

SPECIAL MEETING
TOWN CLERK MINUTES
JUNE 7, 2007

Present: Supervisor Dunford
Councilwoman Mitts
Councilman Honeck
Councilman Johnson

Also: Town Clerk Ruth A. Mazzei
Town Planner Graham Trelstad

And: About 24 people

Absent: Councilman Bonanno
Town Attorney Willis H. Stephens Jr.

Councilman Johnson made a motion to open the Special Meeting and Councilman Honeck seconded. All in favor.

PUBLIC HEARING MS4
DRAFT
Councilman Johnson made a motion to open the hearing and Councilman Johnson seconded. All in favor.

The Supervisor said the MS4 is on the internet. The Town Planner, Graham Trelstad, gave an overview. There are no specific changes since last year. This is the fourth year and by next year we must fully comply. The changes are to be consistent with New York State. It will be costly for the stormwater retrofits. The full implementation will cost a significant amount. The Town will be looking for grants and funding to help with such costs. They will try to come up with the appropriate costs. Supervisor Dunford has been at meetings with the state representatives such as the DEC, senators, etc. We are trying to work with Dutchess and Westchester; everyone is trying to work together. Councilwoman Mitts said all the Towns in Putnam County are faced with the same cost issues and none have a definite cost estimate. All towns have expressed concerns at meetings that compliance will not be possible without assistance—this cannot be accomplished as an unfunded mandate. A report was filed with the DEC before the deadline and comments from this public hearing will be set to them. Supervisor Dunford made a motion to close the public hearing and Councilman Johnson seconded. All in favor.

RESOLUTION #25/2007 - WETLANDS PERMIT/PEGASUS THERAPEUTIC RIDING, INC.

Introduced By: Supervisor Dunford
Seconded By: Councilman Johnson

WHEREAS, the Town of Southeast acting Wetlands Inspector, James Nash of AKRF, Inc., issued a report and recommendation dated October 17, 2006 in connection with the application of Pegasus Therapeutic Riding, Inc., to construct and operate an Equestrian Center consisting of stables, an indoor riding facility and outdoor rings and paddocks. The property is located on Peach Lake Road (NYS Route 121), Tax ID 79.-1-46 in the Town of Southeast, Putnam County, New York; and

WHEREAS, the Report and Recommendation concludes that the "proposed activity is not expected to have a substantial adverse impact upon the natural function and benefits of the adjacent wetland; it should not result in the degradation or pollution of waters provided that the stormwater management improvements shown on the proposed site plan are implemented; and, the activity as proposed with stormwater management should not increase the potential for flooding"; and

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

NOW, THEREFORE, BE IT

RESOLVED, that after reviewing the maps, plans and submissions of the Applicant, together with the Report and Recommendation of James Nash dated October 17, 2006 as transmitted by the Planning Board to the Town Board on or about April 10, 2007 and which is incorporated herein by reference, the Town Board of the Town of Southeast hereby GRANTS a permit to allow a portion of the proposed activity to occur within the wetland buffer area as shown on the proposed site plan on file with the Planning Board.

UPON ROLL CALL VOTE:

Supervisor Dunford - Aye Councilman Bonanno - Absent
Councilman Johnson - Aye Councilwoman Mitts - Aye
Councilman Honeck - Aye

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

RESOLUTION #26/2007 PEGASUS THERAPEUTIC RIDING, INC. -

ARCHITECTURAL REVIEW BOARD

Introduced By: Councilman Honeck
Seconded By: Councilwoman Mitts

WHEREAS, the Town Board is in receipt of a Report of the Architectural Review Board of the Town of Southeast dated March 21, 2007 in connection with the application of Pegasus Therapeutic Riding, Inc., to construct an Equestrian Center consisting of stables and an indoor riding facility on property located on Peach Lake Road (NYS Route 121), Tax ID 79.-1-46, in the Town of Southeast, Putnam County, New York; and

WHEREAS, the Report concludes that "given the presentation of the requested material and plan modification, the ARB voted to positively recommend this application 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 said application.

NOW, THEREFORE, BE IT

DRAFT
RESOLVED, that the Town Board hereby accepts and approves the Report of the Architectural Review Board dated March 21, 2007, a copy of which is annexed hereto and made part hereof, in connection with Pegasus Therapeutic Riding, Inc. and that such Report shall be incorporated in any final Site Plan subsequently reviewed by the Planning Board.

UPON ROLL CALL VOTE:

Supervisor Dunford - Aye Councilman Bonanno - Absent
Councilman Johnson - Aye Councilwoman Mitts - Aye
Councilman Honeck - Aye

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

RESOLUTION #27/2007SPECIAL PERMIT REQUEST FOR PEGASUS
THERAPEUTIC RIDING, INC.

Introduced By: Councilman Johnson
Seconded By: Councilman Honeck

WHEREAS, Dr. William Bradley, owner, and Pegasus Therapeutic Riding, Inc., contract vender, of premises located at 310 Peach Lake Road, Tax Map No. 79-1-46 (the Subject Premises) have made application to this Town Board

pursuant to Section 138-63 of the Zoning Code for a Special Permit to allow the establishment of an Equestrian Center on the Subject Premises; and

WHEREAS, the Subject Premises consist of 21.78± acres and area located in an R-160 zone; and

WHEREAS, Equestrian Centers are only allowed within an R-160 zone as a principal use upon the grant of a Special Permit by the Town Board on lots not less than twenty-five acres in size; and

WHEREAS, the Planning Board, as Lead Agency for purposes of State Environmental Quality Review, on November 13, 2006 adopted a Negative Declaration, thereby determining that the project is not likely to have a significant effect on the environment; and

WHEREAS, on January 22, 2007, the Town of Southeast Zoning Board of Appeals granted an area variance to the Subject Premises on the condition that the number of horses harbored on the Subject Premises does not exceed thirty (30);

WHEREAS, the Town Board is in receipt of a report and recommendation from the Southeast Planning Board dated February 12, 2007 wherein the Planning Board has recommended the grant of the Special Permit and has found that the proposal of Pegasus Therapeutic Riding, Inc. is in compliance with all applicable general and special standards of Article 10 of Chapter 138 of the Town Code; and

WHEREAS, a duly noticed public hearing was held by the Town Board on April 19, 2007 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 proposed exterior appearance of the buildings 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 Dr. William Bradley and Pegasus Therapeutic Riding, Inc., as contract vendee of the Subject Premises, to permit the establishment of an Equestrian Center on the Subject Premises in accordance with the Statement of Use prepared and submitted to the Planning Board in connection with this Project Development Plan application, on the following conditions:

1. The applicant shall construct and operate the facility in compliance with all conditions set forth in Section 138-63 of the Zoning Code, together with any special conditions set forth herein;

2. All stables constructed on the Subject Premise shall be equipped with fire suppression system and meet all code requirements to allow unimpeded removal of livestock in the event of fire or other hazard emergency; and

3. All stables shall be equipped with a central station smoke, heat and fire alarm system which shall sound an audible alarm and provide direct telephone connection to a central station for communication with local fire/rescue services.

4. No more than thirty (30) horses shall be harbored on the subject premises and Applicant shall record "Declaration of Restrictions" to that effect in the Putnam County Clerk's office, Division of Land Records, simultaneously with the filing of the deed of conveyance of the Subject Premises; and

5. Applicant shall cause the common driveway which serves the Subject Premises and the adjoining equestrian facility to be improved from the intersection with Peach Lake Road (NYS Route 121) in a manner consistent with the drawing prepared by Insite Engineering, Surveying and Landscape Architecture, P.C. entitled "Proposed Private Driveway Improvement Plan" dated May 18, 2007 which has been submitted in connection with this application and that such improvement shall extend an additional fifty (50) feet as recommended by the Town Engineer in its review letter dated June 6, 2007.

UPON ROLL CALL VOTE

Supervisor Dunford - Aye Councilman Honeck - Aye
Councilman Johnson - Aye Councilwoman Mitts - Aye
Councilman Bonanno - Absent

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

MOTION-MS 4 PLAN

Supervisor Dunford made a motion to accept MS 4 Plan as modified.
Councilman Johnson seconded. All in favor

RESOLUTION #28/2007 NEW YORK STATE SENATE AND ASSEMBLY/HOME
RULE REQUESTS. 5712 & A. 8020

Introduced By: Councilwoman Mitts
Seconded By: Supervisor Dunford

DRAFT
WHEREAS, on March 22, 2007, this Town Board adopted a resolution requesting the New York State Legislature to prepare and adopt special legislation to permit the Town to reopen the Assessment Rolls for the 2006-2007 tax year to permit the adjustment of the assessments placed upon five townhouse units within the Fieldstone Pond Residential complex which had been substantially or completely destroyed by fire shortly after the 2006/2007 Tax Status date; and

WHEREAS, the New York State Legislature has introduced legislation to accommodate this request.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby requests the New York State Senate and New York State Assembly to pass Senate Bill No. 5712 of 2007 and Assembly Bill No. 8020 of 2007 during the 2007 Legislative Session; and be it further

RESOLVED, that the Town Clerk be, and she hereby is authorized to forward a certified copy of this resolution to the Town's legislative delegation and the NYS Legislature's Home Rule Counsel forthwith.

UPON ROLL CALL VOTE:

Supervisor Dunford - Aye Councilman Johnson - Aye

Councilman Bonanno - Absent Councilman Honeck - Aye
Councilwoman Mitts - Aye

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

RESOLUTION #29/2007 INTER-MUNICIPAL AGREEMENT/TOWN OF NORTH
SALEM AND TOWN OF SOUTHEAST PEACH LAKE SEWER DISTRICT

Introduced By: Councilman Johnson
Seconded By: Councilman Honeck

WHEREAS, the Towns of Southeast and North Salem have been working cooperatively to form sewer districts in each of the respective towns which would serve to benefit the owners and residents of real property in and around the vicinity of Peach Lake; and

WHEREAS, central to the success of the separate sewer districts is the construction and joint operation of a waste water treatment plant ('WWTP') which, as proposed, would be located within the Town of Southeast, but would service properties located in both the Town of Southeast and the Town of North Salem; and

WHEREAS, the cost to construct, operate and maintain the WWTP would be borne equitably by the owners of real property within the two districts pursuant to benefit calculations set forth in an Inter-Municipal Agreement (the "IMA") to be entered into between the two Towns, as the same may be amended from time to time; and

WHEREAS, the two Town Boards have worked cooperatively to arrive at the initial terms and agreements of the IMA; and

WHEREAS, the IMA will form an integral part of the Map, Plan and Report which are essential for the formation of the benefit districts in the two Towns; and

WHEREAS, it is the sense of this Town Board that entering into the IMA will further the health, safety and general welfare of the residents of the Town.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute all documents, forms and agreements necessary to enter into the IMA with the Town of North Salem, a copy of which is annexed hereto and made part hereof, in connection with the construction, operation and maintenance of the WWTP and sewage conveyance system to serve the special benefit districts to be formed for the Peach Lake area, and that such IMA shall not be binding upon nor insure to the benefit of the Town of Southeast unless and until the Town Board of the Town of North Salem authorizes execution of such IMA in like manner.

UPON ROLL CALL VOTE:

Supervisor Dunford - Aye Councilman Johnson - Aye
Councilman Bonanno - Absent Councilman Honeck - Aye
Councilwoman Mitts - Aye

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

RESOLUTION #30/2007 AUTHORIZING SETTLEMENT OF CERTIORARI
PROCEEDINGS-MILLENNIUM REAL ESTATE SERVICES, INC.

Introduced By: Councilman Honeck
Seconded By: Supervisor Dunford

WHEREAS, proceedings have been commenced challenging the assessed valuation of the following commercial premises for the 2000, 2001, 2002, 2003, 2004, 2005, and 2006 tax years:

Millenium Real Estate Services, LLC v. Assessor, Index Nos. 913/00, 950/01, 1188/02, 1030/03, 1022/04, 1277/05, 1570/06; Tax Map Nos. 56.9-1-4 and 56.9-1-5.

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

NOW, THEREFORE, BE IT

RESOLVED, that the Town board of the Town of Southeast does hereby accept the recommendations of its professional advisors and authorizes the Town's Counsel to execute a stipulation of settlement in accordance with said recommendations.

UPON ROLL CALL VOTE:

Supervisor Dunford - Aye Councilman Johnson - Aye
Councilman Bonanno - Absent Councilman Honeck - Aye
Councilwoman Mitts - Aye

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

Supervisor Dunford made a motion to close the Special Meeting and Councilwoman Mitts seconded. All in favor.

WORKSESSION FOLLOWED

Respectfully Submitted,

Ruth Argo Mazzei
Southeast Town Clerk

DRAFT