

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

Pledge of Allegiance

Present: Supervisor Tony Hay
Councilman John Lord
Councilman Eric Larca - Absent
Councilman John O'Connor
Councilman Edwin Alvarez

Also: Town Clerk Michele Stancati
Town Attorney Willis H. Stephens Jr.

This meeting took place by videoconferencing, Zoom, and was recorded and posted on the Town of Southeast website. Minutes were taken by Cathy Chiudina.

Present: Supervisor Hay, Councilman Alvarez, Councilman Larca, Councilman Lord, Councilman O'Connor, Town Clerk Michele Stancati, Town Council Willis Stephens

WORK SESSION:

Supervisor Hay: There's nothing for the work session so we're going to go right to the regular meeting and I make a motion to go to the regular portion of the meeting.

Councilman Lord: Second.

Supervisor Hay: Did you get a second OK Michele?

Ms. Stancati: Yes, I did, thank you.

REGULAR SESSION:

577 NORTH MAIN STREET: Application for a Special Permit

Supervisor Hay: OK, thank you. Number one: Resolution 577 North Main Street Special Permit.

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 allow the portion of the Subject Premises to be used as a canine training and boarding facility (kennel), on the following conditions:

1. The applicant and its tenant shall operate the facility in compliance with all general conditions set forth in Article X of the Zoning Code and all special conditions as set forth in section 138-57 of the Zoning Code;

2. The canine training and boarding use shall occur solely within the areas designated on the site plans and statement of use submitted in connection with this application and shall be limited to the square foot occupancy as set forth therein;

3. There number of canines harbored on the Subject Premises at any given time shall not exceed forty, provided that this number may be modified downward if it is subsequently determined that the demised premises and location cannot accommodate a population of this size;

4. The applicant shall ensure that there is sufficient insulation installed between the demised premises and adjoining tenancies to provide adequate sound deadening between occupancies;

5. The hours of public operation of the training and kennel facility shall be between the hours of 8 o'clock AM to 8 o'clock PM only on any given day; provided, however, that there shall be human supervision on site 24 hours a day, 365 days a year; and

6. No dogs shall be permitted in outdoor runs before 8 o'clock AM or after dark or 8 o'clock PM, whichever comes earlier. Any outdoor exercising or training before or after these hours shall be done "on leash" and under the supervision of a handler.

And be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to 577 NORTH MAIN LLC, 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.

Supervisor Hay: It is so open for discussion. Any discussion? All in favor?

Board: Aye.

Ms. Stancati: Is that everyone?

Supervisor Hay: Yes.

Ms. Stancati: OK, thank you.

RESOLUTION ADOPTING LOCAL LAW #4 of 2020:

Supervisor Hay: Second item: Resolution Amend Local Law 123, 138, A143, Section 123-3, and policy Section 123-6 definitions etcetera, curbing. We're getting some feedback; do you hear that?

Ms. Stancati: I'm on a hotspot because my service went out.

Supervisor Hay: OK, that's why I had to move in here because my service went out here too.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board of the Town of Southeast hereby adopts Local Law No. 4 of 2020 pursuant to the Municipal Home Rule Law to Chapters 123, 138, Appendix 143, Section 123-3 and Section 123-6 of the Code of the Town of Southeast to define and require the inclusion of curb ramps for pedestrians on all new sidewalks where same intersect with driveways, intersections and crosswalks within the Town; 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.

Supervisor Hay: So, moved for discussion. All in favor?

Board: Aye.

CLASSIC M&J PROPERTIES: 4 SODOM ROAD – Special Permit:

Supervisor Hay: Motion to set a Public Hearing for a Special Permit for Classic M&J Properties, 4 Sodom Lane, so moved.

Councilman Alvarez: Second.

Supervisor Hay: Discussion? All in favor?

Board: Aye.

Ms. Stancati: One second, I didn't get it.

Councilman Larca: Edwin did.

Ms. Stancati: Thank you.

Councilman Larca: Tony, when we do the vote I am wondering if we should do all in favor "Aye" and then them maybe all opposed just so we can...

Supervisor Hay: OK.

Ms. Stancati: Because I can't hear who says Aye, but I got them all so we are good now.

Supervisor Hay: OK. We will do that next time. OK, as far as Public Comment, it's required that they be in before 6:00 pm this evening on 4/9. We did receive one from Scott. Can hear us by the way?

Councilman Larca: He should be able to.

Supervisor Hay: OK, so Scott Seaman sent in the following: "could the Town pass a moratorium on any sign laws or codes during the 'stay at home' order. This would enable businesses to advertising and put up notices. Most businesses are in strict financial distress and need any help they can get. Maybe even extend the moratorium for a couple of additional months once the orders are lifted. Thank you in advance for your consideration and please stay well." OK, Scott what's happening now is right now the Town has kind of relaxed its rules

already and we're kind of...I don't want to say looking the other way...but we're allowing people to put up those signs. Will, do you have anything else to say on that? Can Will hear?

Mr. Stephens: I'm still here. I would only add that we're in the process of re-drafting our Temporary Sign Code, which is a work in progress and that should be completed probably within the next couple of months. But, I think what Scott has requested was a formal moratorium and I don't think we really need to do that so long as there is an understanding that the Town is not going to enforce the Temporary Sign Code with regard to businesses that are providing a service that are allowed to be open at this point in time. You can see there has already been a proliferation of these roadside signs advertising pizza parlors and other things and I think it's fair because many of these restaurants that are closed don't provide for take-out services; those that do it's probably a good idea to let people know that they are there. Hopefully this will process this problem and the pandemic will be over in a month or so and we'll have our new Temporary Sign Code in place and we'll go back to enforcing and clean up the environment as we see it.

Supervisor Hay: The Building Department has been working with all these businesses for at least the past month and the only concern will be, of course, if anyone tries to abuse it like put up 10 signs with "pizza here" and "hamburgers here" and have 10 signs across the front of the property, we may go in and ask them to tone it down, but they would not be ticketed and they have not been ticketed.

Councilman Larca: Does a moratorium tell businesses that they can do this; is that the purpose that would serve? And, is there a way for us to let the businesses know that they can post signs on their temporary openness or however they're going to operate their business for the short-term future?

Mr. Stephens: I don't know that we really necessarily have to do that because most of them have already violated the sign codes without our moratorium, so I think it's just a matter of, as Tony put it very eloquently, we're going to look the other way for a period of time and once this health emergency is over and the social distancing rules are relaxed we'll go back to enforcing our Code.

Councilman Larca: OK.

Councilman Lord: Would it be worthwhile letting the Chamber of Commerce know our stance, just in case they get a call from their members?

Supervisor Hay: Personally, I don't think we should be advertising it. They're going to find out soon enough and you're going to see a bunch of extra signs out there, but again, until someone really gets carried away, which you're going to find a few do that and you will see 10 different signs lined up we're probably going to say 'look guys, tone it down a little bit, you can have two but don't putt 22' and they'll put a 4 ft. by 8 ft. sign out there. If you go to something like the Lakeview Shopping Center where there are like 8 or 10 different places that serve food, it can look pretty bad pretty quick.

Councilman Lord: Thanks.

Mr. Stephens: The other thing that I would like to point out is I noticed there was one business, which is a restaurant that is providing take-out, it put a big banner outside saying you can play Keno here; whatever that...Quick Draw. Those banner signs are illegal anyway, and it has nothing to do with take-out food and theoretically I don't think anyone should be in there playing Quick Draw, but there is this banner up and that's something that I think should be taken down immediately.

Supervisor Hay: OK, just point it out to the Building Department. Look, we're not looking to bust people's chops in any way. Again, people will take advantage of it, but they'll learn; they'll

say 'he's got a sign, I'm going to put up a sign' and you're going to see a bunch out. Believe me, as soon as this gets out everyone and their brother will have one out there; they're welcome to do it, but they have to limit how much they do. OK, Town Board? Any comments?

Councilman Lord: Thanks for all your work and thanks for reporting to us on Monday about what's going on in the Town. Do you have conference calls with the County?

Supervisor Hay: Yes, every day. We have them at 10:30 and they usually last until 11:00 and they give us an update on the totals throughout the County and actually throughout the state, so it's informative.

Councilman Lord: Good, and is the County updating their website, because I only saw those two accounts.

Supervisor Hay: They do update daily as far as I know.

Councilman Lord: OK, thank you.

Supervisor Hay: Anyone else? OK, just briefly: serious times, serious things; 911 number with all that's going on in the Town, 911 number in the Town, if you don't have a 911 number on your home, on your mailbox; if an ambulance has to come find out, please get them posted ASAP. False alarms: They have spiked up again. They had a little bit of a down-turn earlier in the year, so with the false alarms, especially now with the conditions we're having with the Corona Virus, they have better things to do than going after false alarms, so please do something there. Town Hall is open every day. We open at 9 in the morning and we close at 4:30 daily. Someone is here to greet you at the window when you come in; you ring the bell. If you have to do something specific: you want to get married, you want a death certificate; Michele is there. You can make an appointment to see her, you can see the Tax Receiver, Town Clerk, Auditing Department. We will come out to the window and wait on you, but we are open every day from 9 to 4:30. Nothing has slowed down and we are working full-tilt. Half the workers in the Town are working from home and the other half are supposed to be here or they are doing both. Other than that, I'd like to thank all the First Responders, the people in the grocery stores, and the like. There are many people coming forward, we have a lot of businesses coming forward and making donations, unbeknownst to people, and there's a bunch of really nice people out there. Of course, it brings out the best in a lot of people and the few it brings out the worst, but we're going to deal with the best because they are the best. Does anyone else have anything to say? I will entertain a motion.

Councilman Alvarez: I will make a motion to Close tonight's meeting.

Supervisor Hay: Is there a second?

Councilman Larca: I'll second.

Supervisor Hay: All in favor?

Board: Aye.

Supervisor Hay: Any nays?

No one from the Board entered a nay.

Supervisor Hay: OK, thank you all for coming and we did pretty well for the first one. The weather knocked out a couple of our internets so we had to change locations, but we're good for now.

Councilman Lord: Nice to see everybody.

April 23, 2020/CAC

THE FULL ZOOM RECORDING OF THIS MEETING IS AVAILABLE AT:

<http://www.southeast-ny.gov/370/Town-Board-Zoom-Meeting-Videos-Starting->

RESOLUTION NO. 22 / 2020 SPECIAL PERMIT REQUEST 577 NORTH MAIN LLC

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

WHEREAS, 577 NORTH MAIN LLC, owner of premises located at 577 North Main Street, Tax Map No. 56.19-1-40.2, (the “Subject Premises”) has made application to this Town Board for a Special Permit to allow a portion to be used for “kennel” purposes; and

WHEREAS, the Subject Premises are located in an ED zone; and

WHEREAS, kennel uses are only permitted in an ED zone upon the grant of a Special Permit by the Town Board; and

WHEREAS, the owner of the Subject Premises has indicated its intention to lease a portion of the Subject Premises to a tenant that proposes to utilize such space as a canine training and boarding facility which would include an outdoor, fenced-in area for a “run” and outdoor exercise / training area; and

WHEREAS, the Town Board is in receipt of a report and recommendation from the Southeast Planning Board dated February 24, 2020 wherein the Planning Board has recommended the grant of the Special Permit and has found that the proposal of 577 NORTH MAIN LLC is in general compliance with the applicable general 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 March 19, 2019, which hearing was held open for an additional ten (10) to allow submission of written comments 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 allow the portion of the Subject Premises to be used as a canine training and boarding facility (kennel), on the following conditions:

1. The applicant and its tenant shall operate the facility in compliance with all general conditions set forth in Article X of the Zoning Code and all special conditions as set forth in section 138-57 of the Zoning Code;

2. The canine training and boarding use shall occur solely within the areas designated on the site plans and statement of use submitted in connection with this application and shall be limited to the square foot occupancy as set forth therein;

3. There number of canines harbored on the Subject Premises at any given time shall not exceed forty, provided that this number may be modified downward if it is subsequently determined that the demised premises and location cannot accommodate a population of this size;

4. The applicant shall ensure that there is sufficient insulation installed between the demised premises and adjoining tenancies to provide adequate sound deadening between occupancies;

5. The hours of public operation of the training and kennel facility shall be between the hours of 8 o'clock AM to 8 o'clock PM only on any given day; provided, however, that there shall be human supervision on site 24 hours a day, 365 days a year; and

6. No dogs shall be permitted in outdoor runs before 8 o'clock AM or after dark or 8 o'clock PM, whichever comes earlier. Any outdoor exercising or training before or after these hours shall be done "on leash" and under the supervision of a handler.

And be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to 577 NORTH MAIN LLC, 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 Larca	<u>Aye</u>
Councilman Lord	<u>Aye</u>
Councilman O'Connor	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

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

RESOLUTION NO. 23 /2020 RESOLUTION ADOPTING LOCAL LAW #4 of 2020

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Larca

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 Chapters 123, 138, Appendix 143, Section 123-3 and Section 123-6 of the Town Code to define and require the inclusion of curb ramps for pedestrians on all new sidewalks where same intersect with driveways, intersections and crosswalks within the Town.; 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 March 19, 2020 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. 4 of 2020 pursuant to the Municipal Home Rule Law to Chapters 123, 138, Appendix 143, Section 123-3 and Section 123-6 of the Code of the Town of Southeast to define and require the inclusion of curb ramps for pedestrians on all new sidewalks where same intersect with driveways, intersections and crosswalks within the Town; 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 Aye
Councilman Larca Aye
Councilman Lord Aye
Councilman O'Connor Aye
Supervisor Hay Aye

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

Respectfully Submitted,

Michele Stancati
Southeast Town Clerk