older, people with disabilities, Putnam County first responders, qualified active volunteer fireman and Veterans living in Putnam County the opportunity to live in the Town they serve in. This must be in an OP2 zone, have existing water, sewer and fire protection, 25 acres and be next to a residential zone. There are only two zones that qualify for this in the Town.

Supervisor Hay stated that the reason for the second Public Hearing is to implement the substantial changes suggested by the Planning Board. Teri Hahn stated that the changes under the proposal are that a studio must be minimum 450 sq. ft. and house up to two people, a one bedroom must be at least 675 sq. ft., and house up to three people, and a two bedroom must be at least 750 sq. ft. and may house up to five people. Those were integrated into the text change. Also payment in lieu of parkland for recreation and some clarity of affordable and priority housing.

Councilwoman Eckardt asked if residents of Section 8 would be eligible if not in the priority group and the answer was no. She also asked if a veteran could be a Putnam County resident and the answer was yes. People with disabilities and Seniors are not limited geographically.

Resident Sheri Ingram read a letter from Cathy Croft who could not be present and wanted her opinion read into the record. She explained that when it was originally designed to be senior housing, recreation fees may not have been necessary. Now that the development will be open to all age groups there will be more impact on town recreational facilities and programs, so a recreation fee of at least 75% of our traditional fee would be advisable, at least \$5,700.00 per unit.

Ricky Fuerman asked how many units will be affordable and Supervisor Hay stated 17. He also asked if they are not used, do they still stay affordable, and Supervisor Hay stated yes for 99 years. There are also 33 market rate units available, all the other are market rate housing or rental. Mr. Fuerman asked how that benefits the area changing from senior housing to rental apartments. It is changing the whole comprehensive plan. What happens if they can't rent them? Can the zoning be changed again?

Town Attorney Willis Stephens explained it is currently a commercial zone. It's an OP1 zone that allows by special permit senior housing because they meet the special permit criteria. This is creating a new zoning overlay or floating zone with the possibility of having affordable rental or condos. Once this text change is approved, next is to map the floating zone to that property. The property will always remain OP zone until mapped differently.

Councilwoman Eckardt stated that the Planning Board discussed a longer time period than 6 months for marketing and Ms. Ley stated that the 6 months was removed from the proposed local law.

John Lord asked if it's adopted and mapped for Barrett Hill and they start to build and don't sell, and we have some of it built, does that now restrict them to that use? If they decide not to build anymore can it be rezoned again for the balance of the property?

Town Attorney Stephens stated that when done in stages they usually check availability before they move to the next phase. It's hard to anticipate what happens next but to see what is advantageous. Can they come back to rezone; yes, it's a legislative act.

If it's done in phases, is affordable housing done first?

Ms. Hahn answered that the number of affordable units are spread out throughout each phase by percentage and can be either 1 or 2 bedrooms. An affordable 1 bedroom will be about \$1444.00 and a 2 bedroom about \$1733.00.

Mr. Peter Bell stated that the 2 affordable units are not designated to a certain apartment. Just that 2 out of 20 need to be affordable.

Mr. Lepler stated that there is a 99-year deed restriction for 17 affordable units and that one apartment or another is not specially labeled affordable because there may be a need for a first floor or one with a mechanical addition, same with one or two bedroom. Councilwoman Eckardt asked if any of the affordable units are different or less expensive and Mr. Lepler stated absolutely not.

Mr. Cullen asked if all the affordable units include the amenities and facilities and Mr. Lepler stated yes.

Mr. Bell stated that he did an analysis and these 2 bedroom units will be under the market rate, cheaper than the ones at other condos in the area. This gives first responders from all over an affordable option.

Mr. Ed Ragano asked if the sewer and water system can accommodate the additions and Supervisor Hay stated that it can be done. Councilwoman Eckardt stated that they still have to go through a planning review. Mr. Ragano asked if they're going to this without knowing if it will be accommodated? Mr. O'Rourke stated that they have to go through a site plan approval, special permit from the Town Board and be mapped, then go through the Health Department. With the current SPEDES permit, we have an idea what the system can handle, but this public hearing is just for a text change, the project is still not approved.

Supervisor Hay asked if this is the last parcel available at Mt. Ebo and the answer is yes.

Mr. Fuerman asked if all 17 units are proportional and Ms. Hahn stated it will be decided in the Community Benefits section, it's not part of the text change

Supervisor Hay made a motion to close the Public Hearing and Councilwoman Hudak seconded. All in favor.

Barrett Hill – Local Law to Map the Multifamily Work Force Housing District

Supervisor Hay made a motion to open the Public Hearing and Councilman Cullen seconded. All in favor.

Mr. O'Rourke stated that this is a hearing on the mapping of a Floating Zone for the Multifamily Workforce. While new to the Town of Southeast, this has been in place for many years in many communities. If you have a floating zone, the property owner can apply for it to be mapped or applied to a specific piece of property. It must meet the requirements to qualify for eligibility of a floating zone, which are: it must be in an OP zone, on a state county or town Rd, be adjacent to a residential zone, be served by an existing water, fire and sewer system, and have a minimum of 25 acres.

Sheri Ingram asked would the other parcel in town meet the requirements for a floating zone? Mr. O'Rourke stated that yes, one other and that is Terravest. Ms. Hahn stated that there is no application for that at this time.

Mr. Lord asked if the mapping goes through for this property, would that result in the Town having another property mapped for a floating zone, and would that result in the Town having another large

parcel of rentals and a larger school population? Should the Town not grant this, would the Town be subject to litigation?

Town Attorney Stephens stated that it is a legislative act that can be brought to the Board and accords the Town Board a great deal of discretion whether to grant it or not. Anybody that is aggrieved by it can bring litigation.

Mr. Lord stated that he disagrees with the mapping of this property.

Councilwoman Eckardt inquired about Terravest, even though there is nothing in front of the Board now.

Ms. Hahn stated that Terravest is a totally different project and it would need to be looked at it and would probably have to start from scratch. There would be a significant change because of the new local law being amended to one and two bedrooms.

Councilwoman Eckardt wanted to make clear that this is not for all first responders just Putnam County, an Ms. Ley stated that's correct.

Councilman Cullen stated that the Town reached out to the schools and there was no comment. Also, that there are 200 less children in the district this year.

Councilwoman Hudak stated that they would have commented if they thought that the quality of education would be compromised.

Councilwoman Eckardt stated that in her 20 years of going to Planning Board meetings they have never commented on any developments.

Supervisor Hay made a motion to close the Public Hearing and Councilman Cullen seconded. All in favor.

Guardian Veterinary Management LLC – Special Permit

Jamie LoGuidice from Insite Engineering, representing Guardian Veterinary Specialists, explained that they are seeking a Special Permit to allow an Emergency Animal Hospital in an OP-1 zone. It will be open 24 hours for emergency surgery and procedures, and cases that regular vets can't handle.

There was no public or Town board Comment.

Supervisor Hay made a motion to close the Public Hearing and Councilwoman Hudak seconded. All in favor.

WORK SESSION

Supervisor Hay made a motion to open the Work Session and Councilwoman Hudak seconded. All in favor.

Peddling and Solicitation

Councilman Cullen stated that there have been some issues on Gage Rd with door to door selling and some robberies. Councilman Cullen wanted to remind everyone that it's not allowed under Town Code and for neighbors to stay alert.

REGULAR MEETING

Supervisor Hay made a motion to open the Regular Meeting and waive the reading of the Correspondence. Councilman Alvarez seconded. All in favor.

CORRESPONDENCE

Correspondence Received

1. NYSIF to TOSE Re: Workers' Compensation Insurance-James Ford Plumbing & Heating Co. Inc.
2. Marshall & Sterling Inc. to TOSE Re: Commercial Policy-Ralph Burdick Blacktopping Inc.
3. Brian Moon to Supervisor Hay Re: Final State Equalization Rate
4. Congressman Maloney to Supervisor Hay Re: Fixing America's Surface Transportation Act
5. Stephen Lewis to Supervisor Hay Re: TOSE v. Maurice Simon, Index No. 708/2003
6. Stephen Lewis to Clerk of the Court/Putnam Combined Courts Re: People v. Brewster Auto Town of Southeast Justice Court
7. Sandra Fusco to Supervisor Hay Re: SEQRA Lead Agency Notice-Lease Agreement & Monroe Balancing Test for Installation of a Wireless Communications Support Structure at 29 Milan Rd.
8. LADA, P.C. to Michele Stancati (TC) Re: Barrett Hill-Public Hearing Mailing
9. PC Planning, Dev. & Transportation to TOSE Re: Barrett Hill LLC-Zoning Text Changes
10. ACORD to TOSE Re: Liability Ins.-HB Wiltse Excavating Inc.
11. ACORD to TOSE Re: Liability Ins.-Clove Excavators Inc.
12. ACORD to TOSE Re: Liability Ins.-TOSE
13. Rick O'Rourke to TOSE Re: Barrett Hill
14. Danbury Zoning Commission to TC Re: Petition of Toll CT III LP to Revise the Master Plan of The Reserve, Saw Mill & Old Ridgebury Rds. (A16002 & C16012), PND Zone
15. John Bairos to Supervisor Hay Re: Comcast Northeast Operations Ctr.
16. Louis Picani to Supervisor Hay Re: Labor Dispute with Titan Concrete, Inc.
17. Putnam Community Service Network to TOSE Re: 31st Annual Awards Breakfast
18. Bernard Baker to Levon Bedrosian Re: Birch Hill Water District
19. Victoria DiLonardo to Supervisor Hay Re: PC's 2016 Household Hazardous Waste Cleanup Day
20. Mark Williams to Steven Parisio Re: Annual 2016 Post-Closure Monitoring Report-SE Landfill
21. Karl Rohde to TOSE Re: Support of Barrett Hill
22. ACORD to TOSE Re: Liability Ins.-Holland Company Inc.
23. NYS International Code Council to TC Re: 2015 International Codes
24. Gerry Geist to Supervisor Hay Re: 2017 Membership Dues for Association of Towns
25. Matthew Driscoll to Supervisor Hay Re: Funding to Support Transportation Related Projects
26. ACORD to TOSE Re: Liability Ins.-Coalition for a Better Brewster Inc.

27. ACORD to TOSE Re: Liability Ins.-Automatic Alarm Services Inc.
28. The National Council on Alcoholism & Other Drug Dependencies/Putnam, Inc. to TOSE Re: 10th Annual Luncheon-Community Champion Award
29. John Bairos to Supervisor Hay Re: Comcast Franchise Fee Payment-2nd Quarter 2016
30. NYS Comptroller to TOSE Re: Justice Court Fund-7/16
31. Jack Gress to Supervisor Hay Re: Brewster Founder's Day Street Fair
32. ACORD to TOSE Re: Liability Ins.-Poyant Signs, Inc.
33. Aaron Mortensen to Jean Marc Roche Re: Stormwater Pollution Prevention Plans Application Bloomer Rd. to US Rt. 6 Stormwater Retrofit
34. Lawrence Marks to Supervisor Hay Re: 2015 Court Records
35. John Bairos to Kathleen Burgess Re: Comcast Programming Update
36. David Boland to Health Benefit Administrators Re: Empire Plan Quarterly Experience Report
37. ACORD to TOSE Re: Liability Ins.-Automatic Alarm Services Inc.
38. NYSIF to TOSE Re: Workers' Compensation Ins.-Automatic Alarm Service. Inc.
39. NYSIF to TOSE Re: Worker's Compensation Ins.-R&S Waste Services
40. ACORD to TOSE Re: Liability Ins.-Home Dynamix
41. Jamie Spillane to Tom LaPerch Re: Lot Line Adjustment: 16 & 32 Reynwood Dr.
42. John Hogan to Tom LaPerch Re: Lot 49 Salmon's Daily Brook Farm
43. Resident to TOSE Re: Resume
44. Supreme CT NYS PC to TOSE Re: Petitions-311 Dingle Ridge Rd. v. Assessment Review Brd.
45. Joanne Weber to TC Re: Proposed 2017 Budget for The Croton Falls Fire District

Foils

- Peter Levy to Bldg. Dept. Re: File-604 Somerset Knoll
- Josephine Betham to Bldg. Dept. Re: File-1207 Nutmeg Dr.
- Matthew Metz to Bldg. Dept. Re: File-90 Harvest Dr.
- Linda Finn to Bldg. Dept. Re: Survey & CO's-83 Peter Rd.
- Sharon Jett to Bldg. Dept. Re: File-76 Garrity Blvd.
- Lee Seacond to Bldg. Dept. Re: File-4 Starcobb Ln.
- Josephine Betham to Bldg. Dept. Re: CO-5704 Nutmeg Dr.
- SallyAnn Compacetto to Bldg. Dept. Re: File-111 Brewster Hill Rd.
- Geroge Pommer to Bldg. Dept. Re: Site or Bldg. Plans-46.-1-3
- Subrat Patnaik to Bldg. Dept. Re: Survey-978 Rt. 22
- Lisa Tremblay to Bldg. Dept. Re: Files-27 Allan Rd. & 76 Garrity Blvd.
- Mike Liguori to Bldg. Dept. Re: File-563 Rt. 312
- Ryan Sullivan to Bldg. Dept. Re: Files-804 Orchard Hill Rd. & 51 Cooledge Dr.
- Douglas Davis to Bldg. Dept. Re: Survey-124-126 Starr Ridge Rd.
- Dennis Sant to TC Re: CO & Variance
- M. Silverman to Bldg. Dept. Re: File-80 Fairview Rd.
- Christina Sinclair to Bldg. Dept. Re: File-190-192 Rt. 22
- Joe Gerrci to Bldg. Dept. Re: Well Info.-27 Tonetta Lake Way
- Jamie LoGiudice to Bldg. Dept. Re: As Built Surveys-47, 51, 59 & 63 Prospect Hill Rd.
- Faney Bantin to Bldg. Dept. Re: File-19 Elizabeth Ct.
- Linda Olsen to Bldg. Dept. Re: File-302 Doansburg Rd.
- Linda Olsen to Bldg. Dept. Re: File-154 Shore Dr.
- Karen Ronson to Bldg. Dept. Re: CO's, Permits & Violations-59 Seven Oaks Ln.

- Peter Levy to Bldg. Dept. Re: File-66 Scott Place
- Michael Tario to Bldg. Dept. Re: File-2629 Carmel Ave.
- Stephen Looney to Bldg. Dept. Re: File-4 Star Cobb Ln.
- Eva Warner to Bldg. Dept. Re: File-15 Larkspur Dr.
- Stephanie Fox to Bldg. Dept. Re: File-Survey-50 Scenic Ridge Dr.
- Steven Miller to Bldg. Dept. Re: Survey-2596 Carmel Ave.
- Norbert Pushas to Bldg. Dept. Re: Water Quality Record-2 International Dr.
- Emma Rothrock to TC Re: 2015 Residential Garbage Bid
- Wayne Kokinda to Bldg. Dept. Re: CO's & Permits-32 Birch Hill Dr.
- Mary Lundy to TC Re: Negative Declaration for Birch Hill Water Dist.
- Jeff Redfield to Bldg. Dept. Re: File-4 Brewster Woods
- Rosario Valvano to Bldg. Dept. Re: File-282 Starr Ridge Rd.
- Bobbi Zacchi to Bldg. Dept. Re: File-4 Brewster Woods
- Ivan Martinez to Bldg. Dept. Re: File-6, 8 & 10 Marlin Rd.

Emails

1. Supervisor Hay to Town Board Re: Solicitations made to TOSE Website
2. Pamela Young to Supervisor Hay Re: NYSDOG Assessment of NYC's Compliance
3. Katherine Keys to Supervisor Hay Re: Post a Link on Website
4. Bonnie Colombo to Supervisor Hay/TC Re: Special License for Fireworks
5. Laurie Bell to TOSE Re: Middlebranch Realty Discontinued 2015 Certiorari
6. Dina Colavito to TOSE Re: Roadwork-684
7. Ashley Ley to TC Re: Barrett Hill
8. Willis Stephens to Putnam Press Re: Public Hearing Notice
9. Resident to Laurie Bell Re: Enhanced STAR Exemption
10. Resident to Supervisor Hay Re: Tree Trimming Damage on Tonetta Lake Rd.
11. Garrett DeGraff to Supervisor Hay Re: Resolution-Brewster Public Library
12. Andre Agassi to Supervisor Hay Re: Digital Marketing Svcs.
13. Supervisor Hay to Willis Stephens Re: Pine View Dr.
14. Residents to Supervisor Hay Re: Comments on Barrett Hill
15. Laurie Manning to Supervisor Hay Re: Use of Gold Lot on Brewster Founder's Day
16. Joseph Dowling to TC Re: Public Hearing Notice for Birch Hill Water Dist.
17. Resident to Supervisor Hay Re: Roadside Garbage on Zimmer Rd.
18. Resident to TC Re: Copy of Marriage Record
19. Robert Zubrycki to TC Re: Resignation of Chairman of Tonetta Lake Advisory Committee
20. Resident to Supervisor Hay Re: Issues with Garbage Pickup at Shady Ln.
21. Joanne Stachyra to TC Re: Dedication for Pine View Dr.
22. Warren Lucas to Peter Kamenstein/Brian Ivanhoe/Paul Taft/Supervisor Hay Re: Peach Lake Runoff
23. Resident to TC Re: Official Twitter Account
24. Diane Smith to TC Re: Fraudulent Phone Requests
25. Resident to Supervisor Hay Re: Sink hole-Shore Dr.
26. Garrett DeGraff to Supervisor Hay Re: Library Project Documents
27. Dina Colavito to TOSE Re: Roadwork on I-684
28. Rebecca Gorney to TOSE Re: Confirmed HAB at Peach Lake
29. Bob Cullen to Matt Slater Re: Tonetta Lake Grant

30. Will Stephens to Anthony Spina Re: Maco Properties Erosion Control Bond
31. Laurie Manning to TC Re: Founder's Day
32. Resident to Levon Bedrosian Re: Refuse Complaints
33. Resident to Supervisor Hay Re: Curb Damage at 388 Brewster Hill Rd.
34. Supervisor Hay to Joan Casazza Re: 2015 Court Records

Correspondence Sent

1. Supervisor Hay to Mayor Schoenig Re: Quarterly Billing-Shared Service/Bldg. Inspector
2. Supervisor Hay to Mayor Schoenig Re: IMA Shared Services Bldg. Inspector/Code Enforcement Officer
3. ZBA to TOSE Re: Resolutions (2)-Interpretation at 5 Shady Ln. Measurement of Fence Height & Garbage Pail Enclosure
4. Supervisor Hay to Judge Vercollone/Judge Folchetti Re: 2016 Budget
5. Susan Tabacco to Supervisor Hay Re: 2016 County, Town & Special District Tax Collection
6. Tom LaPerch to Supervisor Hay Re: Multifamily Work Force Housing Floating Zoning District
7. Tom LaPerch to Joe Buschynski Re: Escrow Account-Maco Land Properties
8. Tom LaPerch to Barrett Hill Associates Re: Escrow Account-Barrett Hill
9. Tom LaPerch to Peder Scott Re: Escrow Accounts (2)-Hamedi & Farm to Market Rd. Subdivision
10. Tom LaPerch to James Hahn Re: Escrow Account-7 Sutton Pl./Brewster Ice Arena Pathway
11. Tom LaPerch to ARB Re: Guardian Veterinary Specialists
12. TC to Insite Engineering Re: Public Hearing for Special Permit-Guardian Veterinary Specialists
13. TC to Resident Re: Renewing Dog License
14. Supervisor Hay to Plumtrees Plumbing & Heating Re: Damage to Mountainbrook Water Dist.
15. Mike Levine to Property Owner Re: NOV-577 North Main St.
16. Supervisor Hay to Residents at Shady Ln. Re: Issues with Garbage Pickup

VOUCHERS

Supervisor Hay made a motion to approve the Vouchers in the amount of \$1,792,911.77. Councilman Alvarez seconded. All in favor.

MEETINGS

Supervisor Hay made a motion to set the following meeting dates to be held at 1360 Route 22, Brewster, NY 10509 at 7:00 P.M. unless otherwise noted. Councilwoman Hudak seconded. All in favor.

Work Session / Regular Meeting – Thursday, October 6, 2016

Work Session / Regular Meeting – Thursday, October 20, 2016

BUDGET TRANSFERS

Supervisor Hay made a motion to approve the Budget Transfers and Councilwoman Hudak seconded. All in favor.

RESOLUTION NO. 66 /2016 RESOLUTION ADOPTING LOCAL LAW AMENDING TOWN CODE CHAPTER 131 – VEHICLES & TRAFFIC

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilwoman Hudak

WHEREAS, a resolution having been adopted by the Town Board of the Town of Southeast for a public hearing to be held by said Town Board to hear all interested parties on a proposed local law which would amend Chapter 131 (“Vehicles & Traffic”), Article IV (“Commuter Parking”) Section 131-20 (“Parking Prohibited certain hours”) of the Town Code to remove the prohibition on parking in commuter lots between the hours of 3:00 a.m. and 6:00 am; and

WHEREAS, notice of said public hearing was advertised in an official newspaper of the Town of Southeast in the manner prescribed by law, such public hearing was held on September 8, 2016 and all interested persons were given an opportunity to be heard at that time; and

WHEREAS, it is the sense of this Town Board that the proposed local law will help promote the general health, safety and welfare of the public.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board of the Town of Southeast hereby adopts Local Law No. 5 of 2016 pursuant to the Municipal Home Rule Law amending Chapter 131 (“Vehicles & Traffic”), Article IV (“Commuter Parking”) Section 131-20 (“Parking Prohibited certain hours”) of the Town Code to remove the prohibition on parking in commuter lots between the hours of 3:00 a.m. and 6:00 a.m.; and be it further

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

UPON A ROLL CALL VOTE:

Councilman Alvarez	<u>Aye</u>
Councilwoman Eckardt	<u>Aye</u>
Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

VOTE: Resolution passed, by a vote of 5 to 0 , 0 abstained.

**RESOLUTION NO. 67 /2016 RESOLUTION ADOPTING LOCAL LAW
AMENDING TOWN CODE CHAPTER 138 – ZONING**

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilwoman Hudak

WHEREAS, a resolution having been adopted by the Town Board of the Town of Southeast for a public hearing to be held by said Town Board to hear all interested parties on a proposed local law which would amend Chapter 138 of the Code of the Town of Southeast entitled Zoning, to amend section 138-5 of the Zoning Code to establish the Multifamily Work Force Housing District, and add a new section 138-63.10 to create a “floating zone” applicable to properties currently zoned OP-2 to designate eligible properties as a “Multifamily Work Force Housing District”; establish additional criteria for eligibility for designation as a Multifamily Work Force Housing District; establish permitted uses pursuant to Special Permit of multifamily residential structures and single family (attached and detached) dwellings; establish standards for grant of special permits including minimum numbers of designated “Priority Units”; establish dimensional, bulk and minimum parking standards; and establish selection and “affordability” standards for priority and affordable housing opportunities; and

WHEREAS, notice of said public hearing was advertised in an official newspaper of the Town of Southeast in the manner prescribed by law, such public hearing was held on September 22, 2016 and all interested persons were given an opportunity to be heard at that time; and

WHEREAS, it is the sense of this Town Board that the proposed local law will help promote the general health, safety and welfare of the public.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board of the Town of Southeast hereby adopts Local Law No. 6 of 2016 pursuant to the Municipal Home Rule Law to amend Chapter 138-5 to establish the Multifamily Work Force Housing District and by adding a new section 138-63.10 to create a “floating zone” applicable to properties currently zoned OP-2 to designate eligible properties as a “Multifamily Work Force Housing District”; establish additional criteria for eligibility for designation as a Multifamily Work Force Housing District; establish permitted uses pursuant to Special Permit of multifamily residential structures and single family (attached and detached) dwellings; establish standards for grant of special permits including minimum numbers of designated “Priority Units”; establish dimensional, bulk and minimum parking standards; establish selection and “affordability” standards for priority and affordable housing opportunities; and be it further

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

UPON A ROLL CALL VOTE:

Councilman Alvarez	<u>Aye</u>
Councilwoman Eckardt	<u>Nay</u>
Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>

Supervisor Hay Nay
VOTE: Resolution passed, by a vote of 3 to 1 , 1 abstained.

RESOLUTION NO. /2016 RESOLUTION ADOPTING LOCAL LAW AMENDING ZONING MAP – BARRETT HILL

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilwoman Hudak

Councilwoman Hudak made a motion to Table the resolution until the next meeting on October 8, 2016, since there was a negative response at the Public Hearing. Councilwoman Eckardt seconded. There was a Roll Call vote of 4 for, 1 against. Councilman Cullen didn't feel the project should be delayed because of one negative response from the public.

WHEREAS, a resolution having been adopted by the Town Board of the Town of Southeast for a public hearing to be held by said Town Board to hear all interested parties on a proposed local law which would amend Chapter 138 of the Code of the Town of Southeast entitled Zoning, to consider a proposed local law amend section 138-6 of the Zoning Code (“Zoning Map”) and the Zoning Map authorized thereunder to map and reclassify property described as 29 acre parcel located at 41 Mt. Ebo Road North, Brewster, New York (Tax Map No. 46-5-2) currently zoned as OP-2 to a “Multifamily Work Force Housing District”; and

WHEREAS, notice of said public hearing was advertised in an official newspaper of the Town of Southeast in the manner prescribed by law, such public hearing was held on September 22, 2016 and all interested persons were given an opportunity to be heard at that time; and

WHEREAS, it is the sense of this Town Board that the proposed local law will help promote the general health, safety and welfare of the public.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board of the Town of Southeast hereby adopts Local Law No. 7 of 2016 pursuant to the Municipal Home Rule Law amending law section 138-6 of the Zoning Code (“Zoning Map”) and the Zoning Map authorized thereunder, to map and reclassify property described as a 29 acre (+/-) parcel located at 41 Mt. Ebo Road North, Brewster, New York (Tax Map No. 46-5-2) currently zoned as OP-2 to a “Multifamily Work Force Housing District”; and be it further

RESOLVED, that the Town Clerk be and hereby is authorized and directed to (a) enter said Local Law in the minutes of this meeting and in the Code Book of the Town of Southeast (b) cause the Zoning Map of the Town of Southeast to be amended to reflect the adoption of this Local Law; and (c) give due notice of the adoption of said local law by filing such with the Secretary of State of New York within the time required by law.

UPON A ROLL CALL VOTE:

Councilman Alvarez _____
Councilwoman Eckardt _____
Councilman Cullen _____
Councilwoman Hudak _____
Supervisor Hay _____

VOTE: Resolution was _____, by a vote of _____, to _____ against, _____ abstained.

RESOLUTION NO. 68 / 2016 SPECIAL PERMIT REQUEST GUARDIAN VETERINARY MANAGEMENT, LLC

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilwoman Hudak

WHEREAS, Guardian Veterinary Management, LLC, owner/tenant of a portion of premises located at 4 Hardscrabble Heights Drive, Tax Map No. 78.-2-83, (the "Subject Premises") has made application to this Town Board for a Special Permit to allow the use of the Subject Premises as an emergency animal hospital; and

WHEREAS, the Subject Premises are located in an OP-1 zone; and

WHEREAS, animal hospitals are only permitted in a OP-1 zone upon the grant of a Special Permit by the Town Board; and

WHEREAS, the Town Board is in receipt of a report and recommendation from the Southeast Planning Board wherein the Planning Board has recommended the grant of the Special Permit and has found that the proposal of Guardian Veterinary Management, LLC is in compliance with the applicable general and special standards of Article X of Chapter 138 of the Town Code; and

WHEREAS, the Planning Board, as Lead Agency for purposes of State Environmental Quality Review Act ("SEQRA") and has adopted a Negative Declaration indicating that the project is not likely to adversely affect the environment; and

WHEREAS, a duly noticed public hearing was held by the Town Board on September 22, 2016 in connection with this application and all interested parties have been given an adequate opportunity to be heard in this regard,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby makes the following findings of fact in connection with the instant application:

1. The proposed use is in such location and is a size and character that it will be in harmony with the appropriate and orderly development of the surrounding district and will not be detrimental to the immediate site or adjacent properties;
2. The location and size of the proposed use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout, and its relation to access streets will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous;
3. The exterior appearance of the building will not hinder or discourage the development and use of adjacent land and buildings; and
4. The proposed use will not require such additional public facilities or services or create fiscal burdens upon the Town greater than those which characterize uses permitted as of right.

AND BE IT FURTHER

RESOLVED, that based upon the foregoing findings, the Town Board of the Town of Southeast hereby grants a Special Use Permit to the Subject Premises in accordance with Statement of Use prepared and submitted to the Planning Board in connection with this Project Development Plan application and incorporated herein by reference, on the following conditions:

1. The applicant shall operate the facility in compliance with all conditions set forth in Article X of the Zoning Code; and
2. There shall be no outdoor display or storage of merchandise, equipment or other items used in connection with or for sale by the establishment and all signs or advertising in connection with the subject enterprise shall comply with the provisions of the Zoning Code.

And be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to Guardian Veterinary Management, LLC; to the owner of record of the Subject Premises; to the Secretary of the Town of Southeast Planning Board; and to the Southeast Building Department, forthwith.

UPON A ROLL CALL VOTE:

Councilman Alvarez	<u>Aye</u>
Councilman Cullen	<u>Aye</u>
Councilwoman Eckardt	<u>Abstain</u>
Councilwoman Hudak	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

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

Councilwoman Eckardt abstained because she doesn't believe a vote should be taken on a project the same night as the Public Hearing, not because she doesn't agree with the project.

RESOLUTION NO. 69 / 2016 AUTHORIZE COMMENCEMENT OF CIVIL ENFORCEMENT PROCEEDING

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilwoman Hudak

WHEREAS, the Town of Southeast Code Enforcement Officers have commenced enforcement proceedings against a property owner located at 979-989 Route 22, Town of Southeast in local criminal court pertaining to alleged violations of provisions of the Town Zoning Codes; and

WHEREAS, the Defendant owner of such premises, Brewster Plaza LLC, has failed to appear in the local criminal court despite being summoned thereto; and

WHEREAS, it appears that the conditions complained of by the Code Enforcement personnel have been the subject of prior criminal proceedings and the conditions continue to persist; and

WHEREAS, the Town Justice Court does not have equity jurisdiction to compel compliance with the Town's zoning and building codes and it is the sense of this Town Board that the health, safety and welfare of the entire community will be enhanced through seeking injunctive and other equitable relief against the owner of the offending premises in a Court of competent jurisdiction.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby authorizes the Town Attorney to commence any and all civil actions, in law and in equity, in a Court of appropriate jurisdiction, against Brewster Plaza, LLC, Sonny Vataj and/or any other responsible or necessary party, in connection with the ownership, occupancy, maintenance and control of premises located at 979-989 Route 22, Town of Southeast (Tax Map 68.5-2-2) seeking to compel compliance with the Town's zoning, building and property maintenance codes, and to abate any and all nuisances resulting from the violation of such codes, rules and regulations.

Councilman Alvarez	<u>Aye</u>
Councilman Cullen	<u>Aye</u>
Councilwoman Eckardt	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

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

RESOLUTION NO. 70 / 2016 AUTHORIZE COMMENCEMENT OF CIVIL ENFORCEMENT PROCEEDING

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilwoman Hudak

WHEREAS, the Town of Southeast Code Enforcement Officers have commenced enforcement proceedings against a property owner located at in local criminal court pertaining to alleged violations of provisions of the Town Code, Uniform Building and Fire Codes and Town Zoning Codes; and

WHEREAS, both of the Southeast Town Judges have recused themselves from hearing the criminal proceedings for personal reasons and the criminal proceedings were transferred to the Town of Carmel; and

WHEREAS, the Carmel Justice Court dismissed the criminal proceeding on non-substantive grounds and such decision has been appealed to the Appellate Term of the Supreme Court; and

WHEREAS, offending conditions continue to exist and the property owner continues to use and utilize his property in a manner contrary to the Town Building and Zoning Codes; and

WHEREAS, the Town Justice Court does not have equity jurisdiction to compel compliance with the Town's zoning and building codes and it is the sense of this Town Board that the health, safety and

welfare of the entire community will be enhanced through seeking injunctive and other equitable relief against the owner of the offending premises in a Court of competent jurisdiction.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby authorizes the Town Attorney to commence any and all civil actions, in law and in equity, in a Court of appropriate jurisdiction, against Denis and Kathleen Sant, and/or any other responsible or necessary party, in connection with the ownership, occupancy, maintenance and control of premises located at 293 North Brewster Road (a/k/a Tonetta Lake Road) (Tax Map Nos. 56.12-1-3), seeking to compel compliance with the Town’s zoning, building and property maintenance codes, and to abate any and all nuisances resulting from the violation of such codes, rules and regulations; and be it further

RESOLVED, that the Town Board of the Town of Southeast hereby appoints Joseph P. DePaola, Esq., DePaola Valdes LLP, having an office at 370 Lexington Avenue, Suite 1500, New York, NY 10017, as Special Counsel for the purpose of commencing and litigating the matter of Town of Southeast v. Sant, *et al.*, in Putnam County Supreme Court, to compel compliance with the state and local Building, Zoning and Occupancy Codes; and be it further

RESOLVED, that said Special Counsel shall be compensated at the rate of \$185.00 per hour for attorney time, and shall be reimbursed for all necessary disbursements made on behalf of the Town.

Councilman Alvarez Aye
Councilman Cullen Aye
Councilwoman Eckardt Aye
Councilwoman Hudak Aye
Supervisor Hay Aye

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

RESOLUTION NO. 71 / 2016 APPOINTMENT OF SPECIAL COUNSEL

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

WHEREAS, the Town of Southeast is required to defend civil litigation from time to time; and

WHEREAS, a civil proceeding has been commenced wherein and whereby a certain applicant before the Town Zoning Board of Appeals seeks to challenge the determination of such Board; and

WHEREAS, the Town Attorney has previously recused himself from matters pertaining to these particular litigants and is, therefore, unavailable to present a defense on behalf of the ZBA.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby appoints Joseph P. DePaola, Esq., DePaola Valdes LLP, having an office at 370 Lexington Avenue, Suite 1500, New York, NY 10017 as Special Counsel in connection with the matter entitled *Santucci vs. Zoning Board of Appeals of the*

Town of Southeast commenced pursuant to Article 78 of the Civil Practice Law and Rules; and be it further

RESOLVED, that said Special Town Counsel shall be compensated at the rate of \$185.00 per hour for attorney time, and shall be reimbursed for all necessary disbursements made on behalf of the Town.

UPON ROLL CALL VOTE:

Councilman Alvarez	<u>Aye</u>
Councilman Cullen	<u>Aye</u>
Councilwoman Eckardt	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

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

SUPERVISOR'S REPORT

Supervisor Hay stated that Outside Council has busted the Budget. We're at the tax cap and there is no wiggle room. That line and the town Engineer's line are the two red flags, and they will be increased this year. Whenever we are sued, the Town Engineer has to go out and we have to pay for it. Councilwoman Hudak asked if we could recoup the engineers fee and Town Attorney Stephens stated that they all don't result in a conviction.

PUBLIC COMMENT

Mr. Lord thanked the Board for postponing the vote and taking the time to think about it. He doesn't think one person has that much power. Peggy Bruen is a resident of the Village and has a problem with the day workers loitering on the street. She asked if the Town could revisit the problem. Supervisor Hay stated that the Town has no jurisdiction and that the Village has its own government. He suggested she talk to the Village Board or their Police Department.

TOWN BOARD COMMENT

Councilwoman Hudak stated that Founders Day was a great success and she looks forward to next year.

Councilwoman Eckardt stated that she is the Library Liaison and attended their monthly meeting. She said it was productive, that they invited the Town Board to come and see what their needs are and why they want to take out a bond for improvements. There is an opening on the Library Board if anyone is interested and Councilwoman Eckardt will also be meeting with the Building Committee.

Councilman Alvarez made a motion to close the meeting and Councilwoman Hudak seconded. All in favor.

Respectfully Submitted,

Michele Stancati
Southeast Town Clerk