

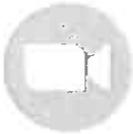
TOWN OF SOUTHEAST
1360 Route 22
Brewster, New York 10509
Thursday, June 4, 2020
WORK SESSION/REGULAR MEETING 7:00 P.M.

NOTICE OF TOWN BOARD MEETING AND AGENDA

Please Note: This meeting will take place by videoconferencing and it will be recorded. It will be posted on the Town's Website southeast-ny.gov and a transcript of the meeting will be posted within thirty (30) days of the meeting.

If you have any questions that you would like to address with Town Board during this meeting, please e-mail your questions to thay@southeast-ny.gov before 6:00 P.M. the day of the meeting and the Board will respond to your inquiry at the end of the meeting during "public comment."

To join the meeting:



1. If you **have not used Zoom before:** Please download the free app prior to the meeting so you are ready when the meeting starts:

<https://zoom.us/download>

2. Join from your computer, tablet or smartphone click the following link:

<https://us02web.zoom.us/j/85740666266?pwd=NUxQOUw4Wlg0MzRTTTR5TzFuODAvUT09>

When prompted, please provide your full name.

OR

3. You can also dial in by using your phone:

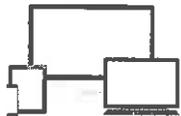
Call-in number: 1-929-436-2866

Meeting ID: 857 406 662 66

Meeting Password: 339848

For Additional Zoom FAQs and tutorials:

<https://support.zoom.us/hc/en-us/categories/200101697-Getting-Started>



**TOWN OF SOUTHEAST
1360 Route 22
Brewster, New York 10509
Thursday, June 4, 2020
WORK SESSION/REGULAR MEETING 7:00 P.M.**

Pledge of Allegiance

REVISED

Public Hearing:

1. Chapter 54, Section 54-13 – Burning Permits
2. Proposed Moratorium – Chapter 54 and Chapter 138 – Limited Permits for Outdoor Seating – Bar/Restaurants

Work Session:

1. Discussion – Commercial Shooting Ranges

Regular Meeting:

1. Resolution – Special Permit – ALKA Realty, Inc. d/b/a Northwood Tree Care, 25 Fields Lane
2. Resolution – Standard Work Day and Reporting
3. Resolution – Drew Realty – Lot 1, Fields Lane, Architectural Review Board
4. Resolution – Restaurant Depot – Route 6/Danbury-Brewster Road, Architectural Review Board
5. Resolution – SEQRA Classification
6. Resolution – Adopting Local Law #5 of 2020

Recognition of Public/Public Comment

Recognition of Town Board/Town Board Comment

PH #1

PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Town Board of the Town of Southeast shall hold a public hearing on June 4, 2020 at 7:00 PM or as soon thereafter as interested parties may be heard, to hear public comment on a proposed LOCAL LAW which would amend Chapter 54 of the Town Code (Building Construction and Fire Prevention) to add a new section 54-13 entitled "Burning Permits" which, if enacted, would provide definitions, establish the requirement to obtain a permit before burning allowable materials, establish rules and regulations regarding time, place and manner of conducting burning activities and establish penalties for offenses relating to violations of the section. Due to the current health emergency conditions, **the Public Hearing will be held "virtually"** and interested parties may participate in the Public Hearing by joining a Zoom Meeting held for this purpose. To join the meeting: Download the free app prior to the meeting so you are ready when the meeting starts: <https://zoom.us/download>; you may join the public meeting from your computer, laptop or smart phone by clicking on the link which can also be found on the meeting agenda posted on the town's website www.Southeast-ny.gov. <https://us02web.zoom.us/j/85740666266?pwd=NUxOOUw4Wlg0MzRTTTR5TzFuODAvUT09> or you may participate telephonically by calling 1-929-436-2866 and using the **Meeting ID# 85740666266** and **Password: 339848**. Copies of the proposed local law may be obtained from the Town Clerk of the Town of Southeast during normal business hours.

By Order of the Town Board
Hon. Michele Stancati, Town Clerk

PH #1

38-9

GENERAL: A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with New York State Law, New York State DEC regulations and/or the provisions of this statute.

DEFINITIONS: As used in this chapter, the following words shall have the meanings specified below:

OPEN BURNING / OPEN FIRE:

Any outdoor fire or burning or outdoor smoke-producing process from which any air contaminants are emitted directly into the outdoor atmosphere, other than by a fire in a stove, oven, furnace or incinerator designed and constructed for the burning of materials.

The term "OPEN FIRE" shall not be deemed to include fires in barbecue pits, outdoor candles, outdoor fireplaces, and wood, gas or charcoal grills designed for the purpose of cooking food for human consumption, and shall not include the use of a fire in a fireplace by recognized organizations such as Girl Scouts or Boy Scouts or a fire department, where such fireplace is used under the constant supervision of responsible officials of such organizations.

GARBAGE:

The animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

REFUSE:

All waste material, including, but not limited to, garbage, rubbish, or dead animals.

RUBBISH:

Solid or liquid waste material, including, but not limited to, paper and paper products; rags; leaves; vines; lawn and garden debris; furniture; cans; crockery; cartons; plastics; chemicals; paint; grease; slugs; oils; other petroleum products; wood; sawdust; demolition materials; tires; automobiles and other vehicles and parts, for junk, salvage or disposal.

A. PERMIT REQUIRED:

Burning in an open fire, provided it is not contrary to other laws or regulation, will be allowed only upon the issuance of a written Burn Permit issued by the Office of the Town Clerk of the Town of Southeast, New York.

B. RESTRICTIONS:

The Burn Permit issued by the Town of Southeast restricts the following activity:

1. The permit is only valid between May 15th and the following March 15th of each calendar year.
2. The permit shall only be issued for a 30 day period subject to renewal.
3. Burning shall only be conducted from 8:00AM to dusk, Monday through Saturday only. No burning shall be permitted throughout the Town of Southeast on Sundays or on any legal holiday.
4. A permittee shall stop adding additional materials to the burn pile no more than 3 hours before dusk to allow the fire to burn down completely.
5. No person shall start or maintain an open fire within (50) fifty feet of any building or structure.
6. Materials permitted to be burned, pursuant to an issued permit shall be limited to: brush, tree limbs less than six inches in diameter and eight feet in length, dry shrubbery and plants.
7. Leaves, plastics (including bags), trash, garbage, refuse, tires, synthetic materials, chemically treated wood, wood that has been coated, stained, painted or glued, petroleum based products, plywood, fiberboard, particle board, oriented strand board and/or any other construction materials are prohibited from being burned at any time.
8. Piles of burning material shall be of an appropriate size that it can be managed at all times. Only one pile of burnable material may be ignited, sustained or burned at any one time per each residential property.
9. The permittee must be in attendance of the permitted fire at all times. No fire will be left unattended until it is completely extinguished.
10. The permittee shall have sufficient means to control and extinguish the fire at all times.
11. Materials to be burned will be isolated to prevent the fire from escaping from the pile or material(s) to be burned. The pile of material(s) to be burned shall be kept small enough to maintain at all times.
12. The permittee shall be solely liable for any damage to the property of another, or injury to any person resulting from fires kindled by them or smoke generated by any fire ignited or sustained by the permittee.

13. Should it become necessary for town officials deem it necessary to extinguish any fire, the permittee may be held civilly and/or criminally liable for any suppression costs and any and all damages resulting therefrom.
14. A town enforcement official may suspend or revoke the operation of any burning permit at any time.

C. EXCEPTIONS:

The following items are exempt from requiring a Town Burn permit:

1. Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used for cooking or processing food only using propane, charcoal, or untreated wood;
2. Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a religious ceremony;
3. Burning on an emergency basis or explosive or other dangerous or contraband materials by police or other public safety organization;
4. Outdoor candles, fire pits, outdoor fireplaces and wood, gas or charcoal grills are exempt from this statute;
5. Open fires when used by governmental or municipal authorities for the training of personnel in fire-fighting techniques or the use of fire-fighting equipment.

D. NOTIFICATION REQUIRED:

1. Upon the issuance of a Town of Southeast Burn Permit and prior to burning, the permittee shall notify the Putnam County Bureau of Emergency Services at (845) 225-4860 before igniting the fire.

Failure to do so may result in the suspension and or revocation of the Burn Permit.

E. ENFORCEMENT:

The provisions of this chapter shall be enforced by the following town officials: Fire Inspector, Building Inspector, Assistant Building Inspector, Code Enforcement Officer and any police officer in the State of New York.

PH #2

PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Town Board of the Town of Southeast shall hold a public hearing on June 4, 2020 at 7:00 PM or as soon thereafter as interested parties may be heard, to hear public comment on a proposed **LOCAL LAW** which would impose a temporary moratorium on enforcement of certain provisions of Chapter 138 relating to required site plan approvals in certain instances and to further amend Chapters 54 and 138 of the Town Code to establish "limited permits" for the establishment of "outdoor seating" for certain qualifying food service establishments on a temporary and limited basis pursuant to standards, rules and limitations provided therein, together with the environmental significance thereof pursuant to the New York State Environmental Quality Review Act. Due to the current health emergency conditions, the Public Hearing will be held "virtually" and interested parties may participate in the Public Hearing by joining a Zoom Meeting held for this purpose. To join the meeting: Download the free app prior to the meeting so you are ready when the meeting starts: <https://zoom.us/download>; you may join the public meeting from your computer, laptop or smart phone by clicking on the link which can also be found on the meeting agenda posted on the town's website www.Southeast-ny.gov. <https://us02web.zoom.us/j/85740666266?pwd=NUxQOUw4Wl90MzRTTTR5TzFuODAvUT09> or you may participate telephonically by calling 1-929-436-2866 and using the Meeting ID# 85740666266 and Password: 339848. Copies of the proposed local law may be obtained from the Town Clerk of the Town of Southeast during normal business hours.

By Order of the Town Board
Hon. Michele Stancati, Town Clerk

PH #2

DRAFT

Town of Southeast, Putnam County, NY

Local Law No. __ of 2020

A LOCAL LAW entitled: "A Local Law to Amend Chapter 138 of the Town Code, 'Zoning'."

Be it enacted by the Town Board of the Town of Southeast, Putnam County, New York, as follows:

SECTION 1. TEMPORARY MORATORIUM ON ENFORCEMENT OF CERTAIN PROVISIONS OF CHAPTER 138

Enforcement of Section 138-4, "Definitions" shall be suspended, in part, as follows:

TEMPORARY STRUCTURE

A structure without any foundation or footings that shall be removed within a six-month time period. ~~Temporary structures in place for more than one month, excluding residential and farm uses, shall require site plan approval.~~

Enforcement of Section 138-45 "Site plan approval" shall be suspended, in part, and only to the extent that it would permit the temporary establishment of an outdoor seating area for restaurant and related food uses during the COVID-19 pandemic, and while the New York State reopening plan and executive orders are in effect.

SECTION 2. ARTICLE XX, TEMPORARY PERMITS

Article XX, Temporary Permits, Section 138-110, "Outdoor Dining Permit" is hereby established.

A. Restaurants, fast casual restaurants, fast-food restaurants, bakeries, delicatessens, ice cream/yogurt parlors and similar types of retail establishments offering food or beverages for onsite consumption shall be permitted to establish a temporary outdoor seating area subject to an Outdoor Dining Permit issued by the Town of Southeast Building Inspector pursuant to the following regulations:

- (1) Expiration. The permit shall expire upon the cancellation of the moratorium of Sections 138-4 and 138-45 as referenced herein.
- (2) Location. Eligible locations for outdoor dining and sidewalk cafes include existing parking lots, decks, patios, terraces, lawn, sidewalks, and gardens.
- (3) General operating rules.
 - i. All outdoor dining operations must meet social distancing requirements and follow all applicable health guidelines as set forth by the CDC, New York State (including Executive Order), and Putnam County Department of Health.
 - ii. Applicants must provide a floor plan diagram indicating the total square footage of property to be used for the outdoor dining area; the location of

all tables and chairs; pedestrian and dining areas; width and length of dining area; fire access; ADA access; the location of any tents or awnings, and permanent obstructions (signs, utility poles, hydrants, etc.)

- iii. Applicants must provide the existing indoor capacity of the restaurant or deli based on the current certificate of occupancy and/or Putnam County Department of Health approvals.
- iv. Applicants must provide a parking table that includes the existing and proposed number of parking spaces, number of employees, and proposed number of patron seats. The parking table should also indicate if a designated curbside pickup space is provided.
- v. Entryways, emergency exits, and fire hydrants shall not be obstructed.
- vi. No outdoor entertainment, music or public address system, nor any other forms of noise generation, shall be permitted within the outdoor dining area.
- vii. No outdoor dining shall be permitted after 9:00 p.m.
- viii. No exterior lighting which unreasonably illuminates beyond the boundaries of the outdoor dining area shall be permitted.
- ix. The written, signed and notarized consent of the owner of the property or properties in front of which an outdoor dining area is to be operated is required. If the owner(s) are a different party than the applicant, prior to the issuance of the permit, there shall be an agreement executed by the owner and third party to defend and save harmless the Town of Southeast, its officers and employees against any loss, liability or damages sustained by any person or to any property as a result of the operation of the cafe, together with a certificate of insurance issued to both the owner and tenant as insured and naming the Town, its officers, and employees as additional insureds, in the minimum amount of \$1,000,000 single-limit general liability coverage approved by the Town Attorney.
- x. Insurance requirements.
 1. Every business must secure and maintain throughout the term of the license liability insurance issued by a company duly authorized to do business in the State of New York, insuring the business and the Town of Southeast and to hold them harmless from and against any claim, injury, or damage caused or alleged to be caused by or as a result of the construction, operation or use of the outdoor dining area and any structure hereby authorized in the following minimum amounts:
 - a. For bodily injury, including death, in the minimum amount of \$100,000 for any one person and the minimum amount of \$300,000 for any one accident; and
 - b. For property damage in the minimum amount of \$25,000. Failure to maintain insurance coverage in the foregoing amounts shall cause the immediate revocation of the license.

- c. The permit to operate outdoor dining shall be immediately revoked if the holder of such license fails to maintain the insurance coverage required pursuant to this subsection of the section, except that such license may be reinstated if such holder presents proof satisfactory to the Town Attorney that the required insurance coverage is in full force and effect.
 - xi. The Town, through its Code Enforcement and Building Inspector shall have the right, upon inspection of the permit application or the outdoor dining facility, to require modifications of the outdoor dining facility and/or to terminate outdoor dining operations if they present a harm to public health and safety.
- (4) For restaurant operations on a public or private sidewalk, or public right-of-way
 - i. Sidewalks fronting the entire property must be in good condition, without violations or illegal encroachments.
 - ii. No permanent structures may be affixed to the sidewalk area used for the cafe, and the area may only be occupied by chairs, tables, benches, umbrellas and planters for the convenience of the patrons. However, the sidewalk area used for the outdoor dining must be marked off and the boundaries of the approved areas clearly delineated by railings, ropes, plants or similar enclosures.
 - iii. Sidewalk clearances must always be sufficient to ensure a pedestrian path free of obstructions. There must be a minimum clearance of four feet from the curb to the sidewalk area used for the cafe.
- (5) For restaurant operations in parking lots
 - i. The parking lot area used for the outdoor dining must be marked off and the boundaries of the approved areas clearly delineated by railings, ropes, planters or similar enclosures.
 - ii. The dining area must be a safe distance from parked vehicles and vehicular traffic. Distance should be indicated on the floor plan diagram submitted herewith.
 - iii. Walkway clearances must always be sufficient to ensure an accessible path free of obstructions.
 - iv. In shared parking lots (i.e. a shopping center), hours of operation shall be approved by the landlord and shall be based on the current tenant mix.

SECTION 3. VALIDITY

The invalidity of any word, section, clause, paragraph, sentence, part, provision of this Local Law shall not affect the validity of any other part of this Local Law that shall be given effect without such invalid part or parts.

SECTION 4 EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

ws #1

DRAFT

Town of Southeast, Putnam County, NY

Local Law No. __ of 2020

A LOCAL LAW entitled: "A Local Law to Amend Chapter 138 of the Town Code, 'Zoning'."

Be it enacted by the Town Board of the Town of Southeast, Putnam County, New York, as follows:

SECTION 1. LEGISLATIVE INTENT

The Town Board of the Town of Southeast proposes to amend the permitted recreational uses within the Town to permit new recreation and sporting uses within commercial zoning districts.

SECTION 2. AMENDMENTS TO ARTICLE I, "GENERAL PROVISIONS; DEFINITIONS"

Section 138-4.B, "Definitions" is hereby amended, in part, to amend the following definitions:

RECREATION

Recreation uses include golf courses and driving ranges; dance, gymnastics, and martial arts studios; indoor health and exercise facilities; tennis, racquetball, pickleball, and squash courts (indoor and outdoor); swimming pools, spas, and splash pads (indoor and outdoor); ice skating rinks; ~~indoor soccer or basketball facilities; indoor rock climbing gym; and ball sports fields. Recreation uses shall exclude automotive or go cart tracks; shooting ranges; amusement parks; and any use of archery equipment, guns, weaponry, or similar equipment that may be used to simulate combat, including equipment that has the capacity to propel a projectile or emit a light and/or laser.~~

RECREATION, RESIDENTIAL

Residential recreation uses include golf courses and driving ranges; dance, gymnastics, and martial arts studios; indoor health and exercise facilities; tennis, racquetball, pickleball, and squash courts (indoor and outdoor); swimming pools, spas, and splash pads (indoor and outdoor); ~~ice skating rinks; indoor soccer or basketball facilities; indoor rock climbing gym;~~ and public or not-for-profit ball sports fields. Residential recreation uses shall exclude facilities intended primarily for spectator activities, such as, but not limited to, stadia and arenas, and any of the above permitted uses with spectator seating for more than 25 people. Residential recreation uses shall also exclude shooting ranges; amusement parks; and any use of archery equipment, guns, weaponry, or similar equipment that may be used to simulate combat, including equipment that has the capacity to propel a projectile or emit a light and/or laser.

SHOOTING RANGE

An indoor or outdoor facility that is designed or intended as a place for the regular and repeated discharge of firearms for the purpose of target practice or target shooting, skill development and training, recreation and/or competitions, including skeet shooting, trap shooting and/or other similar shooting activities, and is open to use by persons other than the owner of the property and the owner's family and social guests, whether the

facility is operated by a club or membership group, government entity, or private person or entity.

SECTION 3.

Section 138-54.2 Shooting Ranges is hereby added as follows:

All shooting ranges shall be subject to the following supplementary regulations:

A. Exempt ranges. The provisions of this section shall not apply to shooting ranges not open to the public which are utilized solely for law enforcement and/or governmental purposes.

B. Supervision.

(1) There shall be a certified range master, a firearms instructor or a range safety officer on site and actively in control of the shooting range whenever open to the public or the range is in use.

(2) Range masters, firearm instructors or range safety officers shall have been trained by and have a valid current certification from one of the following organizations:

(a) Firearms instructors: National Rifle Association (NRA), New York State-Division of Criminal Justice Services (NYS-DCJS), International Association of Law Enforcement Firearms Instructors (IALEFI), Smith & Wesson Academy, SIG Arms Academy, any U.S. federal law enforcement agency (FBI, FLETC, ICE, USSS, ATF, USBP), any U.S. military agency (Army, Navy, Marines, Air Force, Coast Guard, National Guard).

(b) Range safety officers: National Rifle Association (NRA), International Defensive Pistol Association (IDPA), International Practical Shooting Association (IPSC), United States Practical Shooting Association (USPSA).

(c) Range master: SIG Arms Academy, Smith & Wesson Academy, Action Target Academy, any U.S. military agency and any federal law enforcement agency.

(3) Range masters, firearm instructors or range safety officers shall also:

(a) Be at least 21 years of age.

(b) Not have ever been convicted of any felony involving violence or intimidation, or the use of firearms or any offense related to the use, control, possession or sale of firearms.

(c) Not be a person prohibited from possessing firearms as provided by Article 265 of the New York State Penal Law.

(4) There shall be at least one range master, firearms instructor or range safety officer for every five shooters.

C. Operation of shooting ranges.

(1) No new shooting range shall be located nearer than 1,000 feet from any entrance to any school, daycare center, church or hospital or in any location which, in the opinion of the Town Board, will result in the annoyance of any nearby resident.

- (2) No gambling, betting or wagering shall be permitted upon the premises.
- (3) No alcoholic beverages shall be possessed or consumed on the premises, and no person under the influence of alcohol, mind-altering drugs, or controlled substances as defined by Article 220 of the New York State Penal Law shall be allowed on the premises.
- (4) Range masters, firearms instructors, range safety officers, and any other employees shall wear a uniform or other distinguishing mark to identify them as employees.
- (5) Access for entrance to the shooting range shall be under continuous control, monitoring and supervision by the operator and/or employees.
- (6) All waste material generated at the range will be managed and timely disposed of in accordance with all federal and state hazardous waste regulations.
- (7) The conduct and operation of any shooting range shall be in compliance with any and all federal, state and/or local laws, rules, codes and/or regulations.
- (8) Firearm types used at shooting ranges are restricted to rifles, shotguns, pistols and similar firearms. The use of bows and crossbows are also permitted. The use of fully automatic firearms and explosives is permitted for official police or military training exercises only.
- (9) The owner / operator of the shooting range shall keep on file with the Town Clerk a current certificate of insurance indicating it has in force and effect general liability insurance coverage with coverage limits of not less than \$1,000,000 per occurrence for bodily injury and death, and not less than \$500,000 for property damage.
- (10) No shooting range shall operate except upon the issuance of a certificate of compliance issued by the Town of Southeast Code Enforcement Officer signifying the issuance of a special permit, and compliance with the provisions of this section. The certificate of compliance must be renewed annually, and may be revoked at any time upon the determination of the determination of the Code Enforcement Officer that the shooting range is being operated in violation of the provisions of the Special Permit or the provisions of this section.

D. Indoor shooting ranges are subject to the following supplementary regulations:

- (1) All doors, gates and entrances leading into that part of the premises between the firing point and the backstop shall be securely locked and alarmed, and no person shall be permitted therein at any time persons are engaged in shooting or have access to the firearms used. Attendants and employees may, however, enter said part of the premises between the firing point and the backstop while shooting is not in progress.
- (2) The shooting range shall be properly and adequately ventilated at all times.

E. Outdoor shooting ranges are subject to the following supplementary regulations:

- (1) Minimum lot size shall be ten (10) acres.
- (2) No part of a shooting range shall be located within 1,000 feet of a property line bordering a commercially zoned property, or 1,320 feet (one-quarter mile) of a property line bordering a residentially zoned property.
- (3) Shooting ranges shall be oriented to take advantage of natural terrain and vegetation, to avoid watercourses and wetlands, to minimize the effects of glare from the sun and to

minimize noise impacts and safety risks to adjoining property owners and those traveling on public roads.

(4) The shooting range shall have a safety fence six feet in height erected around the entire perimeter of the portion of the property where weapons are discharged. A gate shall be erected to permit vehicular entry into the shooting range. The gate must be kept locked at all times the shooting range is not open and under supervision of the owner / operator.

(5) All shooting ranges shall be designed, constructed, maintained and operated in such a manner as to contain all bullets, shot, or other debris on the range facility, and in accordance with the recommendations set forth in the most recent edition of the "NRA Range Source Book" published by the National Rifle Association, and the most recent edition of "Best Management Practices for Lead at Outdoor Shooting Ranges" published by the United States Environmental Protection Agency. Minimum design features shall include, but shall not be limited to:

(a) Adequate backstop

(b) Adequate side berms

(c) Appropriate firing line covers / safety baffles

(6) Shooting shall not occur before 9:00 a.m. Mondays through Saturdays, and no earlier than 10:00 a.m. on Sundays. All shooting shall cease not less than one hour prior to sunset.

(7) Shooting ranges shall be subject to the noise restrictions of Chapter 96, "Noise" of the Code of the Town of Southeast.

(8) Warning signs shall be posted around the entire perimeter of the shooting range in 100 foot intervals, including on the security fence, identifying the premises as a shooting ranges and warning of lethal danger. The size and spacing of all such signs shall be so as to be readily visible to anyone within 100 feet of the range perimeter.

(9) All applications for a special permit to establish or expand a shooting range shall be accompanied by a site plan drawn by a licensed design professional to an appropriate scale which includes the following:

(a) Property lines for any and all parcels upon which the range facility will be located, north arrow, drawn to scale, date, ownership information for the site, and all existing roads and structures within 1,000 feet of the site;

(b) Complete layout of all range facilities, including all buildings, shooting stations and other structures, firing lines, target areas, shot-fall zones or safety fans, backstops, berms and baffles;

(c) Such other information as the Town Board may deem appropriate and relevant to determining compliance with the provisions of this section.

F. Transfer of Special Permit. Shooting range Special Permits shall not be transferred. In the event of any change involving the owner or operator of the business, the type of business, the name of the business or the business location, a new Special Permit shall be required.

G. Severability. Should any section, paragraph, sentence, clause or phrase in this chapter be declared unconstitutional or invalid for any reason, the remainder of this section shall not be

affected thereby and shall remain in full force and effect, and to this end, the provisions of this section are declared to be severable.

SECTION 4. AMENDMENTS TO COMMERCIAL ZONING SCHEDULE

Chapter 138 Attachment 5, "Town of Southeast Commercial Zoning Schedule," is hereby amended, in part to add "Shooting range" as a Special Permit Use in the following zoning districts:

NB
ED
OP-1
OP-2
OP-3
GC
SR-6
HC
SR22
RC

Chapter 138 Attachment 5, "Town of Southeast Commercial Zoning Schedule," is hereby amended, in part as follows:

Note I: In the ~~OP-MU~~ OP-3 Zone, permitted principal uses under special permit, retail/service shall not exceed 5% of the total permitted commercial development area.

Note J: In the ~~OP-MU~~ OP-3 Zone, a floor area ratio of 0.15 shall not be exceeded without a transportation district in place or until the road improvements necessary to accommodate the additional development are made.

Note K: In the ~~OP-MU~~ OP-3 Zone, permitted principal uses, residential use shall not exceed 50% of the total lot area. An open space area, suitably planted and screened, shall be provided on the site consisting of not less than 200 feet between any principal building on a residential lot and any principal building on a commercial lot. Nothing herein shall be deemed to prohibit interior site roads to penetrate such buffer zone.

Note L: In the ~~OP-MU~~ OP-3 Zone, minimum lot size shall be the minimum lot size necessary to qualify for ~~OP-MU~~ OP-3 mixed-use development treatment. In addition, for rezoning purposes, such lot must be currently zoned OP to be considered for rezoning to ~~OP-MU~~ OP-3. Resubdivision of the commercially developed portion of such district shall be governed by the area standards established for OP-3 District. Resubdivision of the residentially developed portions of such district shall be governed by the provisions of the Residence R-20 District of this chapter.

Note O: In the ~~OP-MU~~ OP-3 Zone, parking requirements for office use shall be provided in accordance with § 138-67H.

SECTION 5. VALIDITY

The invalidity of any word, section, clause, paragraph, sentence, part, provision of this Local Law shall not affect the validity of any other part of this Local Law that shall be given effect without such invalid part or parts.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

E#1

**TOWN BOARD
TOWN OF SOUTHEAST, NEW YORK**

**ALKA REALTY, INC.,
d/b/a NORTHWOOD TREE CARE
25 FIELDS LANE
SPECIAL PERMIT REQUEST**

RESOLUTION NO. _____ / 2020

DATE: June 4, 2020

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, Alka Realty Inc. d/b/a NORTHWOOD TREE CARE, owners of premises located at 25 Fields Lane (Tax Map No. 72.-2-73) (the "Subject Premises") has made application to this Town Board for a Special Permit to allow the expansion and reconfiguration of a pre-existing "wood mill" use which, under current zoning, is a Special Permit Use in an OP-1 Zone pursuant to the provisions of Chapter 138 of the Town Code; and

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

WHEREAS, the Town Board is in receipt of a report and recommendation from the Southeast Planning Board dated April 27, 2020 wherein the Planning Board has recommended the grant of the Special Permit on certain conditions and has found that the proposal of Alka Realty, Inc. d/b/a NORTHWOOD TREE CARE, is in compliance with the applicable general and special standards of Article X of Chapter 138 of the Town Code; and

WHEREAS, the Planning Board acting as lead agency pursuant to the State Environmental Quality Review Act ("SEQRA") has adopted a Negative Declaration indicating that the project is not likely to adversely affect the environment; and

WHEREAS, a duly noticed public hearing on the Special Permit application was held by the Town Board on May 21, 2020 and such public hearing was continued for ten (10) days to allow written submissions by interested parties and duly closed on June 1, 2020 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. Provided the stated Special Permit conditions are met, the proposed use is in such a location and is a size and character that it will be in harmony with the appropriate and orderly development of the surrounding districts and will not be detrimental to the immediate site or adjacent properties;

2. The location and size of the proposed use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout, and its relation to access streets will be such that both pedestrian and vehicular traffic to and from the use and the

assembly of persons in connection therewith will not be hazardous;

3. The exterior appearance of the building will not hinder or discourage the development and use of adjacent land and buildings; and

4. The proposed use will not require such additional public facilities or services or create fiscal burdens upon the Town greater than those which characterize uses permitted as of right.

AND BE IT FURTHER

RESOLVED, that based upon the foregoing findings, the Town Board of the Town of Southeast hereby grants a **SPECIAL PERMIT** to allow the Subject Premises to be used and utilized as a "wood mill" use consistent with Statement of Use and proposed Site Development Plans prepared and submitted to the Planning Board in connection with this Project application and incorporated herein by reference, on the following conditions:

1. The applicant shall operate the facility in compliance with all conditions set forth in Article X of the Zoning Code;

2. Raw wood and so-called "first grind" wood piles shall not exceed twenty-five feet (25') in height and processed mulch piles shall not exceed fifteen feet (15') in height;

3. The wood mill operation, including all processing and storage areas, shall not exceed five percent (5%) of the Lot Area of the Subject Premises;

4. Materials, materials processing and equipment shall be located in the Outside Storage Areas designated on drawing sheet *SYI Site Plan - Phase I & II*, prepared by P.W. Scott Engineering and Architecture, P.C., dated March 4, 2020; and

5. Noise producing activities, including chipping, grinding, mulching, and the operation of chain saws, shall occur **ONLY** between the hours of nine o'clock AM (9:00 AM) and three o'clock PM (3:00 PM) Monday through Saturday.

And be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to Alka Realty, Inc. and its agent, PW Scott Engineering and Architecture PC; to the Secretary of the Town of Southeast Planning Board; and to the Southeast Building Department, forthwith.

UPON A ROLL CALL VOTE:

Councilman Alvarez	_____
Councilman Larca	_____
Councilman Lord	_____
Councilman O'Connor	_____
Supervisor Hay	_____

VOTE: carried / defeated by a vote of _____ in favor, _____ against; _____ abstained.

TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF PUTNAM)

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 4th day of June, 2020.

MICHELE STANCATI
Town Clerk

R#2

**TOWN BOARD
TOWN OF SOUTHEAST, NEW YORK
STANDARD WORK DAY and REPORTING RESOLUTION**

RESOLUTION NO. _____ / 2020

DATE: June 4, 2020

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, Regulations of the New York State Comptroller require the adoption of a 'standard work day' by each municipality and imposes additional reporting requirements for elected and appointed officials for membership and service credit in New York State Retirement System.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Southeast hereby establishes the following as the standard work days for elected and appointed officials for 2020 and will report the following days worked to the New York State and Local Employees' Retirement System based upon the record of activities maintained and submitted by these officials to the Town Clerk:

Title	Name	Social Security Number (Last 4 Digits)	Registration Number	Standard Work Day	Term Begins/Ends	Participates In Employer's Time Keeping System (Y/N)	Days/Month (based on Record of activities)	Not Submitted
ELECTED OFFICIALS								
Town Clerk	Michele Stancati	█	38431599	6	01/01/2020-12/31/2023	N	26.00	
Town Board	John O'Connor	█	60562188	6	01/01/2020-12/31/2023	N	11.17	
Town Board	Edwin Alvarez	█	50617935	6	02/02/2020-12/31/2023	N	17.45	
Town Board	Eric Larca	█	61784260	6	01/01/2019-12/31/2022	N	12.10	
Town Board	John Lord	█	62216536	6	01/01/2018-12/31/2022	N	11.56	
Justice	Richard Vercollone	█	33970153	6	01/01/2018-12/31/2022	N	11.18	
Justice	Gregory Folchetti	█	43404763	6	01/01/2018-12/31/2022	N	12.38	
Hwy Supt	Michael Burdick	█	38551073	6	01/01/2020-12/31/2023	N	38.90	
APPOINTED OFFICIALS								
Tax Receiver	Susan Tobacco	█	40015828	7.5	01/01/2017-12/31/2020	Y	NA	
Assessor	Laurie Bell	█	38399937	7.5	10/30/2019-09/30/2025	Y	NA	
Town Attorney	Willis Stephens	█	14686190	6	01/01/2020-12/31/2021	N	25.50	

TOWN BOARD
TOWN OF SOUTHEAST

Resolution ____/2020

UPON A ROLL CALL VOTE:

Councilman Alvarez _____
Councilman Larca _____
Councilman Lord _____
Councilman O'Connor _____
Supervisor Hay _____

VOTE: carried / defeated by a vote of _____ in favor, _____ against; _____ abstained.

TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF PUTNAM)

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 4th day of June, 2020.

MICHELE STANCATI
Town Clerk

R#3

**TOWN BOARD
TOWN OF SOUTHEAST**

**DREW REALTY – LOT 1
FIELDS LANE
ARCHITECTURAL REVIEW BOARD**

RESOLUTION NO. _____ / 2020

Date: June 4, 2020

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, the Town Board is in receipt of a Report of the Architectural Review Board (“ARB”) of the Town Southeast dated May 28, 2020 in connection with the application of Drew Realty, which seeks site plan approval for a Nursery Use (Landscape Supply) to be located on Fields Lane on parts of current Tax Lot # 78.-2-4 and 78.-2-5, including the construction of 10,500 square foot commercial storage building, outside storage and associated site improvements; and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts and approves the Report of the Architectural Review Board dated May 28, 2020 in connection with the application of Drew Realty, which seeks site plan approval for a Nursery Use (Landscape Supply) to be located on Fields Lane on parts of current Tax Lot # 78.-2-4 and 78.-2-5, including the construction of 10,500 square foot commercial storage building, outside storage and associated site improvements (a copy of the ARB Review and Report is annexed hereto and made part hereof) and that such Report shall be incorporated in any final Site Plan subsequently reviewed and approved for this project by the Planning Board.

UPON ROLL CALL VOTE:

Councilman Alvarez _____
Councilman Larca _____
Councilman Lord _____
Councilman O’Connor _____
Supervisor Hay _____

VOTE: carried / defeated by a vote of _____ in favor, _____ against; _____ abstained.

TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF PUTNAM)

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 4th day of June, 2020.

MICHELE STANCATI
Town Clerk

RA#4

**TOWN BOARD
TOWN OF SOUTHEAST**

**RESTAURANT DEPOT
Route 6 / Danbury-Brewster Road
ARCHITECTURAL REVIEW BOARD**

RESOLUTION NO. _____ / 2020

Date: June 4, 2020

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, the Town Board is in receipt of a Report of the Architectural Review Board ("ARB") of the Town Southeast dated May 28, 2020 in connection with the application of Stateline Development, which seeks amended site plan approval for a Large Retail use (Restaurant Depot) to be located on Danbury-Brewster Road on parts of current Tax Map IDs 68.-1-48.1 and 68.-1-48.2, including the construction of 57,500 square foot commercial building, associated site improvements and signage; and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts and approves the Report of the Architectural Review Board dated May 28, 2020 in connection with the application of Stateline Development which seeks amended site plan approval for a Large Retail use (Restaurant Depot) to be located on Danbury-Brewster Road occupying parts of current Tax Map IDs 68.-1-48.1 and 68.-1-48.2, including the construction of 57,500 square foot commercial building, associated site improvements and signage (a copy of the ARB Review and Report is annexed hereto and made part hereof) and that such Report shall be incorporated in any final Site Plan subsequently reviewed and approved for this project by the Planning Board.

UPON ROLL CALL VOTE:

Councilman Alvarez _____
Councilman Larca _____
Councilman Lord _____
Councilman O'Connor _____
Supervisor Hay _____

VOTE: carried / defeated by a vote of _____ in favor, _____ against; _____ abstained.

RHS

**TOWN OF SOUTHEAST, NY
TOWN BOARD RESOLUTION
SEQRA CLASSIFICATION**

INTRODUCED BY: _____ DATE: June 4, 2020
SECONDED BY: _____

WHEREAS, the Town Board of the Town of Southeast is considering a local law which would impose a temporary moratorium on enforcement of certain provisions of Chapter 138 relating to required site plan approvals in certain instances, and to amend Chapters 54 of the Town Code to establish "limited permits" for the establishment of "outdoor seating" for certain qualifying food service establishments on a temporary and limited basis pursuant to standards, rules and limitations provided therein;

WHEREAS, the proposed action involves the option of regulations, policies, procedures and local legislative decisions in connection with the issuance of building permits for temporary outdoor dining areas;

NOW, THEREFORE BE IT RESOLVED, that the Town of Southeast Town Board, pursuant to the State Environmental Quality Review Act (SEQRA) and §617.5(c)(33) finds that the Proposed Action is a Type II Action under SEQRA, and no further environmental review is required.

UPON ROLL CALL VOTE:

E. Alvarez, Councilman _____
E. Larca, Councilman _____
J. Lord, Councilman _____
J. O'Connor, Councilman _____
T. Hay, Supervisor _____

The resolution was _____ by a vote of _____ to _____, with _____ abstentions.

T. Hay, Supervisor
Town of Southeast Town Board

**TOWN BOARD
TOWN OF SOUTHEAST, NEW YORK**

R#6

RESOLUTION ADOPTING LOCAL LAW #5 of 2020

RESOLUTION NO. _____/2020

DATE: June 4, 2020

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, a resolution having been adopted by the Town Board of the Town of Southeast for a public hearing to be held by said Town Board to hear all interested parties on a proposed local law which would amend Chapters 54 and 138 of the Town Code to establish a temporary moratorium on enforcement of certain provisions of the Zoning Code relating to Site Plan approval and to establish a Temporary Outdoor Dining Permit; and

WHEREAS, notice of said public hearing was advertised in an official newspaper of the Town of Southeast in the manner prescribed by law, such public hearing was held on June 4, 2020 and all interested persons were given an opportunity to be heard at that time; and

WHEREAS, it is the sense of this Town Board that the proposed local law will help promote the general health, safety and welfare of the public.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board of the Town of Southeast hereby adopts Local Law No. 5 of 2020 pursuant to the Municipal Home Rule Law amending Chapters 54 and 138 of the Town Code establishing a temporary moratorium on enforcement of certain provisions of the Zoning Code relating to Site Plan approval and to establish a Temporary Outdoor Dining Permit; and be it further

RESOLVED, that the Town Clerk be and hereby is authorized and directed to (a) enter said Local Law in the minutes of this meeting and in the Code Book of the Town of Southeast; and (b) give due notice of the adoption of said local law by filing such with the Secretary of State of New York within the time required by law.

UPON A ROLL CALL VOTE:

Councilman Alvarez _____
Councilman Larca _____
Councilman Lord _____
Councilman O'Connor _____
Supervisor Hay _____

VOTE: carried / defeated by a vote of _____ in favor, _____ against; _____ abstained.

TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF PUTNAM)

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 4th day of June, 2020.

MICHELE STANCATI
Town Clerk

R-16A

Town of Southeast, Putnam County, NY
Local Law No. 5 of 2020

A LOCAL LAW entitled: "A Local Law to Amend Chapter 138 of the Town Code, 'Zoning' and Chapter 54 of the Town Code, 'Building Construction and Fire Prevention'."

Be it enacted by the Town Board of the Town of Southeast, Putnam County, New York, as follows:

SECTION 1. TEMPORARY MORATORIUM ON ENFORCEMENT OF CERTAIN PROVISIONS OF CHAPTER 138 "ZONING"

Enforcement of Section 138-4, "Definitions" relating to the requirement that "temporary structures" as defined in the zoning code in place for more than one (1) month shall be suspended to allow temporary structures erected in connection with temporary Outdoor Dining Permits authorized pursuant to Section 2 of this Local Law to remain in place so long as the temporary Outdoor Dining Permit is in effect.

Enforcement of Section 138-45 "Site plan approval" shall be suspended, in part, and only to the extent that it would permit the temporary establishment of an outdoor seating area for restaurant and related food uses during the COVID-19 pandemic, and while the New York State reopening plan and executive orders are in effect.

The foregoing moratorium on enforcement shall expire the earlier of six (6) months from the effective date hereof; or upon the expiration of the Executive Orders issued by the New York State Governor relating to restrictions on indoor dining in restaurants and food service establishments.

SECTION 2. TEMPORARY PERMITS FOR OUTDOOR DINING

Chapter 54 of the Code of the Town of Southeast entitled "Building Construction and Fire Prevention" is hereby amended to add a new Section 54-12A as follows:

§54-12A. Temporary Permits for Outdoor Dining.

A. Establishment. There is hereby established a Temporary Permit for Outdoor Dining to be administered by the Town Building Department. The purpose of the Temporary Permit is to allow fast casual restaurants, fast-food restaurants, bakeries, delicatessens, ice cream/yogurt parlors and similar types of retail establishments offering food or beverages for onsite consumption (hereinafter referred to collectively as a "food service establishment") in existence on the effective date hereof to establish a temporary outdoor seating area or expand or temporarily expand an outdoor seating area subject to an Outdoor Dining Permit issued by the Town of Southeast Building Inspector pursuant to the following regulations.

B. Regulations.

(1) Term. An Outdoor Dining Permit shall commence upon issuance by the Building Inspector and shall be for a term of no more than six (6) months or may expire earlier upon

the lifting of any Executive Order of the Governor of the State of New York which restricts or prohibits indoor dining in establishments due to the continued Covid-19 Pandemic of 2020. Upon termination of Outdoor Dining Permit, all areas used and utilized for such outdoor dining activities shall be restored to the pre-existing conditions. Failure to comply with such removal and restoration requirements may subject the permittee to fines and penalties as set forth in this Chapter.

(2) Location. Eligible locations for outdoor dining and sidewalk cafes include existing parking lots, decks, patios, terraces, lawn, sidewalks, and gardens which are adjacent to or within a reasonably proximate distance from the food service establishment to allow for safe and efficient service to patrons from the food service establishment.

(3) General operating rules.

- i. No outdoor dining operation can occur without meeting the minimum State standards, as well as applicable federal requirements, including but not limited to such minimum standards of the Americans with Disabilities Act (ADA), Centers for Disease Control (CDC), Environmental Protection Agency (EPA), and the United States Department of Labor's Occupational Safety and Health Administration (OSHA). Outdoor Dining Permit holders shall be required to observe and meet all requirements of the Interim Guidance for Outdoor and Public Take-Out / Deliver Food Service During the Covid-19 Public Health Emergency dated as of June 3, 2020 issued by the New York State Department of Health, as the same may be amended from time to time.
- ii. All outdoor dining operations must meet social distancing requirements and follow all applicable health guidelines and guidance as set forth by the CDC, New York State (including Executive Orders) and Putnam County Department of Health.
- iii. Applicants must provide a floor plan diagram indicating the total square footage of property to be used for the outdoor dining area; the location of all tables and chairs; pedestrian and dining areas; width and length of dining area; fire access; ADA access; the location of any tents or awnings, and permanent obstructions (signs, utility poles, hydrants, etc.).
- iv. Applicants must provide the existing indoor capacity of the food service establishment based on the current certificate of occupancy and/or Putnam County Department of Health approvals. A permit for Outdoor Dining shall not exceed the current occupancy limits of the indoor establishment.
- v. Applicants must provide a parking table that includes the existing and proposed number of parking spaces, number of employees, and proposed number of patron seats. The parking table should also indicate if a designated curbside pickup space is provided.
- vi. Entryways, emergency exits, and fire hydrants shall not be obstructed.
- vii. No outdoor entertainment, music or public address system, nor any other forms of noise generation, shall be permitted within the outdoor dining area.
- viii. No outdoor dining shall be permitted after 9:00 p.m. on weekdays and 10:00 p.m. on Fridays and Saturdays.

- ix. No exterior lighting which unreasonably illuminates beyond the boundaries of the outdoor dining area shall be permitted.
 - x. Where the Outdoor Dining area occupies sidewalks, parking areas or other space which is not owned by the applicant or specifically occupied by the applicant pursuant to a written lease agreement, the applicant shall provide a written, signed and notarized consent of the owner of the property or properties upon which an Outdoor Dining Area is proposed to be operated. If the owner(s) of such area are a different party than the applicant, prior to the issuance of the permit, there shall be an agreement executed by the owner and applicant to defend and save harmless the Town of Southeast, its officers and employees against any loss, liability or damages sustained by any person or to any property as a result of the operation of the Outdoor Dining Area, together with a certificate of insurance issued to both the owner and tenant as insureds and naming the Town, its officers, and employees as additional insureds, in the minimum amount of \$1,000,000 single-limit general liability coverage approved by the Town Attorney.
 - xi. For restaurant operations on a public or private sidewalk, or public right-of-way:
 - (a) Sidewalks fronting the entire property must be in good condition, without violations or illegal encroachments.
 - (b) No permanent structures may be affixed to the sidewalk area used for the Outdoor Dining Area and the area may only be occupied by chairs, tables, benches, umbrellas and planters for the convenience of the patrons. However, the sidewalk area used for the outdoor dining must be marked off and the boundaries of the approved areas clearly delineated by railings, ropes, plants or similar enclosures.
 - (c) Sidewalk clearances must always be sufficient to ensure a pedestrian path free of obstructions. There must be a minimum clearance of four feet from the curb to the sidewalk area used for the Outdoor Dining Area.
 - xii. For restaurant operations in parking lots:
 - (a) The parking lot area used for the outdoor dining must be marked off and the boundaries of the approved areas clearly delineated by railings, ropes, planters or similar enclosures.
 - (b) The dining area must be a safe distance from parked vehicles and vehicular traffic. Distance should be indicated on the floor plan diagram submitted herewith.
 - (c) Walkway clearances must always be sufficient to ensure an accessible path free of obstructions.
 - (d) In shared parking lots (i.e. a shopping center), hours of operation shall be approved by the landlord and shall be based on the current tenant mix but shall not exceed the hours of operation limit set by section (3)(viii) above.
- (4) Insurance requirements. Every business must secure and maintain throughout the term of the Temporary Outdoor Dining Permit liability insurance issued by a company duly

authorized to do business in the State of New York, insuring the business and the Town of Southeast and to hold them harmless from and against any claim, injury, or damage caused or alleged to be caused by or as a result of the construction, operation or use of the outdoor dining area and any structure hereby authorized in the following minimum amounts:

- i. For bodily injury, including death, in the minimum amount of \$100,000 for any one person and the minimum amount of \$300,000 for any one accident; and
- ii. For property damage in the minimum amount of \$25,000. Failure to maintain insurance coverage in the foregoing amounts shall cause the immediate revocation of the permit.
- iii. The permit to operate outdoor dining shall be immediately revoked if the holder of such license fails to maintain the insurance coverage required pursuant to this subsection of the section, except that such license may be reinstated if such holder presents proof satisfactory to the Town Attorney that the required insurance coverage is in full force and effect.

5. Modification / Suspension / Revocation. The Town, through its Code Enforcement and Building Inspector shall have the right, upon inspection of the permit application or the Outdoor Dining Area, to require modifications of the outdoor dining facility and/or to terminate outdoor dining operations if it is determined that such existing conditions present a harm to public health and safety.

SECTION 3. VALIDITY

The invalidity of any word, section, clause, paragraph, sentence, part, provision of this Local Law shall not affect the validity of any other part of this Local Law that shall be given effect without such invalid part or parts.

SECTION 4 EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.