

**TOWN CLERKS MINUTES
REGULAR MEETING
TOWN BOARD
JUNE 15, 2006**

Present: Supervisor John Dunford
Councilman Paul Johnson
Councilman Richard Honeck
Councilwoman Lorraine Mitts

Also: Town Clerk Ruth A. Mazzei
Town Counsel Willis H. Stephens, Jr.

Absent: Councilman Pat Bonanno

And: Approximately 17 persons

Pledge of Allegiance

Notation of Exits

Brief Explanation of Town Board's Decision-Making Process

REGULAR MEETING

Supervisor Dunford made a motion to open the meeting and Councilwoman Mitts seconded. All in favor.

PUBLIC HEARINGS

PUBLIC HEARING – MOUNT EBO NORTH PARK SPECIAL PERMIT

Councilwoman Mitts made a motion to open the Special Permit hearing and Councilman Johnson seconded. All in favor. Terri Hahn, the Land Planner, was present, along with Kathy Rubin and Harold Lepler who represented the owners. They have already been before the Planning Board and had SEQRA review. Joe Brezinski from Bilbo Associates explained that this application is for Lot 6 in Mount Ebo, which is connected to central Water and Sewer and could use 40,000 gallons per day. The overall impact is that currently 87,500 gallons. are being used so it would then increase to 136,000. The proposed project will use a lot less. Previously fire protect was not adequate for some businesses. A fire pump was constructed to draw water from the storage protection pond. Some buildings use both the gravity tank and pond. One half a million gallons of domestic water is both potable and for fire protection. The answer was yes when the President of Fieldstone Pond Condo's asked if trucks are brought down to the pond and the hoses are sent up. The sewage goes to the plant on the east side of Fieldstone. The plant is for 160,000 gallons a day but currently 81,000 per day is being uses. If new use is added , there will be a total of 130, 000 gallons which is under the 160,000 gallons per day capacity. There is a total of 10 wells. New wells ere drilled and there is significant water. Architect Michael Giordino said there will be an underground garage for the building. There will be 8 different apartment designs and each apartment will have between 1280 and 1800 square feet. There will be an activity Center. The fire protection will have the latest code standards. The building will be fully sprinkled. The condensers cannot be seen. The clubhouse will have two levels. The lower level will have medical facilities. The upper level will have a great room, library, lounge, fitness center and bathrooms. There will be a total of 10,000 square feet. There are two locations that the buildings can be seen: one is at the intersection of Doansburg and a slight area on old Route 22. The selling price is from the high 200,000's to the low 300.000's. It exceeds the basic energy codes. There will be the ability to provide emergency access and it will

be electronically gated. Supervisor Dunford made a motion to continue the public hearing until the July meeting. (July 20th). Councilman Honeck seconded and all in favor.

CORRESPONDENCE

Councilman Johnson made a motion to waive the reading of the correspondence and Councilwoman Mitts seconded.

All in favor.

Correspondence Received

1. Mr. Mrs. Mannuccia to the Supervisor Re: Complaint by Zoning Enforcement for Stone Wall at their Home on Cobb Road
2. NYS Environmental Facilities Corporation to the Supervisor Re: Insurance Certificates for WWTP Upgrades Brewster Heights Sewer District #1
3. Florence Adams to the Supervisor Re: Thank You note for Assistance in Improvements at Stonecrest
4. Westchester Tractor to the Town Board Re: Suspend Application for Outside Storage at their Facility
5. Liquor License Application Re: On The Border at 3867 Route 6, Danbury Road, Brewster, New York
6. State of New York DOT to the Supervisor Re: Danbury-Brewster & Ridgefield-Katonah Bus Shuttles
7. Putnam County Department of Finance to the Supervisor Re: Mortgage Tax Payments Pursuant to Resolution #91
8. NYMIR to the Supervisor Re: Subscriber Accounting Statement Covering Fiscal Year 2005
9. Sy Globerman to the Supervisor Re: Setting an Appointment to Finalize the IMA Between Town of North Salem and Southeast
10. New York State Insurance Fund Re: De-Fence Inc
11. ACORD Certificate of Liability Insurance Re: North America Meter Co., Inc.
12. Joe Cavanagh Re: Southeast Recreation/Community Center
13. Putnam County District Attorney to the Supervisor Re: File # 2006SE097
14. Maron Brodnick & Mazzanti Re: ALKA Realty, Inc.
15. Putnam County Department of Planning, Development and Transportation to the Supervisor Re: Lake Management Contract #060245
16. Memo to the Supervisor from Ray Knox Re: Recreation/Maintenance Pick-up Truck
17. Hands Across the Border to Honorable Globerman cc to the Supervisor Re: Sewage Diversion
18. Eileen Dolan to the Supervisor Re: Re-zoning
19. NYS DEC to the supervisor Re: Environmental Conservation Law, Article 54, Title 5 Non-Hazardous Municipal Landfill Closure Projects Contract for State Assistance Payments for Municipal Landfill Closure Projects Contract No.: C300878
20. Jay Fain & Associates, LLC to the Supervisor Re: Application for Pannella LLC, 261 Fields Lane
21. AKRF to the Supervisor Re: Mt. Ebo Senior Housing ARB Report
22. ACORD Liability Insurance Re: Matthews Horse Fencing LLC
23. Eric McNamara & Dawn McNamara to the Supervisor Re: Blackberry Community and Home on Paddock Lane
24. Sterling to the Supervisor Re: Town of Southeast Landfill 2nd Quarter 2006 Monitoring Event Notification Sterling file #E99016
25. Town of North Salem Re: Comprehensive Plan Update GEIS
26. Robert Morini to the Supervisor Re: Properties Currently Available and Actively on the Market
27. Patricia A. Palmer to the Supervisor Re: Traffic on Route 121/Petition
28. Bernard Rothman to Hon. J. Degnan cc Supervisor Dunford Re: Westchester-Putnam Council Boy Scouts of America Friends of Scouting Campaign

29. New York State Insurance Fund Re: Vincent J. Murphy DBA Colonial Town Lawn & Garden Care
30. Theresa and Charles Pepe to the Supervisor Re: Trucks on Route 312 Making use of Engine Brakes (“jake brakes”)
31. HAHN Engineering Re: Proposed Peach Lake Sewer Districts Town of North Salem
32. Family Farm Casualty Insurance Company Re: Green Horizon Lawn & Landscape Inc.
33. Jacobson Re: Vail’s Grove Golf Course 230 Peach Lake Road Final Site Plan Review NLJ #0001-0850
34. NYCDEP Re: Hunters Glen WWTP – Variance App. Southeast; Fair St. Middle Branch Reservoir Drainage Basin DEP Log #2001-MB-0321-VA.1
35. Jerry Occhiogrossi to the Supervisor Re: Day Laborers
36. Albert J. Bevacqua to the Supervisor Re: McNeil Lawsuit
37. Willis H. Stephens, Jr. to the Supervisor Re: Dairy Conveyor Corp. v. Assessor of the Town of Southeast, et al.
38. Environmental & Engineering Consultants Re: Foil Request for Property Records 979-987 Route 22 GCI Project No. 2006145
39. Joe Schaub Re: Foil Request for All Records/Correspondence Regarding Stateline Retail
40. Dorothy Ponia Re: Entire File for the Property at 5 Mourning Dove Lane
41. Ann Fanizzi Re: Tenth Jam - Any Correspondence from Town Engineer, Planner or Applicant Prior to Determination of Significance
42. Velia DeVivo Re: Foil Request for All Building Department Records for 182 Route 22 Parcel ID 78.-1-38
43. Paul Vasi Re: Foil Request for Preexisting Letter from The Town – 79-1-40-99
44. Wendy Negro Re: Foil Request for Rental Registration Local Law
45. Michael Liguori Re: Foil Request for Copy of Proposal Ordinance to Reverse Wetland Ordinance

Correspondence Sent

1. Ms. Peggy Brady, Mrs. Eileen Depaoli, Mrs. Kathy Ferris, Mrs. Marion Agne, Ms. Catherine O’Connell, Ms. Jen Leavitt, Mrs. Racjel McLaughlin, Mrs. Debbie Oliveri, Mrs. Barbara Paesano, Mrs. Donna Relya, Ms. Stacey Walsh from the Supervisor Re: Women’s Softball League
2. Paul Johnson from Michael Levine Re: Village Water Rate Increase
3. Mr. Michael Langley, Ms. Susan Anthony, Mr. Donald Cuomo, Mrs. Mary Ellen Tiernan, Mr. Peter Reingali, Mr. George Hauser from the Supervisor Re: Conservation Commission Meeting Date
4. D. Ernest Cook from the Supervisor Re: Assistance Exploring Potential Government Funding Sources for Land Conservation
5. Memo to All Supervisors/Department Heads from the Supervisor Re: Employment Procedures
6. Assemblyman Willis H. Stephens, Jr. from the Highway Department Re: Gage Road Rehabilitation
7. ARB from George Hauser, Chairman Planning Board Re: Tenth Jam Subdivision John Simpson & Old Barrett Road Roads Tax Map Nos.: 45.0-1-6.1, 45.0-1-6.2, 45.0-1-7 & 45.0-1-59
8. Mr. John Lynch from the Supervisor Re: Water and Wetlands Protection Local Law
9. Memo to the Planning Board from the Supervisor Re: Wetlands-Local Law
10. Residents of Peaceable Hill Water district from Michael Levine Re: Distribution of Annual Water Quality Report
11. NYS EFC Re: Certificate of Disbursement Request #30
12. Town Board, Town Counsel from Michael Levine Re: Review of Bid Documents for Refuse District

VOUCHER LIST

Councilman Honeck made a motion to approve the voucher list for the amount of \$612,454.17. Councilman Johnson seconded. All in favor.

BUDGET TRANSFERS

Supervisor Dunford made a motion to approve the attached budget transfers and Councilman Honeck seconded. All in favor. (Attached)

MOTION SETTING MEETING DATES

Councilwoman Mitts made a motion to set meeting dates. Supervisor Dunford seconded. All in favor.

July 6, 2006	7:30PM Civic Center	Work Session & Spec. Mtg.
July 13, 2006	7:30PM Civic Center	Work Session
July 20, 2006	7:30PM Civic Center	Regular Meeting

RESOLUTION # /2006 FISHER SUBDIVISION 280a REFERRAL

Introduced By: Councilwoman Mitts
Seconded By: Councilman Honeck

WHEREAS, the Town Board of Southeast is in receipt of an application made by Fisher, owner of property located on Nelson Boulevard (Tax Map No. 67.0-1-33.2), Town of Southeast, also known as the “Fisher Subdivision (hereinafter the “Premises”), for designation of a portion of such Premises as an “open development area” in accordance with Section 280-a (4) of the Town Law of the State of New York; and

WHEREAS, the applicant wishes to subdivide the Premise to create a two (2) lot subdivision, one (1) lot of which will not have direct frontage on or access from a municipally maintained road but will be accessed by a common driveway from the Town Road known as Nelson Boulevard which is a municipally maintained highway; and

WHEREAS, the proposed building lot not having direct access from a municipally maintained road results in the technical non-compliance with Section 280-a of the Town Law; and

WHEREAS, the Planning Board, acting as Leas Agency for the purpose of State Environmental Quality Review, has adopted a Negative Declaration thereby determining that the proposed project will not have a significant effect upon the environment provided such conditions are fulfilled; and

WHEREAS, the Planning Board referred the applicant to the Town Board for consideration of the applicant’s request to establish an Open Development Area, pursuant to Section 280-a of the Town Law; and

WHEREAS, the Town Highway Superintendent and Consulting Engineer have reviewed the proposal together with its engineered drawings and have found said proposal and plans to be acceptable; and

WHEREAS, the Town Board of the Town of Southeast has duly deliberated on said application, the comments made by interested persons and comments of the Town Engineer and Planning Board during the subdivision approval process, together with other documentation submitted in connection herewith and have found and determined that adequate measures have been or will be taken to assure the safe and unobstructed passage along said common driveway; will promote the preservation of open space and

will enhance the environment by minimizing the amount of impervious surface constructed in connection with the subdivision.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby designates the area described as the Rear lot of the Fisher Subdivision as an Open Development Area in accordance with Section 280-a (4) of the Town Law of the State of New York authorizes the Planning Board to proceed with its review of the applicant’s development proposal without the requirement that the lot created thereby has direct access to a town or other municipally maintained road provided that the following conditions are met:

1. That the Southeast Planning Board complete its review of the subdivision proposal in compliance with all other Provisions of the Code of the Town of Southeast relating to the subdivision of land, the Zoning Ordinance of the Town of Southeast and the provisions of any and all other State or local law relating thereto including, but not limited to, any and all approvals or permits required by the New York City Department of Environmental Protection or by the New York State Department of Environmental Conservation under Article 8 of the Environmental Conservation Law of the State of New York, together with any and all regulations promulgated thereunder.
2. That the subdivision of the Premises results in the creation of not more than two (2) residential lots.
3. That the lots be accessed solely from Nelson Boulevard.
4. That, prior to the signing of the plat or map created in connection with the proposed subdivision, the applicant Shall cause a Common Driveway Agreement to be prepared, satisfactory to the Town’s legal counsel, which shall provide The terms and conditions regarding the maintenance of the common driveway by the properties served thereby and the sharing of the cost therefore. Said agreement shall be duly recorded in the County Clerk’s Office simultaneously with the subdivision plat.
5. That, prior to the issuance of any permits to build within the Premises, the Developer shall grant to the Town of Southeast any and all easements or rights of way which may be deemed necessary for the orderly and safe development of the Premises and for the provision of emergency services to the future residents therein.
6. That the plat or plats to be filed in connection with this proposed subdivision shall bear a notation that rear lot shall be accessed solely from common driveway leading from Nelson Boulevard and shall bear the further notation that no further subdivision of the lots created by such subdivision shall be permitted.
7. That the Developer shall comply with such other or different conditions, restrictions or limitations as may be established by the Planning Board of the Town of Southeast.

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.

MOTION - ADOPTION OF STORMWATER ANNUAL REPORT

Supervisor Dunford made a motion to adopt the Stormwater Annual Report. Councilwoman Mitts seconded and all in favor.

MOTION – PROPOSED AMENDMENTS TO “WETLANDS LAW”

Councilman Johnson made a motion to declare Lead Agency under SEQRA for Proposed Amendments to “Wetlands Law.” Supervisor Dunford seconded. All in favor.

RESOLUTION # /2006 PENNELLA, LLC/SPECIAL PERMIT REQUEST

Introduced By: Councilman Honeck
Seconded By: Councilman Johnson

WHEREAS, Pennella, LLC, owner of premises located on Fields Lane, Town of Southeast, also known as Tax MapNo. 78.0-2-93.0 (the “Subject Premises”) has made application to this Town Board for a Special Permit to allow the proposed commercial building to be used and utilized ninety (90%) percent storage/warehouse and ten (10%) percent office; and

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

WHEREAS, storage/warehouse use is only permitted in twenty (20%) percent of the building in an OP-1 zone, unless a Special Permit is granted by the Town Board allowing a greater percentage of storage warehouse use; 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 is in compliance with all applicable general and special standards of Article 10 of Chapter 138 of the Town Code; and

WHEREAS, the Planning Board, acting as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA) issued a negative declaration with regard to the proposed project; and

WHEREAS, a duly noticed public hearing was held by the Town Board on May 25, 2006 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 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 Pennella, LLC, to permit the use of the Subject Premises Ten (10%) office and Ninety (90%) percent warehouse/storage in accordance with the Statement of Use prepared and submitted to the Planning Board in connection with the Project Development Plan application, subject to the applicant=s final submission to and grant of approval by the Planning Board.

UPON ROLL CALL VOTE:

Supervisor Dunford – Nay
Councilman Honeck – Nay
Councilwoman Mitts – Nay

Councilman Johnson – Aye
Councilman Bonanno – Absent

VOTE: defeated by a vote of 0 in favor, 3 against; 0 abstained.

WETLANDS PERMIT – P. JONKE

Introduced by Councilman Johnson
Seconded by Councilman Honeck

Whereas, the Conservation commission of the town of southeast rendered a decision dated May 30, 2006 with the application of Paul Jonke Building Lot to (a) construction of a driveway, sewer line to an individual on=site septic system and water supply line across an intermittent watercourse and Watercourse Buffer (“Controlled Area”) for a single-family residential dwelling on a 17-acre parcel. All of these activities are located in wetlands buffer area. The property is located at 101 Joe’s Hill Road, Tax Map #68-2-33 in the town of southeast, Putnam County, New York.

Whereas, the Town Board finds that there is no reason to upset the determination of the conservation Commission in connection with said application.

Now, therefore, be it

Resolved that the Town Board of the town of Southeast hereby declines to exercise its power to overturn the May 30, 2006 determination of the Conservation Commission regarding the application from P. Jonke Building Lot for a wetlands permit for property located at 101 Joe’s Hill road, Town of Southeast, Putnam County, subject to the terms and conditions imposed ;by the Town of Southeast Conservation Commission.

Upon roll call vote:

Supervisor Dunford – aye
Councilman Johnson - aye
Councilman Honeck – aye
Councilman Bonanno – absent
Councilwoman Mitts – aye

Vote carried by a vote of 4 ayes, 0 nays, 0 abstained.

EXPEND HIGHWAY FUNDS

Supervisor Dunford made a motion to authorize the Town Board to sign an agreement to spend Town Highway funds. Councilman Johnson seconded and all in favor,

DAIRY CONVEYOR CORP.

Councilman Johnson made a motion to authority the settlement between Dairy Conveyor Corp. vs. the Assessor of the Town of southeast, et al. Councilwoman Mitts seconded and all in favor.

SPEED LIMIT REDUCTION – ROUTE 121

Councilman Johnson made a motion to authorize the Supervisor to send a letter to NYS Department of Transportation to reduce the speed limit on Route 121. Councilman Honeck seconded and all in favor.

SPEED LIMIT REDUCTION – JOHN SIMPSON ROAD

Councilman Johnson made a motion to authorize the speed limit reduction on John Simpson Road. Councilwoman Mitts seconded.

Upon roll call vote:

Supervisor Dunford – nay
Councilman Johnson - aye
Councilman Honeck – nay
Councilman Bonanno – absent
Councilwoman Mitts – nay

Vote denied by a vote of 1 ayes, 3 nays, 0 abstained.

NEW BUSINESS

Councilman Johnson announced that the project to place 475 carp into Lake Tonetta is almost finished.

Garbage Contract will be discussed at the July 6th worksession.

Landfill – the Supervisor said that weekly he places phone calls regarding the landfill.

Ace Endico – A letter was sent to stop selling retail. Up to ten percent is permitted as an accessory use.

Stateline Center – the law is being revised and will have a public hearing.

Peach Lake – the Supervisor met with Mr. Hahn regarding what the town needs to do. Land may have to be purchased. A meeting will be set up with a representative from DEC. Town Counsel Stephens said that a specific procedure must be followed and it must be followed point to point. The map, plan and report will have the specifics; it will be broken down by the cost per household.

Supervisor Dunford made a motion to close the Regular meeting and Councilman Honeck seconded. All in favor.

Respectfully submitted;

Ruth Argo Mazzei
Southeast Town Clerk

DRAFT