

**Town of Southeast**  
**1360 Route 22, Brewster, New York 10509**  
**Thursday, March 24, 2022**  
**Executive Session – 6:30 P.M.**  
**Regular Meeting / Work Session 7:00 P.M.**

Pledge of Allegiance  
Notation of Exits  
Turn off/put on vibrate – all electronic devices

8 Persons

Present: Supervisor Tony Hay  
Councilman Edwin Alvarez  
Councilman Eric Cyprus  
Councilman Eric Larca  
Councilman John O'Connor

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

**EXECUTIVE SESSION**

Supervisor Hay made a motion to open the meeting to discuss contract negotiations. Councilman Alvarez seconded. All in favor.

Supervisor Hay made a motion to close the Executive Session where no decisions were made. Councilman O'Connor seconded. All in favor.

**PRESENTATION**

Jeff Domanski, from Hudson Valley Energy, gave a presentation on Community Choice Aggregation. It's a policy enabling municipalities to determine default energy offerings on behalf of residents, small businesses and other organizations. Supervisor Hay stated that the Town Board would look into it.

## **PUBLIC HEARING**

### *Special Permit – Landscape Concepts*

Supervisor Hay made a motion to open the Public Hearing for Landscape Concepts at 50-58 Sodom Road. Councilman O'Connor seconded. All in favor.

Pedr Scott representing Landscape Concepts, stated it is located at 50-58 Sodom Road. It is a pre-existing mixed commercial site with three buildings that were in quite a bit of disarray when my client purchased the property, and they've been cleaning it up. There's a two-story warehouse, about 4800 sq ft, and office building, about 1200 sq ft, and a two-story residential, about 1400 sq ft. The site predates most of the zoning, so the buildings are located within the front yard or side yard setbacks. It contains numerous access ways from Sodom Rd, with parking on the property and on Sodom Rd. The intent of this project was to clean it up and make it as conforming as possible. The proposed tenant is a landscape design and construction company that complete residential and commercial projects. Because of the layout of the property, most of the work and the outside storage is in the rear of the property. It's a neighborhood business project that allows a special permit for a general business use. It's a win / win for the Town having them take over the project. They will be cleaning the property, remodeling the buildings and putting in landscaping. Only visitor parking will be in the front, no more trucks, and the outdoor storage will have landscaping buffering. They will be adding lighting with the night sky criteria. With the completion of the project, the property will be compliant with the Town and an improvement on Sodom Road.

Councilman Larca asked how many residential units it was and Mr. Scott stated that it was two units. Councilman Larca stated that it is listed as a single in the Town's system. Mr. Scott stated he was just listing what he was aware of and Councilman Larca stated that that will have to be resolved.

Supervisor Hay asked about the parking in the front and Mr. Scott stated they will be limiting it to visitors only, no trucks; pedestrian cars only. Supervisor Hay stated it was the old N & S building.

There was no Public Comment.

Supervisor Hay made a motion to close the Public Hearing allowing for written comment for ten days. Councilman Cyprus seconded. All in favor.

### *Noise Ordinance*

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

Resident Michael Keefe asked if this meeting is to increase the level of the Noise Ordinance and Ms. Ley stated that it is to make it more restrictive, and improve enforcement. He asked if with the new ordinance would it be easier to get the level of noise recorded. He stated that on Sundays on Rt 312 there is an open-air church and the audio is so loud that he can hear it at his house on Pine Tree Lane with my windows shut. This is on Sunday morning at 9:00 am and Friday night well after dark. He called and emailed them and called the County with a complaint. Ms. Ley explained that the two updates to the noise code would regulate base noise which is at a lower frequency and would allow enforcement of that. The second update would better enforce noise that is created after hours. Now it relies on a decibel meter by code enforcement during working hours. After hours it would be the Putnam County Sheriff's Department and they don't have a decibel meter, so it adds a provision in the Code for unreasonable noise so the Sheriff's department could stop that noise. If it's recurring, we can schedule a code enforcement officer to go out with the decibel meter at a different date.

Councilman Alvarez asked if religious organizations were not included in this and Ms. Ley responded that they do have some protections under the law, but I'm not sure it would include violating a noise code as long as they were able to practice.

Joe Ricioppo stated he has neighbors about 60 ft away who have a pool and enjoy music continuously. This has been going on for the past 4 years. Supervisor Hay stated that this is part of the reason we are doing this. Councilman Larca stated that one of the reasons we are setting this up is so law enforcement can help. The way the code is set up now, they couldn't. Mr. Ricioppo stated that when law enforcement gets there, the neighbors are compliant. When they leave, they go right back to what they were doing. He asked if there is some kind of instrument that we can leave near their property for a week or a day to measure the noise? Ms. Ley stated that she's not sure that's something that the Town can do. Supervisor Hay asked if it's every weekend; he said we have heard from others on your street. Mr. Ricioppo stated that their windows vibrate, and they can never leave them open. Councilman Larca stated that hopefully this new law will help and if it's recurring, we have hired a code enforcement person who can go out at off hours. Ms. Ley stated that with this law, the big factor is the base noise. This new code will capture the lower frequency, not just the decibels and the code enforcement officer will be able to write violations.

Tim Wallach stated that we live here for the fresh air and peace and quiet. Our local government can't control everything, but what we can control is local noise, to protect the overwhelming majority of our community from the depredation of selfish neighbors. Hopefully you can be open to adjustments if needed in the future. One thing that wasn't mentioned was how would we know if a special permit was granted for a specific day? How would the Sheriff know?

Bailey Santucci stated she wants to petition the board to oppose the verbiage "unreasonable" in the code and make an exception for farm animals. She quoted Ms. Leys definition of unreasonable from an email. She stated that the Towns of Somers, Patterson and Carmel don't use the word unreasonable in their code. She also asked why the code was being changed based off of three complaints. She stated that the new revisions to the code are subjective, excessively broad and unconstitutional and solely based on the discretion of the Building Inspectors with zero conditions in place to hold the application process to a fair standard across the board for

everyone. She also stated that when you open the door to allow individuals that have zero criteria to meet, to be able to determine another human's behavior as "unreasonable", you open the door to endless complaints wasting Town resources.

Councilman Cyprus stated he agreed with her about the word unreasonable at the last meeting but it has been addressed in this draft version. He stated that leaving it up to a person's opinion was struck out and it has to meet the provisions in the Code.

Ms. Ley stated that added to the new draft was that there is some discretion afforded to the code or law enforcement officer after hours. Ms. Santucci stated she is not opposed to a Noise Ordinance. Ms. Ley explained it's not up to the discretion of your neighbor, it's up to the discretion of a law or code enforcement officer. Ms. Santucci's only request is that the word unreasonable be changed or make an exception for farm animals, like our turkey. Ms. Ley stated that if your legally owned turkey gobbles in the middle of your yard within the appropriate distances, a reasonable person would say that's the noise a turkey makes. If a turkey doesn't gobble louder than 75 decibels, you don't have a problem. Ms. Santucci said unless you have an unreasonable neighbor. Councilman Larca stated that it would be any other violations that get escalated to a point that there is a determination of whether or not that really was unreasonable by a third party. Ms. Ley reiterated that it's not just that your neighbor is saying the noise is unreasonable, it's the responding officer, whether it's the Putnam County Sheriff's Department or code enforcement officer, they will use the determination if it's unreasonable or not and there are criteria in the code for what is reasonable or not, it's not an off the cuff opinion.

Councilman Larca added that your FOIL asked for email complaints, but like the gentlemen who just spoke, he made numerous complaints before, but not to the Board, or in an email.

Councilman O'Connor added that as the communications director for the County, most of the noise complaints are through 911, or the Police, not through the building department.

Ms. Santucci stated that golf maintenance was added as an exemption, why can't farm animals be added? Is there a reason you're opposed to that?

Councilman Cyprus asked Ms. Ley if we could clarify in the code who makes the "unreasonable" determination? Ms. Ley stated that yes, we can add that.

Ms. Santucci asked if you had an agricultural status would that fall under the Town Code for noise?

Councilman Larca brought up the Guinea hen and how they screech, and it was extremely loud and very annoying. He stated, I know you have a concern on what this will do, but this is a living document that could always be revisited.

Ms. Ley also pointed Ms. Santucci to section E, and that's the section the responding officer would be looking at. In your instance, that noise complaint under section E would not apply to you.

Dennis Santucci stated that on the “unreasonable” part, he agrees that if you add who can determine the violation, that would be helpful. Ms. Ley stated that that is the intent of the code and we will make it clearer. He also stated that you could overwhelm the court system with the wording the way it is.

Councilman O’Connor stated that no one can just come to court and lodge a complaint. Someone has to be on the scene to verify the complaint. Ms. Ley stated that the complaints typically come from 911 or the building department.

Petr Scott, who owns the subdivision on Farm to Market Road across the street from the Brewster School District, stated that they get excessive noise from the schools. He said that he has remote monitoring noise equipment that would provide documentation in a graphical form, the noise emanating from a property. Would this be admissible to the building department? Ms. Ley stated that the school district isn’t subject to the noise ordinance. Councilman Larca asked Mr. Scott if he was proposing a solution for some of the people at the meeting or asking for the school to be quieter. He stated we are preparing to put together something on the school, even though they are exempt, so that in the future if an event is taking place, can we provide documentation of the excessive noise. Councilman Larca asked if he was stating that if anyone wanted this service, they could provide it? Mr. Scott wanted to know if the Ordinance would allow that. Councilman Cyprus said that it would be a question for the Town Attorney.

Alicia Russo asked to confirm that the Schools and Tilly Foster would be exempt from this Code? Supervisor Hay stated yes, they would. The Code refers to private facilities after 8:00 pm.

Councilman Larca wanted to ask about the last paragraph on page 9, Section C; it states that each resident is eligible for a noise permit. Maybe we should change that to one permit per calendar year. Councilman Cyprus stated this reads like you are entitled to get one, without meeting requirements. Councilman Larca also read it should not exceed 3 days, and he thinks that might be excessive, maybe make it one day. He asked Ms. Ley what are the penalties or fines associated with this? How do we keep the fines from becoming the cost of doing business? Ms. Ley replied that there are fines under section 96-10 penalties. Supervisor Hay asked if the fine was escalated after the first time. Ms. Ley stated she would defer to the Town Attorney to see how that get handles with the courts. Councilman O’Connor stated that typically how that works is because it’s a violation, there’s a fine, but if it continues, it could become disorderly conduct, and then Class B misdemeanor territory.

Supervisor Hay made a motion to close the Public Hearing but accept written comment for 10 days. Councilman O’Connor seconded. All in favor.

### **WORK SESSION**

There is nothing at this time.

## **REGULAR MEETING**

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

### **CORRESPONDENCE**

#### **Correspondence Received**

1. Ace Endico to Supervisor Hay Re: Certificate of Insurance 3-08-2022
2. PC NYS Supreme Court to TOSE Re: S and G Properties LLC v. TOSE
3. Comcast to TOSE Re: Programming Advisory
4. PC DOH to TOSE Re: 2022 Permit to Operate Non-Transient Non-Community Water System
5. VOB to TOSE Re: Public Hearing-Brewster Crossing
6. Brown & Brown to Supervisor Hay Re: Commercial Auto Policy
7. PC DOH to TOSE Re: 2022 Permit to Operate a Community Water System-Birch Hill Acres
8. PC DOH to TOSE Re: 2022 Permit to Operate a Community Water System-Blackberry Hill
9. PC DOH to TOSE Re: 2022 Permit to Operate a Community Water System-Brewster Heights
10. PC DOH to TOSE Re: 2022 Permit to Operate a Community Water System-Fox Hill Estates
11. PC DOH to TOSE Re: 2022 Permit to Operate a Community Water System-Hillcrest
12. PC DOH to TOSE Re: 2022 Permit to Operate a Community Water System-Springhouse Estates
13. PC DOH to TOSE Re: 2022 Permit to Operate a Community Water System-Starr Ridge Manor
14. PC DOH to TOSE Re: 2022 Permit to Operate a Community Water System-Mountain Brook Homes
15. PC DOH to TOSE Re: 2022 Permit to Operate a Community Water System-Peaceable Hill
16. T. LaPerch to Durkin Water Co. Re: Request for Bond Release
17. Acord Insurance to TOSE Re: Sani-Pro Disposal Services Corp.
18. James Bacon, Esq. to T. LaPerch Re: Comments on Lincoln Logistics Brewster
19. NYS Dept. of Taxation & Finance to Supervisor Hay Re: Municipality Assessment
20. Ruffian LLC to Supervisor Hay & M. Levine Re: Billboard-3834 Danbury Road
21. VOB to TOSE Re: Legal Notice-Brewster Crossing
22. PC Legislature to Supervisor Hay Re: Invitation to 2022 State of the County Presentation
23. PC County Director of Real Property Tax to Supervisor Hay Re: 2022 Contracts-Property Tax Service Contract
24. J. Folchetti & Associates to Special Districts Re: Water Supply-VOB Aqueduct
25. Brown & Brown to TOSE Re: Policy-Historical Museum/Civic Center-67 Main Street
26. PC Youth Bureau to TOSE Re: 37<sup>th</sup> Annual Youth Awards Dinner
27. PC DOH to TOSE Re: Water Supply Round 7 Lead & Copper-TOSE Offices
28. PC Legislature to TOSE Re: Maybrook Bikeway II Phase A Bridge 5
29. Resident to Supervisor Hay & TB Re: Comments on Terravest Senior Housing
30. Acord Insurance to TOSE Re: Clove Excavators
31. PC Executive to TOSE Re: ARPA Funding
32. NYS Dept. of Taxation & Finance to TOSE Re: Municipal Report of Special Franchise Activity

#### **FOILS**

- Eileen Stokes to Bldg. Dept. Re: All Records-36 Meridian Drive
- Keri Cipriano to Bldg. Dept. Re: All Records-90 Prospect Hill Road
- Jason Martinez to Bldg. Dept. Re: All Records-22 South Drive
- James Maurino to Bldg. Dept. Re: All Records-103 Twin Brook Court
- Filiz Dalo to Bldg. Dept. Re: All Records-902 Kensington Court
- Robert Seitz to Bldg. Dept. Re: Information on Gas Line-1617 Rt. 22
- Michael Stavila to Bldg. Dept. Re: All Records-75 Tulip Road

- Sharon Sheil to Bldg. Dept. Re: All Records-3 Townsend Lane
- Scott Wilson to Bldg. Dept. Re: All Records-2592 Carmel Ave.
- Gigi Finan to Bldg. Dept. Re: All Records-598 Rt. 312
- Bailey Santucci to TC Re: All Communication between TB, TA & Ashley Ley-Noise Ordinance
- Edmond Albano to Bldg. Dept. Re: All Records-79 Vails Lake Shore Drive
- Alexandra Marshall to Bldg. Dept. Re: All Records-5 Crosby Ave.
- Sharon Sheil to Bldg. Dept. Re: All Records-338 Rt. 202
- Jonathan Stabe to Bldg. Dept. Re: Survey/Plat Map, NYSEG Map & Easements-431 Tonetta Lake Road
- Rachel Minotti to Acct. Re: Water Account & Bill-301 Ridgetop Lane
- Cian O'Flynn to Bldg. Dept. Re: All Records-32 Sherwood Hill Road
- Shelly Mosse to Bldg. Dept. Re: All Records Pertaining to Site One Landscaping-160 & 170 Fields Lane
- Jeremy Bell to Bldg. Dept. Re: All Records-32 Sherwood Hill Road
- Richard Valverde to Bldg. Dept. Re: Zoning Resolution Sprint/T-Mobile Cell Site
- Linda Finn to Bldg. Dept. Re: All Records-1 North Road
- Linda Finn to Bldg. Dept. Re: All Records-40 Maplewood Drive
- Karyne Aabel to Bldg. Dept. Re: All Records-10 Prospect Street
- Connie Lu to Bldg. Dept. Re: Survey-70 Indian Wells Road
- Rachel Minotti to Acct. Dept. Re: Water Account Info-405 Twin Brook Ct.
- Larry Zacks to Bldg. Dept. Re: All Records-19 Isabella Ct.
- Larry Zacks to Bldg. Dept. Re: All Records-101 Acorn
- Cameron Dodge to Bldg. Dept. Re: All Records-3 Panorama Drive
- Michael Sheil to Bldg. Dept. Re: All Records-1505 Windsor Lane
- Amy Kruse to Bldg. Dept. Re: All Records Regarding Oil Tank-10 North Road
- Kevin Covino to Bldg. Dept. Re: All Records-293 Tonetta Lake Road
- Michael Trinchitella to Bldg. Dept. Re: All Records-5203 Applewood Circle
- Joyce Morrone to Bldg. Dept. Re: All Records-283-299 Starr Ridge Road
- Michelle Ulutas to Bldg. Dept. Re: Subsidize, Section 8, & Taxes-2151 Rt. 6
- Antoneta Cacevic to Bldg. Dept. Re: All Records-30 Nichlos Road
- Good Guy Audits to Acct. & TC Re: 2021 Budget, Employee Salaries, & Complaint History of Employees
- Sherri Malone to Bldg. Dept. Re: All Records-127 State Line Road
- Alexis Vadnais to Bldg., Planning & Zoning Depts. Re: Zoning, Overlays, Permitted Use, Site Plan Approval, Abutting Zoning Districts, Variances, Special Permits & Listed as Historical Property-42 Mt. Ebo Road South
- Jamie Spillane to Bldg. Dept. Re: All Documentation of Maintenance of Cemetery-3918 Danbury Road
- Gina Bisaccia to Bldg. Dept. Re: All Records-3 Ash Road
- Janine Alberghini to Bldg. Dept., Planning Board Re: All Records-Subtract
- Andrew Graham to Bldg. Dept. Re: All Records-85 Lower Mine Road
- Anjanette Carlon to Bldg. Dept. Re: All Records-28 Lake Shore Drive
- Salie Morales to Bldg. Dept. Re: All Records-22 Eastview Ave.
- Debra Morley to Bldg. Dept. Re: All Records-1671 Rt. 6
- Sheryl Kopet to Bldg. Dept. Re: All Records-19 Foster Road
- Jocelyn Sarro to Bldg. Dept. Re: All Records-24 Sycamore Road
- Amy Redei to Bldg. Dept. & Highway Dept. Re: Drainage Pipe Under Driveway-88 Sodom Road
- Lisa Cozzi to Bldg. Dept. Re: All Records-8 Noel Court

- Thomas Cosaga to Bldg. Dept. Re: All Records-455 Tonetta Lake Road
- Jonthan Victor to Bldg. Dept. Re: All Records-46-50 Old Mine Road
- Bartolos Hudson Valley Foods to Bldg. Dept. Re: C of O-16 Mt. Ebo South Suite25
- Linda Finn to Bldg. Dept. Re: All Records-59 Tulip Drive
- Kellie Foote to Bldg. Dept. Re: All Records-30 Nichols Road
- Bianca Abrera to Bldg. Dept. Re: All Records-151 Fields Lane
- Keri Kenny to Bldg. Dept. Re: All Records-95 Cobb Road
- Thomas Telesco to Bldg. Dept. Re: All Records-1671 Route 6
- Nanci Kubik to Bldg. Dept. Re: All Records-5202 Applewood Circle
- Jayne Morlock to Bldg. Dept. Re: All Records-70 Indian Wells
- Thomas Sinclair to Bldg. Dept. Re: All Records-83 Tulip Road
- Leandra Porcelli to Bldg. Dept. Re: All Records-35 Birch Drive Brewster
- Edmond Albano to Bldg. Dept. Re: All Records-15 Orchard Road
- Ana Argueta to Tax Receiver & Bldg. Dept. Re: All Records-All Records-17 Elmwood Drive
- Sharon Sheil to Bldg. Dept. Re: All Records-4 Colonial Ridge Court
- Lisa Cozzi to Bldg. Dept. Re: All Records-217 Peaceable Hill Road
- Regan Andrews to Bldg. Dept. Re: 12 South Lake Drive Patterson, NY
- Julia Santini to Bldg. Dept. Re: All Records-35 Birch Drive

Email

1. L. Bedrosian to Supervisor Hay & TB Re: Brewster Heights Wells at Brewster Heights WWTP
2. Supervisor Hay to TB Re: Cannabis Inquiry
3. Supervisor Hay to TB Re: Ice Damage from High Water Level-Peach Lake
4. Supervisor Hay to TB Re: Earth Day 2022
5. V. Desidero to Supervisor Hay, TB, TC, W. Stephens, T. LaPerch & G. Schrameck Re: Putnam Ridge Planning Board Docs
6. Supervisor Hay to TC, TA, & Hogan & Rossi Re: Summons- S And G Properties
7. NYS DEC to Supervisor Hay Re: Stuart Bates Septage Transfer Station-Notice of Complete Application
8. Office of NYS Comptroller to TC Re: Verification of TOSE Contacts
9. A. Cook, NYS Dept. of Public Service to M. Levine, TC Re: House Fire-2592 Carmel Ave.
10. Suburban Carting to Supervisor Hay & TB Re: Earth Day
11. Bldg. Dept. to Supervisor Hay Re: NOV's & Tickets
12. L. Bedrosian to TC Re: Sludge Hauling Permits
13. NYMIR to TOSE Re: Harassment & Discrimination Webinar
14. Supervisor Hay to TB Re: ADU Removed from Governor's Budget
15. Resident to Supervisor Hay Re: Public Hearing Noise Ordinance Comments
16. M. Levine to Supervisor Hay & TB Re: Questions for Meeting-5 Shady Lane
17. Resident to Supervisor Hay Re: Verizon
18. Resident to TC Re: Death Certificate
19. M. Liguori to Supervisor Hay Re: Noise Ordinance Comments
20. Hudson Valley Regional Director & Special Advisor to Supervisor Hay Re: Introduction to Acting Hudson Valley Regional Director for US Senator Kirsten Gillibrand
21. Resident to Supervisor Hay & Highway Superintendent Burdick Re: Damaged Mailbox
22. Councilman Cyprus to A. Ley Re: Noise Ordinance
23. Supervisor Hay to Noseworthy Re: Resolution-Tesla Charging Station
24. Applicant to TC Re: Resume
25. Councilman Cyprus to TB, M. Levine & PC Legislator P. Jonke Re: Bike Trail/Homeless/Garbage
26. R. Del Bove to North Salem Supervisor Lucas, Supervisor Hay & TB Re: Peach Lake Outlet/Cottage Lane Parking Lot Ice



27. TC to J. LoGiudice Re: Stateline Copies
28. Supervisor Hay to MNR & Ann Marie Milano Re: Southeast Station Lights
29. Councilman Larca to M. Ainey & TB Re: NYSEG LED Streetlight Conversion Program-TOSE
30. B. Schwartz to PC Executive M. Odell, Supervisor Hay & PC Legislator P. Jonke Re: Letter Requesting Funds to Stop Flooding-Peach Lake & Peach Lake Brook
31. Councilman to Supervisor Hay & TB Re: County Funding
32. Resident to Supervisor Hay Re: Peach Lake/Brook Water Levels
33. Resident to Supervisor Hay & Highway Superintendent Burdick Re: Mailbox-108 Scenic Ridge Drive
34. Nuvance Health to Supervisor Hay Re: Suspension of Labor & Delivery Services-Putnam Hospital
35. NYS DOH to TC Re: EDRS Outage
36. Applicant to TC Re: Ethics Committee Interview
37. Resident to TB Re: Zoning Map-Permitted Use Inquiry
38. TC to PB Re: FOIL Appointment-85 Lower Mine Road
39. Supervisor Hay to TB Re: Meeting at Pietsch Gardens
40. Councilman Larca to M. Levine, TB, Supervisor Hay & T. LaPerch Re: Complaint-10 & 20 Brush Hollow Road
41. Resident to Supervisor Hay & TB Re: Court Clerk
42. TC to Property Owner Re: Notice of Alarm Permit Renewal
43. Councilman Larca to M. Levine, v. Desidero, TB, & Joe Vera Re: Municipality Upgrade
44. Applicant to TOSE Re: Resume
45. Inquiry to TC, Parking Administrator Re: TOSE Train Parking
46. B. McGuinness to TC Re: Permit Amendment
47. M. Levine to TOSE Re: Monthly Bldg. Enforcement Report of NOV/OTR's
48. Inquiry to TC Re: Dog Control Officer Positon
49. K. Fitzpatrick to TC & Insite Engineering Re: Permit-Scolpino Park
50. TC to Materion Re: Alarm Permit Renewal
51. D. Flynn, Verizon to TOSE Re: Billing Notification Letter
52. G. Skalaski to M. Levine Re: Town Code-Poultry
53. W. Santini to Supervisor Hay, TB, & Planning Dept. Re: Auto Wrecking Dump by Middlebranch Reservoir
54. L. Bedrosian to Supervisor Hay Re: NYDEC Permit-Blackberry Hill SAN SD STP Agreement

#### Correspondence Sent

1. TOSE to Property Owner Re: Proposed Wall Sign-577 North Main Street
2. Supervisor Hay to Algonquin Gas Transmission, LLC Re: Stormwater Management Facilities Inspection & Maintenance Easement & Agreement Process
3. TOSE TC to Property Owner Re: Alarm Permit Application-172 Doansburg Road
4. TOSE TC to Property Owner Re: Alarm Permit Application-1519 Rt. 22
5. Stephen Coleman to M. Levine Re: 5 Shady Lane Inspection Report
6. TOSE to Property Owner Re: NOV/OTR-300-302 Foggintown Road
7. TOSE to Property Owner Re: NOV/OTR-2600 Carmel Ave.
8. TOSE to Property Owner Re: NOV/OTR-413 Gage Road
9. TOSE to Property Owner Re: Basement Inspection-455 Tonetta Lake Road
10. TOSE to Property Owner Re: Alarm Permit Application-11 Doansburg Road
11. TOSE to Property Owner Re: Escrow Account-Life Storage
12. TOSE to Property Owner Re: Escrow Account-Provetto Brothers Farm
13. TOSE to Property Owner Re: Escrow Account-Algonquin Pipeline Maintenance
14. Supervisor Hay to PC Commissioner of Finance Re: American Rescue Plan Act-Grant Request

15. Supervisor Hay to Town Justices & Town Board Re: TOSE Participation in Revitalization Plan for VOB
16. Supervisor Hay to PC Commissioner of Finance Re: American Rescue Plan Act Grant Request
17. TOSE Planning Board to PC Dept. of Planning & Development Re: Application for a Subdivision-Spruce Road & Peaceable Hill Lot Line Adjustment
18. TOSE TC to Property Owner Re: Alarm Permit Application-361 Route 312
19. Southeast Planning Board to the Public Re: Notice of Public Hearing
20. Supervisor Hay to Verizon Re: FIOS Installation-Guinea Road
21. TOSE TC to Property Owner Re: Alarm Permit Application-35 Putnam Ave.
22. TOSE PB to Property Owner Re: Escrow Account-Tesla
23. TOSE TC to Property Owner Re: Alarm Permit Application-42 Mount Ebo Road South
24. TOSE TC to Property Owner Re: Alarm Permit Renewal Reminder-1639-1641 Route 22
25. TOSE TC to Mr. McGuinness Re: Public Hearing-Special Permit Terravest III Senior Housing
26. Supervisor Hay to PC Traffic Safety Board Re: Speed Reduction-Turk Hill Road/Allview Ave.-Cobb Road
27. Highway Superintendent Burdick to Supervisor Hay & TB Re: Request to Purchase Leaf Vac.
28. TOSE TC to Resident Re: Over Payment for Dog License
29. TOSE to Property Owner Re: Stop Work Order, NOV/OTR-19 Sutton Place
30. TOSE to Dog Owner Re: Notification of Dog License & Application-19 Bradford Court
31. TOSE TC to Property Owner Re: Alarm Permit Application-1569 Route 22
32. TOSE to Courtney Pagano Re: Certificate of Appreciation
33. TOSE TC to Inquiry Re: Application for a Marriage Record

### **VOUCHERS**

Supervisor Hay made a motion to approve the Vouchers in the amount of \$784,901.32. Councilman O'Connor seconded. All in favor.

### **BUDGET TRANSFERS**

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

### **MEETINGS**

Supervisor Hay made a motion to set the following Meeting Dates to be held at 1360 Route 22, Brewster, New York at 7:00 PM unless otherwise noted. Councilman O'Connor seconded. All in favor.

Thursday, April 7, 2022 – Work Session / Regular Meeting

Thursday, April 21, 2000 – Work Session / Regular Meeting

**RESOLUTION NO. 22 /2022 APPOINTMENT OF WETLANDS INSPECTOR**

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Cyprus

**WHEREAS**, the Town of Southeast has established the position of Wetlands Inspector / Wetlands Consultant; and

**WHEREAS**, the current Wetlands Inspector / Consultant has tendered his resignation, effective upon the appoint of his replacement; and

**WHEREAS**, the Town Board issued a Request for Proposals for individuals and companies interested in serving as the Town’s Wetland Inspector / Wetland’s Consultant; and

**WHEREAS**, the Town Board received a number of proposals by duly qualified individuals and organizations seeking the appointment; and

**WHEREAS**, after thorough review of the proposals and after due deliberation thereon the Town Board has determined it to be in the best interests of the Town to make an appointment at this time.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that AKRF, Inc., is hereby engaged for the purpose of providing Wetland Consulting Services to the Town of Southeast, and Chris Robbins of AKRF shall be designated “Wetlands Inspector” of the Town of Southeast, for a term commencing April 1, 2022 and ending March 30, 2023 (such appointment may be extended for an additional year at the Town’ option); and be it further

**RESOLVED**, that AKRF, Inc. shall be compensated in accordance with the fee schedule set forth in its proposal to the Town dated March 11, 2022 a copy of which is annexed to and made a part of this Resolution; and be it further

**RESOLVED**, that this resolution shall take effect upon the filing of any oath or undertaking by the Wetlands Inspector as may be required by law.

Upon Roll Call Vote:

Councilman Alvarez	<u>Aye</u>
Councilman Larca	<u>Aye</u>
Councilman Cyprus	<u>Aye</u>
Councilman O’Connor	<u>Aye</u>
Supervisor Hay	<u>Nay</u>

VOTE: Resolution carried by a vote of 4, to 1, 0 abstained.

**RESOLUTION NO. 23 / 2022 AUTHORIZE INTERMUNICIPAL AGREEMENT TO CONTRACT FOR EMERGENCY MEDICAL SERVICES**

INTRODUCED BY: Supervisor Hay  
SECONDED BY: Councilman Alvarez

WHEREAS, the Brewster-Southeast Joint Fire District has provided basic emergency ambulance service to the residents of the Town of Southeast and the Village of Brewster since the formation of the District in 1962; and

WHEREAS, the District is no longer capable of providing basic emergency ambulance service to residents of the Town and Village for the balance of calendar year 2022 without the assistance of a paid emergency medical service company; and

WHEREAS, it would be financial hardship for the District to contract directly with a paid emergency medical service company for the balance of calendar year 2022; and

WHEREAS, the District desires to have the Town of Southeast and Village of Brewster jointly contract with an emergency ambulance service company to provide basic life support services to the residents of the District for the balance of calendar year 2022, it being acknowledged herein that the service will be billable to the residents using the service; and

WHEREAS, Town Board and Village Board desire to assist the District by contracting for the services provided that the District funds the cost for same and the service operates under the direction and control of the District; and

WHEREAS, Village Board desires that the Town Board be the lead party for purposes of (i) bidding for the service as required under the relevant provisions of the General Municipal Law and (ii) for the exchange of all monies between the District and the Town for the payment of the contract.

NOW, THEREFORE, be it

RESOLVED that, if the Village of Brewster (the "Village") and the Brewster-Southeast Joint Fire District (the "District") agree, the Town Supervisor, on behalf of the Town of Southeast, be and hereby is authorized to enter into an intermunicipal agreement (the "Agreement") with the Village of Brewster and the Brewster-Southeast Joint Fire District as anticipated by the New York State General Municipal Law, in form and substance approved by the Town Attorney; and be it further

RESOLVED, that such Agreement shall contain the following terms and conditions:

The District shall provide basic emergency medical service ("EMS") company bid specifications to the Town Board and Village Board.

The Town Board, on behalf of the Town and Village, shall engage in the bidding process required under the General Municipal Law to solicit bids in accordance with the bid specifications.

Upon receipt of a bids acceptable to the Town, Village and District, the Town and Village shall cooperate as necessary to enter into a joint contract with the EMS company upon such terms and conditions acceptable to them and the District, it being a condition of the contract that the EMS company so contracted operate under the direction and control of the District.

The District shall fund the cost of the service by placing the contract sum with the Town prior to or at the time of the signing of the contract, it being acknowledged by the parties hereto that the all of the funding shall run through the Town.

During the term of the contract for services, the District shall be available to report to each Board as to the status of the delivery of the service and any matters related to the contract.

And be it further

RESOLVED, that this resolution shall be effective on the date the Village and District adopt similar resolutions authorizing those respective municipal jurisdictions to enter into such Agreement.

UPON A ROLL CALL VOTE:

Councilman Alvarez	<u>Aye</u>
Councilman Cyprus	<u>Aye</u>
Councilman Larca	<u>Aye</u>
Councilman O'Connor	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

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

**RESOLUTION NO. 24 / 2022 RESOLUTION TO AMEND THE SPECIAL PERMIT AND SITE PLAN APPROVAL FOR STATELINE RETAIL CENTER / RESTAURANT DEPOT**

INTRODUCED BY:	Supervisor Hay	DATE:	March 24, 2022
SECONDED BY:	_____		_____
	Councilman O'Connor		
	_____		

**WHEREAS**, the Applicant, PLI, LLC, proposes to amend the Site Plan, Special Permit, and Subdivision of the Stateline Retail Center project located on US Route 6/202 to the east of Old Nichols

Road, to the west of Dingle Ridge Road and immediately north of Interstate 84, in the SR-6 Zoning District of the Town of Southeast, Putnam County, New York, to accommodate a new Subaru Motor Vehicle Dealership on a portion of the 44-acre Stateline Retail Center project site;

**WHEREAS**, the Stateline Retail Center project was last approved as a Large Retail Establishment on June 18, 2020, for the construction of a new Restaurant Depot;

**WHEREAS**, the Applicant proposes to subdivide the existing 3 lots into 5 lots. The proposed 40,964 square foot Motor Vehicle Dealership would be on Lot 5, and would include associated parking, lighting, landscaping and mitigation plantings, a subsurface sewage treatment system, well, and stormwater management areas. Proposed Lots 1, 2, 3, and 4 would collectively be the “Large Retail Establishment.” The previously approved Restaurant Depot is currently under construction on proposed Lot 2. Proposed Lots 1, 3, and 4 would remain vacant for future “Large Retail Establishment” development, with a conceptually proposed 3,200 square foot building on Lot 1, a 49,500 square foot building on Lot 3, and a 3,600 square foot bank on Lot 4. A lot line adjustment between Lots 1 and 2 is proposed to convey 0.45 acres to the existing Lot 2 (the Restaurant Depot lot). The resulting Lot 1 would be 3.53 acres, Lot 2 would be 11.8 acres, Lot 3 would be 5.69 acres, Lot 4 would be 2.0 acres, and Lot 5 would be 21.00 acres;

**WHEREAS**, the Planning Board, as Lead Agency under the State Environmental Quality Review Act (SEQRA) conducted a thorough review of the proposed project and potential environmental impacts and adopted a Negative Declaration on the Proposed Project on November 22, 2021; and

**WHEREAS**, the proposed project requires an amendment to the site plan and Large Retail Establishment Special Permit for Stateline Retail Center / Restaurant Depot from the Town Board; and

**WHEREAS**, the Town Board has reviewed the proposed project’s conformance with the Special Permit criteria as summarized in the table below:

<b>Stateline Retail Center – Special Use Permit Criteria</b>	
<b>§138-63.4:</b>	<b>CONFORMS (Yes/No):</b>
A. Any parcel shall consist of not less than 35 acres and have access via a state or county road; and	<i>No. The proposed change reduces the lot area dedicated to the Large Retail Establishment to 22.9 acres. As such, the project would no longer conform to this provision. Zoning Board of Appeals granted variance to allow 22.0 acres on 2/23/2022.</i>
B. Any retail use in connection with any zoning lot shall be limited to a floor area ratio (FAR) not to exceed 0.15. All other dimensional standards for any parcel shall be the same as those contained in the Commercial Zoning Schedule for the HC-1 and GC-2 zones except as they are superseded by	Yes.

<p>the Town of Southeast Design Guidelines for Large Retail Establishments; and</p>	
<p>C. Design guidelines. All Large Retail Establishments shall comply with the following Town of Southeast Design Guidelines for Large Retail Establishments. The Planning Board, when considering the site plan, and the Town Board, when considering the Special Permit, shall consider the application's conformance to these Design Guidelines in considering approval or denial of the application. Drawing L-1 shows a schematic layout for a Large Retail Establishment showing, in general, a number of the design elements contained in these Design Guidelines. Users of the Design Guidelines shall refer to this drawing and other drawings for clarification of the guidelines but not as a prescriptive site or building design. Table 1 provides a listing of preferred native plant species.</p>	<p><i>See below for conformance with each provision of the Design Guidelines.</i></p>
<p><b>(1) SITE DESIGN</b></p>	
<p><b>[a] Buffers</b></p>	
<p>[1] All Large Retail Establishments shall include a 75-foot minimum Environmental Conservation Buffer vegetated buffer along the entire frontage with the exception of areas necessary for ingress or egress from the site. Stormwater management features may be included in the Environmental Conservation Buffer as long as the margins of any such feature are planted with vegetation that will reach an appropriate height for screening proposed uses within ten (10) years.</p>	<p><i>No. Proposed Lot 4 would not comply with this buffer requirement. Zoning Board of Appeals granted variance to permit 35 feet where 75 feet is proposed on 2/23/2022.</i></p>
<p>[2] An Environmental Conservation Buffer of at least 50 feet in width shall be provided along side and rear property lines. Where a Large Retail Establishment abuts a Residential Zoning District, a minimum 100-foot Environmental Conservation Buffer shall be provided along the boundary line, unless the Town Board determines that a larger buffer is required. No building containing a Large Retail Establishment shall be closer than 250 feet from any residential use.</p>	<p><i>No. Proposed Lot 3 would not comply with this buffer requirement. The Zoning Board of Appeals granted a variance to permit 13 feet where 50 feet is required on 2/23/2022.</i></p>
<p>[3] Existing mature vegetation shall be retained where feasible within the Environmental Conservation Buffers and within the interior of the site.</p>	<p>Yes.</p>
<p>[4] New vegetation shall be planted to create a mix of species. Native species or species known to be tolerant to urban stressors (see Table 1) are preferred to non-native species; although non-native ornamental species may be used as accents.</p>	<p>Yes.</p>
<p>[5] If any significant habitat is found on-site, no disturbance shall occur within that area or within 100 feet of the area.</p>	<p><i>No significant habitat was</i></p>

	<i>identified. Some disturbance would occur within the wetland buffer area, however the mitigation measures set forth in the Environmental Impact Statement (EIS) for the Stateline Retail Center Project, as updated for the Stateline Retail Center / Restaurant Depot project, will adequately mitigate any adverse impacts to onsite and offsite wetlands and associated wetland control areas.</i>
[6] A vegetated berm not less than 3 feet in height and 6 feet in width at its top may be used where existing mature vegetation would not provide adequate screening.	NA
[7] All landscaping as shown on the approved site plan shall be maintained in a healthy growing condition throughout the duration of the use or uses being served. Any plants not so maintained shall be replaced by the property owner with healthy, new plants of comparable size, type and quality at the beginning of the next immediately following growing season.	<i>This provision would be included as a condition of approval and would be handled as an enforcement action should the need arise.</i>
<b>[b] Building Location</b>	
[1] Buildings shall be oriented on-site to avoid disturbance to sensitive natural and topographic features to the maximum extent practicable while presenting a “public face” to major roads.	Yes.
[2] Multiple buildings on a single site shall be oriented to achieve a unified character for the site. Individual buildings shall not be isolated by large expanses of parking lots in order to encourage safe pedestrian movement within the site.	<i>NA. The site is proposed to be divided into four building lots with one building on each lot.</i>
<b>[c] Site Access</b>	
[1] Driveway entrances and exits onto any street shall be provided in such a manner that no undue traffic hazards or traffic congestion will be created. A minimum of two (2) driveways shall be provided. Driveway entrances shall be spaced a minimum of 300 feet apart. Driveways shall not exceed 30 feet in width at the street line unless a greater width is required by the County of Putnam or State of New York.	Yes.
<b>[d] Parking Lots</b>	



<p>[1] Large Retail Establishments that have more than 10 percent Gross Leasable Area in dining or entertainment uses shall use the Urban Land Institute Shared Parking methodology to calculate appropriate parking requirements in place of the required 4.0 spaces per 1,000 square feet of Gross Floor Area.</p>	<p><i>NA. Restaurant Depot will not have dining for entertainment. Other tenants have not been specified.</i></p>
<p>[2] Any parking spaces provided above the required number shall be in a separate parking area utilizing a pervious paving technique (see Drawing L-1). Alternatively, additional parking areas may be “land-banked” for future development depending on use.</p>	<p><i>NA. Only Lot 2 is being developed at this time. It is anticipated that this would be accommodated on Lots 1, 3, or 4.</i></p>
<p>[3] All required parking shall be provided in parking areas that are designed and laid out to avoid uninterrupted stretches of paved surfaces. Parking areas may be separated from each other by drive aisles, pedestrian walkways, stormwater management facilities, or landscaped areas (see Drawing L-1). Parking areas to the rear or side of buildings are preferred to parking areas in front of (between the major street and any side of) a building. Rear entrances to tenant spaces shall be considered in the overall site design process. Underground or structured parking may be considered and shall not be included in Gross Floor Area.</p>	<p><i>Parking has primarily been proposed for the front of the building, however, due to the topography and proposed landscaping it will be minimally visible from Route 6.</i></p> <p><i>It is anticipated that additional landscaping and screening of parking areas will be provided on Lot 3, the details of which will be provided during site plan approval for those parcels.</i></p>
<p>[4] Individual parking stalls shall be nine (9) feet by eighteen (18) feet except as required to meet Americans with Disabilities Act (ADA) requirements. Parking stalls in employee parking areas may be eight (8) feet by eighteen (18) feet.</p>	<p><i>Yes.</i></p>
<p>[5] Parking areas shall have a minimum 10-foot wide, curbed planting island around the perimeter with appropriate gaps for vehicular access. Such raised planting islands and the landscaping within them shall be designed and arranged in such a way as to provide vertical definition to major traffic circulation aisles, entrances and exits, to channel internal traffic flow and prevent indiscriminate diagonal movement of vehicles and to provide relief from the visual monotony and shadeless expanse of a large parking area. Planted bio-swales may be substituted for raised parking islands (see Drawings LD-4, LD-5, and LD-6).</p>	<p><i>Yes.</i></p> <p><i>It is anticipated that additional landscaping and screening of parking areas will be provided on Lots 1, 3, or 4, the details of which will be provided during site plan approval for those parcels.</i></p>

<p>[6] Large parking areas of 50 spaces or more shall have additional planting islands a minimum of eight (8) feet in width within the parking area between every second parking module (defined as a 60-foot-wide area containing two rows of parking separated by a drive aisle).</p>	<p>Yes.</p>
<p>[7] There shall be a provision for separate pedestrian flow to building entrance(s) outside of drive aisles for each parking area.</p>	<p>Yes.</p>
<p>[8] Twenty-five (25) percent of calculated required parking shall be provided in a designated employee-only parking area that utilizes a pervious paving technique. Where possible, this parking area shall be located to the rear of any building(s).</p>	<p><i>NA. Only Lot 2 is being developed at this time. It is anticipated that this would be accommodated on Lots 1, 3, or 4.</i></p>
<p>[9] Twenty-five (25) percent of calculated required parking shall be provided in an overflow area that shall be physically separated from other parking areas by lawn or other vegetated area.</p>	<p><i>NA. Only Lot 2 is being developed at this time. It is anticipated that this would be accommodated on Lots 1, 3, or 4.</i></p>
<p>[10] At least one tree, not less than three (3) inches in caliper measured three (3) feet above ground level at time of planting, shall be provided within a planting island for each ten (10) parking spaces in the parking area (see Drawing LD-3).</p>	<p>Yes.</p>
<p>[11] Bicycle parking racks shall be provided in a location no further than 200 feet from a building entrance and not to the rear of any building.</p>	<p><i>It is anticipated that this would be accommodated on Lots 1, 3, or 4, the details of which would be provided during site plan approval for those parcels.</i></p>
<p><b>[e] Circulation to Adjoining Parcels</b></p>	
<p>[1] Where a Large Retail Establishment adjoins another parcel with existing commercial development every opportunity for connecting parking areas and/or driveways shall be explored to avoid separate curb-cuts onto major roads.</p>	<p><i>Connections are proposed between Lots 2, 3, 4 and 5. Connection to Lot 1 would require significant wetland disturbance.</i></p>
<p>[2] Where a Large Retail Establishment adjoins a vacant commercially-zoned parcel a stub driveway shall be established in a location conducive to creating a future internal connection point.</p>	<p><i>No. However, compliance would require significant wetland disturbance and is not appropriate at this time.</i></p>
<p><b>[f] Pedestrian Environment</b></p>	
<p>[1] Pedestrian-scale public spaces (pedestrian walkway, square,</p>	<p><i>It is anticipated that this</i></p>

<p>or plaza) shall be integrated into the overall site plan to provide meaningful circulation and seating areas.</p>	<p><i>would be accommodated on Lots 1, 3, or 4, the details of which would be provided during site plan approval for those parcels.</i></p>
<p>[2] Pedestrian amenities such as seating or dining areas, fountains, gazebos, kiosks, or other such features shall be provided in any square or plaza. Amenities associated with public transit or bicycle use (bus waiting shelter, information kiosk with bus schedule, bicycle racks, or taxi waiting area) shall be incorporated into public spaces on the site.</p>	<p><i>It is anticipated that this would be accommodated on Lots 1, 3, or 4, the details of which would be provided during site plan approval for those parcels.</i></p>
<p>[3] A pedestrian walkway shall be a minimum of ten (10) feet in width and shall have street trees planted forty (40) feet on center at a minimum (not less than three (3) inches in caliper measured three (3) feet above ground level at time of planting) (see Drawing LD-3). Pedestrian walkways offering access between buildings and/or providing access to rear parking areas are not required to have planting areas or street trees.</p>	<p><i>It is anticipated that this would be accommodated on Lots 1, 3, or 4, the details of which would be provided during site plan approval for those parcels.</i></p>
<p>[4] A square or plaza shall be a minimum of thirty (30) feet in any dimension and shall include a vegetated area covering a minimum of fifty (50) percent of the total area when any one linear dimension of the square or plaza equals or exceeds fifty (50) feet (see Drawings L-2, L-3, and LD-1). (Pedestrian walkways shall not be required to meet this standard).</p>	<p><i>It is anticipated that this would be accommodated on Lots 1, 3, or 4, the details of which would be provided during site plan approval for those parcels.</i></p>
<p>[5] Building(s) shall be designed to have a front façade that has at least one (1) principal functional entry from a pedestrian walkway, square, or plaza.</p>	<p>Yes.</p>
<p>[6] No ground-level façade shall have blank (without doors or windows) walls longer than 50 feet along any pedestrian walkway, square, or plaza. Public art installations such as murals are exempt from this requirement.</p>	<p><i>The façade has been designed with architectural elements to break up the façade.</i></p>
<p>[7] Pedestrian walkways, squares, or plazas shall provide continuous pedestrian flow throughout the site and shall provide protected access through a designated crosswalk or walkway between building entrances and all parking areas.</p>	<p><i>It is anticipated that this would be accommodated on Lots 1, 3, or 4, the details of which would be provided during site plan approval for those parcels.</i></p>
<p>[8] Pedestrian walkways, squares, and plazas shall be integrated into the overall landscaping and lighting plans for the site.</p>	<p><i>It is anticipated that this would be accommodated on Lots 1, 3, or 4, the details of which would be provided during site plan approval for</i></p>

	<i>those parcels.</i>
[9] Pedestrian walkways and other surface areas of paving material shall offer a variety of pigments and textures that are in harmony with nearby buildings and other paved surfaces and are safe for pedestrian traffic, including the handicapped. Pervious surfaces shall be used wherever practicable to minimize the need for stormwater infrastructure.	<i>It is anticipated that this would be accommodated on Lots 1, 3, or 4, the details of which would be provided during site plan approval for those parcels.</i>
<b>[g] Loading &amp; Refuse Collection Areas</b>	
[1] All loading and refuse collection areas shall be screened from public views from primary driveways and pedestrian walkways, squares, or plazas and shall not be located along the front façade of any building or within any parking area. Loading and refuse collection areas shall be internal to a structure to the extent possible.	Yes.
<b>[h] Signage</b>	
[1] All signs shall be carefully integrated with other site design elements. Signs shall be designed so that they are visible and informative at the pedestrian scale. Signs shall not be mounted above the eave line of any structure or be placed in or attached to any window. Signs must comply with the provisions in Article XII of the Zoning Code.	<i>The applicant is required to submit an application to the Planning Board / ARB.</i>
<b>[i] Lighting</b>	
[1] A site lighting plan shall be provided in conformance with Article XIII of the Zoning Code. Pedestrian-scale lighting fixtures shall be provided in parking areas and along pedestrian walkways and in squares or plazas.	Yes.
<b>[j] Storage of Merchandise</b>	
[1] Any areas intended for storage or display of merchandise shall be identified on the site plan and shall be approved by the Town Board as part of the Special Permit process.	<i>No outside storage is proposed for Lot 2. It is anticipated that this would be accommodated on Lots 1, 3, or 4, the details of which would be provided during site plan approval for those parcels.</i>
[2] Vending machines, ice machines, newspaper boxes, or similar equipment may not be located outside of any building.	Yes.
<b>(2) BUILDING DESIGN</b>	
<b>[a] Building Size</b>	

<p>[1] Large single-use buildings are to be avoided. Where a large tenant is considered, the same building shall include several smaller tenants with separate exterior access to balance the scale of the larger tenant and to facilitate improved building design. In all cases, all buildings shall comply with the design parameters set forth herein.</p>	<p><i>Restaurant Depot is a large single tenant on a separate lot. It is anticipated that this would be accommodated on Lots 1, 3, or 4, the details of which would be provided during site plan approval for those parcels.</i></p>
<p><b>[b] Building Height</b></p>	
<p>[1] Buildings may be one (1) or two (2) stories to a maximum height of 35 feet. Vertical elements such as clocktowers, cupolas, or other architectural embellishments may extend the total height of the building but shall be no greater than 50 feet in height (see Drawing LD-2).</p>	<p>Yes.</p>
<p><b>[c] Building Style</b></p>	
<p>[1] Buildings shall be designed to be compatible with buildings in the surrounding area, but in all cases shall be of high-quality design and materials. Colonial or Classic design style is considered appropriate for any location within the Town of Southeast. Examples of the types of architecture compatible with the Town’s vision are shown in the Typology of Architecture pages included at the end of this Chapter. These images are not prescriptive but do show what is preferred.</p>	<p>Yes.</p>
<p><b>[d] Building Facades &amp; Materials</b></p>	
<p>[1] Building facades shall present a varied appearance at street level and be designed to give individual identity to each building and/or use as well as to help achieve the planned pedestrian scale using features such as:</p> <ul style="list-style-type: none"> <li>• The height of cornices, lintels and sill levels, articulated floor levels and other horizontal building features.</li> <li>• The spacing and proportion of columns, piers and other elements of the basic structural grid.</li> <li>• The spacing and proportion of window and door openings, bays or other aspects of building fenestration.</li> <li>• Colors, textures and the general nature of exterior materials and treatment, including building ornament and trim.</li> </ul>	<p>Yes.</p>
<p>[2] Blank wall exposures shall be limited. No ground-level façade shall have blank (without doors or windows) walls longer than 50 feet along any pedestrian walkway, square, or plaza. Public art installations such as murals are exempt from this requirement.</p>	<p>Yes.</p>

<p>[3] The design of building facades shall reflect the scale of existing or planned building development through modulation of vertical and horizontal elements by features such as:</p> <ul style="list-style-type: none"> <li>• Variation in roof heights.</li> <li>• Changes in the predominant wall plane and/or in facade elements such as window openings and balconies.</li> <li>• Use of horizontal projections or recesses in the building facade such as bay windows, cornices, balustrades, etc.</li> <li>• Use of pitched roofs and other roof elements such as cross gables, dormer windows, turrets, and clocktowers to provide visual interest, reduce the scale of continuous roofs and break the line where the building meets the sky.</li> </ul>	<p>Yes.</p>
<p>[4] Treatment of the sides and rear of proposed buildings shall be in a manner substantially consistent in appearance, amenity and quality of materials to the treatment given to their front facade.</p>	<p><i>The rear façade has minimal articulation. However, those portions of the rear façade that would be intermittently visible from I-84 would be articulated.</i></p>
<p>[5] Building facades shall be architecturally articulated horizontally so that there are breaks in the façade plane where building entrances, windows, or landscaped areas may be located.</p>	<p>Yes.</p>
<p>[6] Building facades shall be architecturally articulated vertically to define a pedestrian scale along any pedestrian walkway, square, or plaza. Arcades, awnings, roof- or eave-lines, or second-story windows may be used to define the pedestrian scale. (Any awning, roof, or eave that extends above a pedestrian walkway, square, or plaza shall have a minimum clear height (height from sidewalk to the bottom of any awning, roof, or eave) of eight (8) feet six (6) inches and a maximum clear height of ten (10) feet above the sidewalk and shall extend beyond the building face a minimum of five (5) feet).</p>	<p>Yes.</p>
<p>[7] All buildings shall have an appropriate rhythm of entrances and windows consistent with the overall size of the building and orientation to any pedestrian walkways, squares, or plazas.</p>	<p>Yes.</p>
<p>[8] Exterior cladding shall be consistent with the overall building style and shall include a variety of colors and textures to help articulate the main facades.</p>	<p>Yes.</p>
<p><b>[e] Building Roofs</b></p>	
<p>[1] Fully-enclosed gabled roofs (minimum pitch of 8:12) are preferred to flat roofs with parapets. On larger buildings a variety of roof-lines shall be used to break up the horizontal extent of the building. Where parapets are used, the</p>	<p>Yes.</p>

parapet shall be provided along each façade. Parapet height is limited to ten (10) feet above the flat roof.	
[2] Where flat roofs are required due to building size, roofing materials having a Solar Reflectance Index (SRI) equal to or greater than the values in the table below for a minimum of 75 percent of the roof surface shall be used or a green roof on at least 50 percent of the roof area shall be used.	Yes.
<b>[f] Building Materials</b>	
[1] While synthetic materials may be acceptable, natural building materials including, but not limited to, clapboard and shingle siding, brick, stone, glass, or glass block are preferred and encouraged over synthetic materials. Generic, unadorned Concrete Masonry Units (CMUs) shall not be used as a primary exposed building material on any facade. CMUs with any type of variegated surface (e.g., Architectural Block or Split-Faced CMUs) are permitted but shall not comprise the majority of the surface area of any one facade.	Yes.
[2] Treatment of the sides and rear of proposed buildings shall be in a manner substantially consistent in appearance, amenity and quality of materials to the treatment given to their street frontage.	<i>The rear façade has minimal articulation. However, those portions of the rear façade that would be intermittently visible from I-84 would be articulated.</i>
[3] Windows and doors shall be trimmed with wood or stone a minimum of four (4) inches in width.	Yes.
<b>[g] Mechanical Equipment</b>	
[1] All HVAC or similar equipment shall be screened from ground-level views and views from any roads or adjoining properties at a higher elevation.	<i>HVAC layout has not been provided, however, the applicant proposes to fully shield all HVAC equipment with RTU screening.</i>
D. The developer shall provide adequate proof to the Town Board, prior to the issuance of any certificate of occupancy, that the developer has contracted with a private security company for the purpose of patrolling the premises for the safety and security of its customers, employees and businesses invitees and to ensure that the premises do not become a focal point for loitering or vagrancy. Such contract, or replacements thereof, shall remain in full force and effect during the occupancy of any premises developed hereunder. Failure to adequately maintain security services for the premises shall result in the revocation of any certificate of occupancy by the Town of Southeast; and	TBD

E. The Town Board may require the inclusion of any of the foregoing conditions in a declaration of restrictive covenants executed in recordable form and to be recorded by the applicant/owner as a condition of any Special Permit approval.	TBD
---	-----

and;

**WHEREAS**, the Town Board, in its review of the amended project, finds it substantially complies with the Special Permit criteria and where it does not comply, the Zoning Board of Appeals has granted the necessary variances pursuant to § 138-52.B of the Zoning Code; and

**WHEREAS**, the Town Board is in receipt of the following documents and plans:

- Final Subdivision Plat, prepared by Insite Engineering, dated March 7, 2022
- Site Plan Drawings (17 Sheets Total), last revised March 4, 2022
- Zoning Board of Appeals Town Board Report, dated March 1, 2022
- Sign Inventory (7 sheets), prepared by Philadelphia Sign, dated November 30, 2021
- 2nd Amended SWPPP, prepared by Insite Engineering, dated March 4, 2022; and,

**WHEREAS**, the Town Board has determined on the basis of its own review and the review comments received from its consultants that the drawings and reports and other information submitted by the applicant are in substantial compliance with Chapter 138, “Zoning,” (specifically Article IX thereof) of the Town of Southeast Code; and,

**NOW THEREFORE BE IT RESOLVED**, that pursuant to the authority vested in the Town Board by Chapter 138, “Zoning,” of the Town Code, the Town Board hereby grants Special Permit Approval for the Proposed Project, as defined above, subject to the following Conditions identified below. (For purposes of compliance, these conditions, and any other conditions identified in the environmental review of the Proposed Project, shall be enforceable by the Town of Southeast in accordance with the Town Code of the Town of Southeast).

1. Except as specifically modified herein, the Proposed Project shall be subject to all conditions of approval in the Resolution of Amended Final Site Plan, Special Permit, And Wetland Permit Approval for Stateline Retail Center / Restaurant Depot Dated June 18, 2020.

UPON A ROLL CALL VOTE:

Councilman Alvarez	<u>Aye</u>
Councilman Cyprus	<u>Aye</u>
Councilman Larca	<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. 25 / 2022 RESOLUTION TO ADOPT A SPECIAL PERMIT FOR STATELINE RETAIL CENTER / BREWSTER SUBARU**

INTRODUCED BY: Supervisor Hay  
 SECONDED BY: Councilman O'Connor

**WHEREAS, STATELINE RETAIL CENTER / BREWSTER SUBARU** located at 3685, 3711 & 3751 Danbury Road, in the Town of Southeast, has applied for a Special Permit from the Town Board of the Town of Southeast to construct a Motor Vehicle Dealership for Brewster Subaru in the SR-6 Zoning District, on property designated as Tax Map IDs 68.-2-48.1, 48.2 & 48.3; and,

**WHEREAS,** the Planning Board/Architectural Review Board, as Lead Agency under the State Environmental Quality Review Act (SEQRA) conducted a thorough review of the proposed project and potential environmental impacts and adopted a Negative Declaration on the Proposed Project on November 22, 2021; and

**WHEREAS,** the Town Board is in receipt of a report and recommendation from the Planning Board/Architectural Review Board on the said proposal; and,

**WHEREAS,** the Town Board is in receipt of the following documents and plans:

- Final Subdivision Plat, prepared by Insite Engineering, dated March 7, 2022
- Site Plan Drawings (17 Sheets Total), last revised March 4, 2022
- Zoning Board of Appeals Town Board Report, dated March 1, 2022
- Sign Inventory (7 sheets), prepared by Philadelphia Sign, dated November 30, 2021
- 2nd Amended SWPPP, prepared by Insite Engineering, dated March 4, 2022; and,

**WHEREAS,** the Town Board has reviewed the above request for a Special Use Permit for this particular project and finds that it is substantially in conformance with Article X of Chapter 138 of the Zoning Code of the Town of Southeast as noted in the table below:

<b>Motor Vehicle Dealership – Brewster Subaru</b>	
<b>§138-63.9:</b>	<b>CONFORMS (Yes/No):</b>
B.(1) The minimum lot size shall be 4.0 acres.	Yes.
B.(2) A minimum fifty-foot-wide landscaped buffer shall be provided in the front, rear, and side yards. Vehicle parking and storage shall be prohibited within the fifty-foot buffer.	<i>No. 17 feet is provided in the rear and side yards. The Zoning Board of Appeals granted a variance to provide 17 feet where 50 feet is required on 2/23/22.</i>
B.(3) A minimum of 10% of the parking lot and vehicle storage area shall be landscaped. The fifty-foot-wide buffer shall not	Yes.

contribute towards this requirement. Bioswales and rain gardens within landscaped islands may be counted towards this requirement.	
C. No exterior public address systems shall be permitted.	Yes.
D. No exterior display of banners, pennants, ribbons, dancing tube signs, or similar temporary advertising materials shall be permitted.	Yes.
E. Employee parking shall be designated and provided on site. Parking areas designated for employees shall not be used for vehicle storage, repair or finishing work, display or customer parking.	Yes.
F. Customer parking shall be designated and provided on site. Parking areas designated for customers shall not be used for vehicle storage, repair or finishing work, display or employee parking.	Yes.
G. All employee parking and on-site motor vehicle storage shall be located in the rear of the building and shall be screened from adjacent properties and public rights-of-way.	Yes.
H. Outdoor vehicle display areas shall be designated on the site plan. Vehicle display areas should be landscaped, and should not be part of the customer parking area. Metal vehicle display ramps or similar movable vehicle display devices are prohibited. Vehicle display areas are not permitted within the fifty-foot buffer.	Yes.
I. Off-site new motor vehicle storage shall be permitted subject to the following conditions.	<i>NA. No off-site storage proposed.</i>
J. The hours of loading and unloading of vehicles shall be determined by the Town Board. All loading and unloading shall occur on the subject site and not in or on the public right-of-way	<i>Yes. Sufficient space for loading is available onsite. Approved hours should be indicated on the site plan.</i>
K. Vehicles to be repaired or serviced shall not be parked or stored on any street or public right-of-way.	Yes.

and;

**WHEREAS**, the Town Board, in its review of the amended project, finds it substantially complies with the Special Permit criteria and where it does not comply, the Zoning Board of Appeals has granted the necessary variances pursuant to § 138-52.B of the Zoning Code; and

**NOW THEREFORE BE IT RESOLVED**, that pursuant to the authority vested in the Town Board by Chapter 138, "Zoning," of the Town Code, the Town Board hereby grants the Special Permit for a Motor Vehicle Dealership.

UPON A ROLL CALL VOTE:

Councilman Alvarez	<u>Aye</u>
Councilman Cyprus	<u>Aye</u>
Councilman Larca	<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.

**MOTION**

Supervisor Hay made a motion to appoint Mary Madsen as the Dog Control Officer with a term to expire on 12/31/22. Councilman O'Connor seconded. All in favor.

**SUPERVISOR REPORT**

Supervisor Hay stated that we are  $\frac{1}{4}$  way through the year and we are progressing well. We have a good budget and Court revenues are up. There is not much else at this time.

**PUBLIC COMMENT**

Scott Seeman, BCSD trustee, stated that Brewster High School is putting on a production of Footloose tonight, Friday and Saturday. We actually got a shout-out from the original movie star Kevin Bacon. He also said the School District has an energy contract, but will bring it to the attention of Mr. Freyer.

Councilman O'Connor made a motion to close the meeting and Councilman Alvarez seconded. All in favor.

Respectfully Submitted,

Michele Stancati  
Southeast Town Clerk