

TOWN OF SOUTHEAST
1360 Route 22, Brewster, New York 10509
Thursday, August 1, 2019
WORK SESSION / REGULAR MEETING 7:00 P.M.

Pledge of Allegiance

Notation of Exits

Turn Off/Put on Vibrate – All Electronic Devices

Present: Supervisor Tony Hay
Councilman John Lord
Councilman Eric Larca
Councilwoman Lynne Eckardt
Councilman Edwin Alvarez - Absent

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

And: 4 Persons

WORK SESSION

Discussion – Dedication of Fortune Ridge Road to the Town

Richard O'Rourke, representing Glickenhause/Fortune Ridge, stated that the Town Engineer and Town Highway Superintendent have been out to the area of road being considered as a Town road. They inspected the work performed and it was brought up to code and there are no outstanding issues. The road has 17 houses completed, with 7 remaining to be built. The dedicated road will allow the school buses to come into the development and pick up the school children. There was concern by the Board that the roads might deteriorate if they were used as further construction progressed, but Mr. O'Rourke stated that the Town is holding a bond to ensure that everything will be taken care of.

REGULAR MEETING

Supervisor Hay made a motion to open the meeting and Councilwoman Eckardt seconded. All in favor.

CORRESPONDENCE

Supervisor Hay made a motion to waive the reading of the Correspondence and Councilman Larca seconded. All in favor.

Correspondence Received

1. NYSEG to TOSE Re: Discontinue Service Supply-40 Sodom Rd.
2. Austin Powder to TOSE Re: Notice of Blasting
3. Mark Williams to Supervisor Hay Re: 2019 Post-Closure Monitoring Program Scope of Services
4. Joseph Castellano to Supervisor Hay Re: PC Agriculture & Farmland Protection Board
5. Mia Tagliaferro to Supervisor Hay Re: COMCAST Cable
6. NYS Taxation & Finance Office to Supervisor Hay Re: Certificate of Final Special Franchise Full Value
7. ACORD to TOSE Re: Liability Ins.-Sanders Industrial Equipment Company Inc.
8. Mark Williams to Supervisor Hay Re: 2019 SE Landfill Post-Closure Monitoring Program
9. Sharon Codeanne to Kathleen Burgess Re: COMCAST-Accessing Xfinity on Demand App
10. Robert Melillo to TC Re: Danbury Petition of SE Ridge LLC to Amend Section 4.H. of the Zoning Regulations
11. ACORD to TOSE Re: Liability Ins.-ADP Total Source
12. Meenan Security Services to TOSE Re: Meenan Security Services Has Transferred Accounts
13. ACORD to TOSE Re: Liability Ins.-Soil Testing, Inc.
14. NYS Supreme Court to TOSE Re: Petition, 36.-2-15 v. Assessment Review Brd.
15. Bryan Smith to TOSE Re: ZBA Notification Letter-68.19-1-24
16. Resident to Mike Levine Re: Fence Violation at South Dr.
17. Emily Roscia to Highway Superintendent Re: Grievance: Failure to Release Employees on 7/3/19
18. Amy Mackenzie to Supervisor Hay Re: Local Highway Inventory Update
19. County Executive Odell to Supervisor Hay Re: Maintenance of all Abandoned Cemeteries
20. Supreme Court NYS PC to TOSE Re: Petitions v. ARB, 47.3-9, 47.2-2, 47.3-15, 56.20-2-71, 77.1-36, 78.4-18, 79.1-13 & 79.1-72-4
21. Lance MacMillan to Supervisor Hay Re: NYSDOT Initiating a Transportation Corridor Study
22. Resident to Supervisor Hay Re: Noise Complaint
23. Emily Roscia to Supervisor Hay Re: Local 456 I.B.T & TOSE Grievance: Failure to Release Employees on 7/3/19
24. ACORD to TOSE Re: Liability Ins.-M&M Landscaping Masonry & Maintenance, Inc.
25. Lauri Taylor to Supervisor Hay Re: Review of Agricultural District Properties
26. Matt Skane to Kathleen Burgess Re: COMCAST Programming Contract Renewal Website
27. AOT of NY to TOSE Re: 2019 Planning & Zoning School Agenda
28. NYS Workers Compensation to TOSE Re: M&M Landscaping, Masonry & Maintenance Inc.
29. Supreme Court of NYS PC to TOSE Re: Petitions v. ARB, 35.1-10, 46.6-1-39, 35.1-10, 78.4-24, 57.5-3-10, 36.17-1-25 & 47.-3-80
30. NYS Comptroller to TOSE Re: June 2019 Court Fund
31. Bankruptcy Notice to TOSE Re: Case #19-361232-cgm, Lincoln Rd.
32. NYSEG to TOSE Re: Disruption of Service-145 N. Brewster Rd.
33. NYS Urban & Community Forestry to TOSE Re: Grant Information Sessions
34. Austin Powder Northeast to TOSE Re: Notice of Blasting
35. Supreme Court NYS PC to TOSE Re: Petitions v. ARB, 47.03-94, 57-2.29 & 56.-1-23.2

Foils

- Yesenia Price to Bldg. Dept. Re: CO's, Survey & Permits-31 Crosby Ave.
- Lisa McDermott to Bldg. Dept. Re: File-68.8-01-19
- Krista Brady to Bldg. Dept. Re: Permits & Violations-340 Peach Lake Rd.
- Lyubov Onofreychuk to Acctg. Bldg. Re: Water/Sewer Bill-4 Maple Ln.
- Shelly to Bldg. Dept. Re: Survey-57 Shore Dr.
- Patrice Hinsworth to Bldg. Dept. Re: File-19 Middlebranch Ln.
- Josephine Eagan to Bldg. Dept. Re: File-43 Indian Wells
- Chris Hocter to Bldg. Dept. Re: Ltrs. of NOV-400 Rt. 22
- Alison Kukulcato to Bldg. Dept. Re: CO's & Permits-30 Larkspur Dr.
- Dawn Gambichler to Bldg. Dept. Re: CO's, Permits & Violations-36.-1-141 & 68.5-2-21
- Lauren Camerino to Bldg. Dept. Re: CO's & Permits-49 Scenic Ridge & 111 North Brewster Rd.
- Aguero Menchi to Bldg. Dept. Re: File-26 Manor Way
- Keith Simone to Bldg. Dept. Re: File-50 Deans Corner
- Gerald Skalaski to Bldg. Dept. Re: Permit & Supporting Documents-5 Shady Ln.
- Mike Loretoni to Bldg. Dept. Re: Review HVAC Work Done-80 International Blvd.
- Raymond Ferreri to Bldg. Dept. File-37 Allview Ave.
- Lauren Camerino to Bldg. Dept. Re: File-111 North Brewster Rd.
- Paul Kilmartin to Bldg. Dept. Re: File-1201 Farmdale Rd.
- Dawn Gambichler to Bldg. Dept. Re: CO's, Permits & Violations-67.9-1-10
- Lindsey Stevens to Bldg. Dept. Re: File-3711-3751 Danbury Rd.
- June Cavanan to Bldg. Dept. Re: File-1201 Farmdale Rd.
- Joseph Franco to Bldg. Dept. Re: Survey-409 Milltown Rd.
- Rajith Shekhar to Bldg. & Acctg. Dept. Re: File & Water/Sewer Billing-15 Crosby Ave.
- Josephine Eagan to Bldg. Dept. Re: Files-22 Killian Ln. & 108 Enoch Crosby
- Edward Mauro to Bldg. Dept. Re: File-412 Clock Tower Commons Dr.
- Lawrence Zacks to Bldg. Dept. Re: File-5 Middlebranch Ln.
- Lauren Camerino to Bldg. Dept. Re: Files-6 Bridey Ln. & 51 Sherwood Hill
- Anne-Marie Nordgren to Bldg. Dept. Re: CO's-702 Orchard Hill
- Gary Lucarini to Bldg. Dept. Re: File-66 Putnam Ave.
- Yesenia Price to Bldg. Dept. Re: CO's, Permits & Survey-534 N.

Emails

1. Supervisor Hay to Fred Pena Re: 632 Milltown Rd.
2. Christina Rizzo to Supervisor Hay Re: Immigrant Affairs
3. Resident to Executive Odell/Supervisor Hay/Mayor Schoenig Re: Concerns & Issues with Brewster Section of Bike Path

Correspondence Sent

1. Gerald Schramek to Property Owner Re: NOV/OTR-79.-1-40.-71
2. Mike Levine to Property Owner Re: NOV/OTR-78.-2-67
3. Tom LaPerch to L. Danielle Cylich Re: BPOE Brewster Elks Lodge
4. Supervisor Hay to All Employees Re: Senior Account Clerk
5. Tom LaPerch to ARB Re: Durkin Water/Drew Realty
6. Tom LaPerch to ARB Re: Batista Southeast Dunkin
7. Tom LaPerch to ARB Re: BPOE Brewster Elks Lodge
8. Tom LaPerch to Barbara Barosa Re: Brewster Elks Lodge

9. Tom LaPerch to Barbara Barosa Re: Maffei Wetland Permit
10. Gerald Schramek to Property Owner Re: SWO/NOV/OTR-56.19-1-40.2
11. Mike Levine to Mr. & Mrs. Santucci Re: Permit Application
12. Gerald Schramek to Property Owner/Occupant Re: NOV/OTR-56.-1-23.-1

VOUCHERS

Supervisor Hay made a motion to approve the Vouchers in the amount of \$1,101,877.61 and Councilman Larca seconded. All in favor.

BUDGET TRANSFERS

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

RESOLUTION NO. 57 / 2019 60 LAKEVIEW DRIVE NON-DISTURBANCE AGREEMENT

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Larca

WHEREAS, the Town of Southeast has been contacted by the owner and contract vendee of certain premises located at 60 Lakeview Drive (Tax Map No. 45.68-1-19); and

WHEREAS, it appears that portions of the driveway associated with the Premises and a small shed type structure have been constructed which are currently located upon a mapped but unimproved road (the "Paper Road") running along the westerly side of the Premises; and

WHEREAS, the Town has no current intention to open and/or improve the Paper Road.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute and deliver to the owner and/or the contract vendee of the premises located at 60 Lakeview Drive an agreement which provides, *inter alia*, that the driveway serving the Premises and the shed, which are currently located on portions of a Paper Road, may remain undisturbed, so long as such driveway or structure is not expanded, modified or enlarged, except for standard and regular maintenance; and be it further

RESOLVED, that the Town Clerk shall forward a copy of this resolution to the Building Inspector and Assessor forthwith.

UPON A ROLL CALL VOTE:

Councilman Alvarez	<u>Absent</u>
Councilwoman Eckardt	<u>Aye</u>
Councilman Larca	<u>Aye</u>
Councilman Lord	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

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

**RESOLUTION NO. 58 / 2019 DURKIN WATER COMPANY / DREW REALTY, LLC
120 Fields Lane ARCHITECTURAL REVIEW BOARD**

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilwoman Eckardt

WHEREAS, the Town Board is in receipt of a Report of the Architectural Review Board (“ARB”) of the Town Southeast dated July 25, 2019 in connection with the application of DURKIN WATER COMPANY / DREW REALTY, LLC, which seeks to amend its site plan to accommodate an additional general business use, reconfigure parking, add additional outdoor storage, modify wetland plantings and construct a 4000 square foot barn on premises located at 120 Fields Lane, Tax Map Nos. 78.-2-5 and 78.-2-6, in the Town of Southeast, Putnam County, New York; and

WHEREAS, the Report concludes that the ARB positively recommends the project to the Town Board; 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 July 25, 2019 in connection with the application of DURKIN WATER COMPANY / DREW REALTY, LLC, which seeks to amend its site plan to accommodate an additional general business use, reconfigure parking, add additional outdoor storage, modify wetland plantings and construct a 4000 square foot barn on premises located at 120 Fields Lane, Tax Map Nos. 78.-2-5 and 78.-2-6, in the Town of Southeast, Putnam County, New York, 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	<u>Absent</u>
Councilwoman Eckardt	<u>Aye</u>
Councilman Larca	<u>Aye</u>
Councilman Lord	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

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

**RESOLUTION NO. 59 / 2019 SOUTHEAST DUNKIN – BATISTA 1617 ROUTE 22
ARCHITECTURAL REVIEW BOARD**

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilwoman Eckardt

WHEREAS, the Town Board is in receipt of a Report of the Architectural Review Board (“ARB”) of the Town Southeast dated July 3, 2019 in connection with the application of BATISTA – SOUTHEAST DUNKIN, which seeks to develop a free standing coffee, doughnut, sandwich retail shop on the site of a former gas / service station located at 1617 Route 22, Tax Map No. 46.-1-21, in the Town of Southeast, Putnam County, New York; and

WHEREAS, the Report concludes that the ARB positively recommends the project to the Town Board on certain conditions; and

WHEREAS, the Town Board finds that there is no reason to upset the findings and recommendation of the Architectural Review Board in connection with the instant application,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts and approves the Report of the Architectural Review Board dated July 3, 2019 in connection with the application of BATISTA – SOUTHEAST DUNKIN, which seeks to develop a free standing coffee, doughnut, sandwich retail shop on the site of a former gas / service station located at 1617 Route 22, Tax Map No. 46.-1-21 in the Town of Southeast, Putnam County, New York, subject to the conditions set forth therein, a copy of which 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	<u>Absent</u>
Councilwoman Eckardt	<u>Aye</u>
Councilman Larca	<u>Aye</u>
Councilman Lord	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

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

**RESOLUTION NO. 60 / 2019 ADJUSTING “BASE PROPORTIONS” FOR REAL
PROPERTY TAX ASSESSMENT PURPOSES**

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Larca

WHEREAS, the Town Board of the Town of Southeast desires to maintain fairness in the taxable valuation of tax parcels within the town; and

WHEREAS, it is the Board's understanding that using the calculations of RP-6703 for the adjustment of base proportions will best serve the needs of the Town and be most equitable for the taxpayers; and

WHEREAS, the Town Assessor has recommended that the Town accept the adjusted base proportions as submitted as Town Outside Village Homestead at 60.728982 per cent and Town-Wide Homestead portion as 60.020064 per cent.

NOW, THEREFORE, BE IT

RESOLVED, that the Town board of the Town of Southeast accepts the recommendation of the Town Assessor and hereby authorizes the Town Clerk to sign and provide to the Office of Real Property Services form RP-6703 for the Town Outside Village and Town-Wide Homestead portion containing the adjusted base proportion of 60.728982% and 60.020064%, respectively, pursuant to Real Property Tax Law and NYS Rules and Regulations in form and substance as may be approved by Town Attorney.

Upon Roll Call Vote:

Councilman Alvarez	<u>Absent</u>
Councilwoman Eckardt	<u>Aye</u>
Councilwoman Larca	<u>Aye</u>
Councilman Lord	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

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

RESOLUTION NO. 61 /2019 LOCAL LAW – AMENDING CHAPTER 54 “BUILDING CONSTRUCTION AND FIRE PREVENTION” and CHAPTER 138 “ZONING

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilwoman Eckardt

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 54 (Building Construction and Fire Prevention) and Chapter 138 (Zoning) of the Code of the Town of Southeast; 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 July 11, 2019 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 2019 which amends Chapters 54 and 138 of the Code of the Town of Southeast to clarify that an applicant for a

building permit has up to sixty (60) days to file an appeal to the Zoning Board of Appeals upon the issuance of a denial by the building department; 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>Absent</u>
Councilwoman Eckardt	<u>Aye</u>
Councilman Larca	<u>Aye</u>
Councilman Lord	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

VOTE: Resolution carried, by a vote of 4, to 0, 0 abstained.

SUPERVISOR'S REPORT

Supervisor Hay stated that the finances are on target with the exception of the courts and the Supervisor will begin the budget process later this month.

PUBLIC COMMENT

There was no Public comment.

TOWN BOARD COMMENT

Councilwoman Eckardt stated that the Fireman's Parade was wonderful! She also stated that she attended a meeting about Interstate 684 and they will be doing a study and will have several Public Hearings to see what can be improved. Putnam County had a meeting and they will be spending \$750,000.00 on a study for the sewer connection on Route 6 in Brewster to Danbury. Councilwoman Eckardt thinks that the Town should be more involved. Supervisor Hay stated that there isn't much going on now, but he will ask our County Legislators to come in and update the Town.

Councilman Lord went to a Putnam County Traffic Safety Board meeting and stated that all the Towns along 684 and 84 are dealing with excess traffic. It was suggested that a "local traffic

only” sign be posted, but then the state might withhold money, and there will be a lot of requests for signs on other roads.

Councilman Larca asked how it would even be enforced and is it worth the loss in revenue?

Supervisor Hay made a motion to go into Executive Session for Personnel reasons, where no decisions will be made, and close the meeting thereafter. Councilman Lord seconded. All in favor.

Respectfully Submitted,

Michele Stancati
Southeast Town Clerk