

TOWN OF SOUTHEAST
1360 Route 22, Brewster, New York 10509
Thursday, June 18, 2020
WORK SESSION / REGULAR MEETING 7:00 P.M.

Pledge of Allegiance

Notation of Exits

Turn Off/Put on Vibrate - All Electronic Devices

Present: Supervisor Tony Hay
Councilman John Lord
Councilman Eric Larca - Absent
Councilman John O'Connor
Councilman Edwin Alvarez

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

This meeting took place by videoconferencing, Zoom, and was recorded and posted on the Town of Southeast website. Minutes were taken by Cathy Chiudina.

Present: Supervisor Hay, Councilman Alvarez, Councilman Larca, Councilman Lord, Councilman O'Connor, Town Clerk Michele Stancati, Town Council Willis Stephens

WORK SESSION

Peddling & Soliciting, Article 1, Chapter 103-1 – 103-5

Supervisor Hay: I make a motion to go into the Work Session.

Boardmember O'Connor: Second.

Supervisor Hay: All in favor?

Board: Aye.

Supervisor Hay: The first thing is a discussion on peddling and soliciting, Article 1, Chapter 103-1 through 103-5. Will, a while back, probably about a year ago, we had someone complain about the soliciting law here in the Town of Southeast and we never really formalized anything or set up any kind of a fee schedule or anything to do that. Can we set something up?

Mr. Stephens: Just to give you a little background and certainly for the new member of the Board: a while back, I believe it was when Ruth Mazzei was the Town Clerk, for whatever reason the Town Board adopted a Local Law that prohibited any kind of solicitation in the Town of Southeast except for charities like Boy Scouts and Girls Scouts selling Girl Scout cookies and things like that. For many years it went on without any problems. There was no interest in trying to do soliciting so we thought everything was hunky dory. There was one company, I think they sell pest control services, that became very aggressive in a number of areas of the state and in Connecticut. They hired a law firm out in I think Denver and another firm in Texas and they started challenging Municipality's Codes regarding peddling and soliciting because there was some relatively obscure case law that ruled that the opportunity and ability to solicit is a First Amendment and constitutionally protected...can you guys hear me OK because I keep getting something saying my internet is unstable.

Board: Yes, we can.

Mr. Stephens: In any event, to make a long story short, they sent a demand letter essentially saying if you don't change your Code, we'll sue you. So, I wrote them back and after doing some research I found that they're reasoning was perfectly accurate, looked at some of the cases that they had litigated in Long Island and won, and rather than put ourselves in a position where most certainly this whole process was put into motion to generate fees for a law firm we said we would undertake to first: offer if someone wanted to solicit in the Town of Southeast while we were working on the construct we would allow them to come and register with the Town Clerk and then in the meantime we would adopt a Local Law establishing a licensing mechanism. Well, nobody ever came to the Town of Southeast to seek a permit from the Town Clerk or to register with the Town Clerk so Lynne Eckardt when she was still on the Board and I were working on drafting amendments to the peddling system law to take advantage of the of the other local Town Laws that had been held constitutional and come up with something that would unfortunately give Michele more work to do. One of the things that I also mentioned to the attorneys on the other side was what these people were doing was selling a home improvement service, basically pest control, and it was my opinion and I think it was agreed by the attorneys that were out there that not only would they have to have a local soliciting and peddling permit, they would also have to be licensed by the County Department of Consumer Affairs and I don't believe this group has ever done that and I believe and Councilman Larca could confirm because I know that he had some conversations with constituents who were concerned that this same company was out there knocking on doors. They are, I guess, a high-pressure tactic type of operation. I don't believe they are licensed by the Department of Consumer Affairs so they are violating County Law in doing what they're doing, but in the meantime I think it's appropriate for us to move forward and come up with the appropriate amendment so that if this comes up again so if they do show up in our Town without the proper licensure, we can meaning the Town Code Enforcement as well as the local Sherriff's office can issue them a summons returnable in our Town Court.

Supervisor Hay: OK, so to make the change, do you want to prepare something and then when it's ready we'll schedule a Public Hearing for it?

Mr. Stephens: Yes, I already have it partially drafted and, like I said, Lynne was working on it and as she stepped off the Board it sort of fell between the cracks.

Supervisor Hay: So, we are going to have a Public Hearing on the night of the next meeting, which is July 9; do you want to add it?

Mr. Stephens: I would have it in a forum ready to discuss before that Public Hearing.

Supervisor Hay: OK, so we will have another meeting on it?

Mr. Stephens: If you could schedule it for further discussion for the first July meeting. You can set a Public Hearing for the second July meeting and hopefully we can adopt it in early August.

Supervisor Hay: OK.

Boardmember Larca: Will, I checked with the Village and they have a version of a Peddler's License that they issue so I don't know if we can maybe steal some points from there. I was just curious: how do you determine a price for a permit like this?

Supervisor Hay: It's at least \$1,0000.

Boardmember Larca: Well, I was thinking...

Mr. Stephens: Well, in fact by law it has to be a fee that is reasonably related to the cost of the Town to administer the program.

Supervisor Hay: Oh, Michele?

Mr. Stephens: So it's...

Boardmember Larca: So, the Village for example, they charge \$250 per person for every three months and I guess it has to be per person. They put a picture on here, but I was looking at the size of the Village and the size of the Town and was curious if that would be a method that you could use to determine the fee. So, we're about seven to eight times the size so seven to eight times the opportunity; could we use that for the fee, but from what you're saying it sounds like no.

Mr. Stephens: I don't think that that is a proper analysis to be honest with you.

Boardmember Larca: OK.

Mr. Stephens: The reality is this: you set whatever fee you think you can justify and if someone wants to challenge it, they challenge it. But ultimately if we don't use a rational basis in which to adopt this fee, we would be subject to being arbitrary (inaudible).

Supervisor Hay: I will have to discuss with Michele what effort it would take on her part and come up with a fee.

Mr. Stephens: The other thing that we can take into consideration is if you are going to issue a permit, you probably want to have some sort of a gizmo that would print out a plastic badge or whatever that the person would wear to show that they are in fact a licensed solicitor in the Town of Southeast. One of the things that I would include in the Code is that if a person, homeowner, property owner has a clearly placquered "no solicitation" thing on their driveway or house and this person violates that then that would be a violation of their permit and subject them to fine as well as revocation of their soliciting permit. It's very easy for people who don't want to be solicited to just put up a sign that says "no solicitation." You can get them in any hardware store including ome Depot.

Supervisor Hay: OK.

Boardmember Larca: Thanks Will.

Supervisor Hay: The Recreation Department can make those tags on our behalf so that's possible.

Mr. Stephens: The Recreation Department has the equipment already.

Supervisor Hay: Yes, we make nametags and things of that nature yes, we can do that. OK, I'll have it on for the agenda to start working on the wording and we'll go from there.

Mr. Stephens: Good, good.

Supervisor Hay: OK, I make a motion now to go into the regular portion.

Boardmember Lord: I wanted to ask if we could discuss item 9: setting a public hearing for a Recreation Advisory Board. Can we discuss that or what is that about?

Supervisor Hay: We will discuss it when I set the public hearing. What's it about?

Boardmember Lord: Yeah, well, I know, we're discussing...

Supervisor Hay: It's on the agenda and we'll discuss it when we get to that portion of the agenda.

Boardmember Lord: OK.

Supervisor Hay: We're setting a public hearing. When we get to that item on the agenda, we'll discuss it at that time.

Boardmember Lord: OK, well I would think that it would be good to discuss it in advance so that people could be prepared for questions at the public hearing knowing what we're thinking about doing.

Supervisor Hay: We're going to be doing it at number 9. It's already on the agenda.

Boardmember Lord: OK, thank you.

Supervisor Hay: OK, I make a motion to go into the regular portion of the meeting.

Boardmember Lord: I second.

Supervisor Hay: All in favor?

Board: Aye.

REGULAR SESSION:

Supervisor Hay: I waive the reading of the correspondence and approval of the voucher list: \$664,192.36. So moved.

Boardmember Alvarez: Second.

Supervisor Hay: Discussion? All in favor?

Board: Aye.

Supervisor Hay: Number 3 is budget transfers, waive the reading of the budget transfers, so moved?

Boardmember Lord: I had a question?

Supervisor Hay: Yes?

Boardmember Lord: On the budget transfers, it looked like there were a couple items coming forth for the Highway Department out of the Contingency Fund. Do they have monies in their own budget that should be used or no?

Supervisor Hay: If it comes from the Contingency Fund it was something that was requested but not budgeted; that's the purpose of the Contingency. The answer to that would be no, they did not and that's the purpose of the Contingency.

Boardmember Lord: OK, thank you.

Ms. Stancati: I need a second.

Boardmember Alvarez: I'll second.

Supervisor Hay: All in favor?

Board: Aye.

Supervisor Hay: Setting of meeting dates and public hearings: all meetings will be held at 1360 Route 22 Brewster, NY at 7:00 pm unless otherwise noted. Beginning next meeting, Thursday, July 9, 2020 we will be back to the meeting room here at Town Hall and on Thursday July 23, 2020. Again, there will be social distancing practices and you must wear a mask.

Boardmember Lord: Tie and jacket or no?

Supervisor Hay: Up to you.

Ms. Stancati: A second, I need a second.

Boardmember Larca: Second.

Supervisor Hay: All in favor?

Board: Aye.

Supervisor Hay: Number 5: Resolution Local Law Chapter 54, Section 54-13, Burning Permits. Now, therefore, be it resolved, that the Town Board of the Town of Southeast hereby adopts Local Law Number 6 of 2020 pursuant to the Municipal Home Rule amending Chapter 54 of the Town Code by adding a new section 54-13 entitled "Burning Permits" establishing regulations and procedures for obtaining and open burn permit; and be it further resolved, that the Town Clerk is authorized and directed to (a) enter said Local Law into the minutes of this meeting and in the Code Book of the Town of Southeast; and (b) give due notice of said local law by filing such with the Secretary of State of New York within the time required by law. So moved for discussion.

Boardmember Alvarez: Second.

Supervisor Hay: Discussion.

Boardmember Lord: I had a question on number f and notification. It looks like we have to notify them eight hours in advance of starting the burning?

Mr. Stephens: Yes.

Boardmember Lord: That's strange because I've always called them...

Mr. Stephens: It's standard procedure, it's done currently. It's always been the procedure when you're issued a burning permit you have to notify the Office of Emergency Services by telephone.

Boardmember Lord: Yes, I've always notified them like minutes before I start and they've always said 'OK, go ahead' so I've been in violation of the Code or I will be in the future if I do that?

Mr. Stephens: It would be better off if you did it within 8 hours before.

Boardmember Lord: OK, so...

Mr. Stephens: That way they would have a record.

Boardmember Lord: OK, so the officers shouldn't really be telling me to go ahead. Anyway, OK, in the future I will call eight hours in advance. Thank you.

Supervisor Hay: Should we change it, Will, to an hour? We can make an amendment to it.

Mr. Stephens: If that's what you wish to do.

Supervisor Hay: I think an hour would be sufficient.

Boardmember Lord: Every time I've called, they've said 'yeah, go ahead. Just call us as soon as you're finished doing it for the day.'

Supervisor Hay: OK, I'm going to make a motion to amend the eight to one, one hour. Is there a second on the motion?

Boardmember Lord: I'll second.

Supervisor Hay: All in favor of the change?

Board: Aye.

Supervisor Hay: All in favor of the resolution with the change?

Board: Aye.

Supervisor Hay: OK, so moved.

Boardmember Lord: Thank you.

Supervisor Hay: OK, Resolution number 6: Final Site Plan, Special Permit and Wetland Permit Approval for Stateline Retail Center and Restaurant Depot. Now it's a 20-page document and I'm not beginning to read it. So, here's what we're going to do: it's a Final Site Plan, Special Permit and Wetland Permit approval again for Stateline Retail Center and Restaurant Depot. Briefly, they have numerous pages of everything that they are required to do and let me read the resolve clauses.

Mr. Stephens: Tony, the resolve pages are about 4 or 5 pages themselves. Maybe it would be best to have Ashley give us a synopsis of what the resolution provides and then you can waive the reading of the resolution and take a vote.

Supervisor Hay: OK, Ashley, you're on.

Ms. Ley: There is the resolution of granting the Wetland Permit approval subject to the Conditions that were specified in the Wetland Inspector's memorandum dated May 5, 2020. It also grants Special Permit approval and outlines in detail how this project complies with the Special Permit criteria for a large retail

center. It also grants Final Site Plan approval subject to the standard terms and conditions that we typically include in all Site Plan approval resolutions. It also carries forward some of the Conditions that were part of the original Stateline Retail Center project. Most specifically that there would be a community facility space when Lot 3 is developed in the future. One thing that I do want to point out is that this is only granting Site Plan approval for Lot 2. The Planning Board just approved the subdivision of the property into three lots. Lot 1 and Lot 3 would be subject to their own site plan approval, which they would have to come back for at a future date.

Supervisor Hay: Any questions from anyone? This will be posted on the webpage so anyone that wants to read the full detail of it, it will be posted there. So, I'm going to make a motion to accept and not read into the record as explained by Ms. Ashley Ley.

Boardmember Lord: I had a question, you said something about recreation area when Lot 3 is.

Ms. Ley: So, the original Stateline Retail Center project included a small community facility space. It was anticipated that it was going to be community meeting room and that was going to be in the second floor of the retail center. So, the conceptual site plan for Lot 3 has that retail center on Lot 3 so this carries forward the requirement that that use be included in some way in Lot 3.

Boardmember Lord: Oh, good, thanks.

Supervisor Hay: I'll make a motion.

Boardmember O'Connor: Second.

Supervisor Hay: Discussion. All in favor?

Board: Aye.

Supervisor Hay: OK, Resolution Number 7: authorize additional expenditure to purchase additional highway equipment steep slope mower. Now, therefore, be it resolved, that the Town Highway Superintendent is hereby authorized to expend an amount not to exceed twenty seven (\$27,000) dollars to purchase a steep slope mower; and be it further resolved, that if the Southeast Superintendent of Highways requires any additional funding above the amount allotted, he will need further authorization by the Town Board to make such expenditure. As it is explained in the resolution, it's part of the EOHWC regulation that we have to maintain these sites and we have quite a few steep sites, especially now in Brewster Heights with the last project to come online. The Town is required to do operation and maintenance and once we put Brewster Heights online that is an extremely steep slope and we need that tractor mainly for that, but the other sites as well. I'll move it for discussion.

Boardmember Alvarez: Second.

Supervisor Hay: Discussion. All in favor?

Board: Aye.

Supervisor Hay: Number 8: Resolution to authorize an additional expenditure for the purchase of highway equipment, a small dump truck. Now, therefore be it, resolved, that the Town Highway Superintendent is authorized to expend the monies as described above to purchase a replacement for the Chevrolet 3500 small dump truck; and be it further resolved, that if the Southeast Superintendent of Highways requires any additional funds above \$5,000 to complete this purchase as identified above, he will need further authorization by the Town Board to make such expenditure; and be it further resolved,

that this resolution shall take effect immediately. Now as explained above: the vehicle cost is \$57,712.70. The Town Highway Department had a surplus highway equipment sale where they obtained \$37,145, so that money will be used to offset that leaves about a \$20,000 difference and there are two small trucks that they're going to put out to auction as well, which Mike believes he will get between \$15,000 to \$20,000 and that's where he came up with the \$5,000. The low side would be \$5,000 and the high side we might make a couple pennies in the deal. I move for discussion.

Boardmember Larca: Second.

Supervisor Hay: Discussion. All in favor?

Board: Aye.

Supervisor Hay: Next is going to be to make a motion to have a public hearing on the Recreation Advisory Board. As you know, it has been brought in a few times in the past month or so about a Rec Advisory Board. Well, I looked at the history of it and I'll put this in writing; Will you will have to tell me if we have to put the entire thing I write up in the record. Here is the bottom line: in 1988 the Town of Southeast had a Rec Advisory Board, February 18, 1988. There has always been confusion about the Board, how it acted, who has authority. Actually at one point it had more authority than the Town Board. In 1992 there was some activity. The last time there was any activity with this advisory board goes back to 2008 so it was pretty much dormant from 1995 to 2006. In 2007 and 2008 they listed some of the accomplishments in the past and it has been dormant since 2008. So, at this point in time I don't think there is a need for a Rec Advisory Board anymore. We have a recreation department. We are not going to be obtaining any more lands per se. If it is Open Space, it's Open Space; it's not necessarily Rec to do walking trails and things of that nature. We don't need a board to advise us on that and at this point in time this board has proven not to be essential as it had been maybe in the past in 1988 and times have changed. John?

Boardmember Lord: I didn't recall talking about it in the past.

Supervisor Hay: It has been brought to our attention the last couple times that we didn't ask the Rec Advisory Board and people want certain things to go out to public referendum.

Boardmember Lord: Understood, I heard that.

Supervisor Hay: This Board is pretty non-essential.

Boardmember Lord: And what would the make-up of the board be? How has it been in the past?

Supervisor Hay: Volunteers like any other board we have.

Boardmember Lord: OK.

Supervisor Hay: But there has been no activity now for over 12 years.

Boardmember Larca: Was this board responsible for purchasing the Open Space?

Supervisor Hay: No, absolutely nothing, no.

Boardmember Larca: OK.

Supervisor Hay: The board wanted to put up a big building, I think it was like \$17 million dollars.

Boardmember Larca: The Rec building on Independent Way.

Supervisor Hay: Somewhere, yes. That's about the last time, it wasn't even done as a board, but that's about the last time any kind of conversation about anything big coming in for recreation.

Boardmember Lord: So, it wouldn't be something where we would be looking to them to help us make policy for use of Lakeview or Tonetta Lake Park or anything?

Supervisor Hay: No, that's what we have a Town Board for. We can make a policy. And, at one point in time like I said, this board had more authority than the Town Board believe it or not.

Mr. Stephens: Just for the record, this public hearing is being set to consider a Local Law to repeal Chapter 28 of the Town Code, in which the Parks and Recreation Advisory Board is codified.

Boardmember Alvarez: I'm sorry what was that? To appeal?

Mr. Stephens: Repeal.

Supervisor Hay: Mainly because it's been dormant. I will make a motion that we set the Public Hearing for July 9, 2020.

Boardmember Alvarez: I'll second.

Supervisor Hay: John, did you have something?

Boardmember Lord: No, I just didn't know where we were going to with this. Thank you, now I understand, thank you.

Supervisor Hay: All in favor?

Board: Aye.

Supervisor Hay: Supervisor's report: As good or bad as things may or may not be, we can't tell much of anything right at the moment. All I know is the rec fees are down substantially because recreation is not there. We are going to open the parks on Friday. When we say the parks, I'm telling you right now, no equipment will be used that requires any kind of touching. If you have a slide it will not be open. You will basically be able to go there and toss around a football, walk, job that type of thing. The gates will be open so people can walk around the circle, but none of the equipment will be used. John, you want to say something?

Boardmember Lord: Yes, I was driving past Markel Park today and in the parking lot, it looked like the basketball hoops, the ones that are portable were facedown. I was wondering if that was vandal or if that was our...

Supervisor Hay: Anything we can do to stop the use of them. Those are going to be there because the Town is going to have a camp once the Governor says we can have the camp, they're going to have a camp. Those portable ones are going to be used for that camp because there are some little kids and things of that nature, but that will be organized, people will have to sign waivers, but for the general public to go in and start going on swings and slides there is no way this Town or probably any Town has the capability to every time someone slides down the slide to go there and wipe it down. It would be cost-prohibitive. So, we're going to open the park and people can do the best they can; ride a bike, throw a frisbee, whatever, but that's not something we provide. Everyone that comes in and rents any of our fields will be required to sign a waiver as well, making them aware of COVID, they have to practice social distancing, and they'll be made aware of that.

Boardmember Lord: Will the bathrooms be open?

Supervisor Hay: Of course.

Boardmember Lord: OK, so we'll have to maintain those.

Supervisor Hay: Yes and they will be maintained, but not every time someone goes in. We're not going to have a policeman there or anybody. There is just no way physically possible and if that's it then we'll have to close it. If someone thinks that we have to do that, it's very difficult, it is really very difficult. So, that's one. The revenues there are down a bunch. We had a bunch of camps that were supposed to have taken place this year and a lot of people paid in advance for it. We had to refund them the money. The next revenue source for the Town is the parking up at Southeast Station. They have not been using the lot there since March 17 or 15. It has been closed down. Permits have been like dormant. A few people have asked for refunds and we had to accommodate them. The third biggest source of revenues is the courts; they have not been open for well over three months now, generating very little. So, that's going to be probably our biggest hit. Courts will be the biggest hit because we're still paying employees even though they're not generating the revenues they would normally because courts are closed. The Building Department fees are down; people are building but not as much as they usually do. So, many of our lines that we have generating for revenues; it's not happening. So, I can't give you good numbers, all I can tell you is it's going to be very challenging come July and August when we put the budget together to make it work, but we're doing everything. We're taking all kinds of precautions now. Our expenditures: we've always watched every penny right guys?

Board: Yes.

Supervisor Hay: They have to come to me to spend \$100 so it's not quite every penny but if it's \$100 or more they have to come to me and it's really worked well since I've been here. I know when I got here, they bought whatever they wanted; now there's a system to it. Someone needs a chair we got two chairs right over there. If it works, they use them. So, we're doing everything humanly possible to reserve and conserve any monies. We do have to continue to work. We're buying equipment, but the Highway Department has to keep going. We have still have drainage problems. Life will still go on, but it's going to be a little bit challenging when the budget comes this year and I hope to bring it in like we have in the past and keep it at the tax cap. That's my goal and I'm sharing with you guys and we'll have to sharpen our pencils. So, at any rate, everyone is back to work now. Things are good but the revenues are down, but it's not just us. Unfortunately we don't get sales tax, but if we had sales tax, we'd have probably an even bigger hit. Things are progressing a little bit. More people are coming into Town Hall. I know Michelle continues to marry people, but there's not much money in marriage believe me. At any rate, we're doing the best we can. The report is so-so but I can't give you really good numbers because they're just not there and it's almost July so in another month I have to really start cracking, but the numbers are really not good right now, but we'll do what we can. Next is a motion to set a Public Hearing for Thursday July 9 for Barrett Hill, it's a Special Permit. They're coming back in. They have the well dug and they're ready to go for round two of that Special Permit. I'll make the motion to set the Public Hearing, is there a second?

Boardmember Alvarez: I'll second.

Supervisor Hay: Discussion. All in favor?

Board: Aye.

Supervisor Hay: OK, I'll take comments from the Town Board. By the way, there was no public comment that came in before 6:00 this evening so we'll listen to the Town Board and wrap it up.

Boardmember Alvarez: The only thing I want to say aside from wishing a happy 4th is with the fireworks for this year we're not going to host them in July like we normally do, we're moving the event if we can depending on how it goes with social distancing and money etc., we're going to try to reschedule them to August 22 so that we can celebrate the Southeast Brewster Fire Department's 150th Anniversary as well as celebrate essential workers and healthcare workers and all that. I'll keep everyone up to date as the time goes by because I won't know what's going to happen with the summer and monies and it may happen that in August, I have to just cancel the event completely.

Supervisor Hay: Edwin, with the vendor, are they making special exceptions this year to the rule about...

Boardmember Alvarez: They've been working with us. They weren't going to penalize me, if anything they were just going to roll over the money for next year. We're trying to renegotiate if we have it on the 22, because obviously it's not the 4th, so we're just trying to see what we can do but there are no guarantees yet that it's going to happen. Right now we're hoping that things move forward and we can have it on August 22.

Supervisor Hay: OK, have you already paid them the deposit on a date?

Boardmember Alvarez: Yes.

Supervisor Hay: It's a moving date.

Boardmember Alvarez: It's a moving date. I think we've invested \$1200 at this moment in time. Not that I want to lose my money, if it did it's not the whole kit and kaboodle.

Boardmember Larca: And that's not Town money, just to clarify.

Boardmember Alvarez: Correct, it's not Town money.

Supervisor Hay: Anyone else have any comments?

Boardmember Larca: Yes, I was just going to say congratulations to the Class of 2020, they are graduating right now. They have a parade going and a ceremony so good luck to them. I attended the Village meeting last night and they were putting together some proclamations for local businesses that stayed open during COVID, which I thought was a great idea, but I started thinking about the Town and thought there may be too many to do that because I know some stayed open. So, I was just going to recognize a local business, Palmer Brother's Hardware, who has been delivering stuff to my house, thank you.

Boardmember Lord: I was up at the Town Beach today and everything looks really good. The remedies that you came up with for keeping the geese and off the sand seems to be working and it was pretty cool. As you mentioned, we're not allowing people to use playground equipment so there was netting around those things. There were probably 20-30 people up there so it's being used, it's great.

Supervisor Hay: There is a maximum right now of 75 people and we've met that goal the last 2 weekends; we've had to turn people away but it is what it is. Most people are kind of understanding so it's been working well. Patty and Cathy have always done an amazing job, for two people running a

recreation department the way they do and if I had Cathy's energy, I would be superman. Any other ones?

Boardmember O'Connor: Yes, I know it happened well over a month ago at this point, but I want to thank New York State Department of Transportation for taking care of Route 22 from Westchester County line up to the Village. It's smooth as glass now compared to what it used to be; it used to be like the surface of the moon in some places, so that's a great thing. Also, we're looking forward to going to Phase 3 unless anything else happens this Tuesday the 23rd. I'm also happy to see that some of the restaurants took the initiative to do the open dining outside such as Kelly's on Route 22 and 312. I'm sure there are a couple other places that I haven't come across yet that went through our permit process but I'm glad we made that happen for our businesses in the Town so they could at least start competing with our nearby neighbors to the east that seem to be a little further along in the reopening phase. That's all I have to say and of course everyone have a wonderful Independence Day.

Supervisor Hay: Now I have three quick public items to address. I guess the most important one: Welfare Road will be closed on July 6 and will remain closed until approximately the end of August. The culvert there has to be replaced. The Town got a grant about two years ago and we have to get it done this year or the grant runs out so Welfare Road so Mike Burdick will be putting up numerous signs. He tells me how many signs we have to put up, but everyone is going to know about it. July 6 it will be closed hopefully until the end of August as they have to do it when the school buses aren't running. It's long overdue. The second item: we have an open position now in the ARB. Unfortunately one of the people on the ARB, our Chairman, has decided to move from the area and will not be in the Town anymore so she could not sit on the board. We appreciate everything that she did. It's being advertised in the local paper as well as on the website. One last thing: Donna Reya and Aida Pardini; if you'll notice out by the flagpole, we have some pretty flowers. Those people come up here on Sunday when I'm here, on Saturday when I'm here, they came here today. They are out there on their hands and knees picking weeds, planting flowers and watering. Last year they were watering and I asked where they got the water from and they said they brought it from home because we didn't have a hose so I got them a hose immediately. They really do a great job so that's the Brewster Carmel Garden Club. These two people have chosen this area and they take care of what's in front of the train station in Brewster, but I want to recognize them because those two people do a really good job. They come here twice maybe three times a week and they put a lot of time and effort in. To everyone, enjoy your 4th of July, be safe.

Boardmember Lord: Sorry, I just want to recognize one other thing: there was a vigil last Friday, a Black Lives Matter Vigil last week and it was very peaceful, it was well attended, and the police forces that were monitoring it – the Village Police, State Police, and Sherriff's Department and I think they also had assistance from the Kent Police. They managed it very well. The march actually went through the Town. It went up Peaceable Hill, down Crosby Avenue, and back into the Village. It was very good and just wanted to recognize the Village and the peaceful protesters.

Supervisor Hay: OK, anyone else? I'll entertain a motion.

Boardmember Alvarez: I'll make a motion to close tonight's meeting.

Supervisor Hay: Is there a second?

Boardmember Larca: Second.

Supervisor Hay: All in favor?

Board: Aye.

Supervisor Hay: Have a good evening.

July 16, 2020/CAC

THE FULL ZOOM RECORDING OF THIS MEETING IS AVAILABLE AT:

<http://www.southeast-ny.gov/370/Town-Board-Zoom-Meeting-Videos-Starting->

CORRESPONDENCE

Correspondence Received

1. Acord Certificate of Liability Insurance to TOSE Re: TarHeel Roofing
2. Acord Certificate of Liability Insurance to TOSE Re: Burke Electrical Contractors Inc.
3. Acord Certificate of Liability Insurance to TOSE Re: Metro RF Services, Inc.
4. Brown & Brown to Supervisor Hay Re: Inland Marine Policy
5. HWY CLOUD to TOSE Re: Request to be Added to Vendor List
6. Paul Jonke, PC Legislature to John Lord, TB Member Re: Response to Email
7. Village of Brewster Board of Trustees to TOSE Re: Communication of Demonstration/Vigil
8. CSEA to Supervisor Hay Re: Employee Benefit Fund
9. Energy Cooperative of America to TOSE Re: Electric Base Agreement
10. Acord Certificate of Liability Insurance to TOSE Re: Sterling Environmental Engineering PC
11. Town of Patterson to TOSE Re: Reopening of Town Hall
12. Insite to TOSE Re: Stateline-Subdivision Site Plan, Special Permit Re-Approval
13. Acord Certificate of Liability Insurance to TOSE Re: Village of Brewster
14. Superintendent of Highway, M. Burdick to Supervisor Hay & TB Re: New Truck Purchase
15. Superintendent of Highway, M. Burdick to Supervisor Hay & TB Re: Request to Purchase Steep Slope Mower
16. NYS Dept. of Taxation & Finance/Office of Real Property Tax Services to Supervisor Hay Re: Certificate of the Final State Equalization Rate for the 2020 Assessment Roll
17. Comcast to TOSE Re: Update Regarding Price Changes
18. Putnam County Board of Elections to Town Clerk Re: Laminated Sign Posting on 6-23-2020
19. US Dept. of Justice Office of US Trustee District of Delaware to TOSE Re: Notice of Ch. 11 Bankruptcy Case-Hertz Corporation
20. Federated Insurance to TOSE Re: Burke Electrical Contractors
21. Supervisor Hay to Westchester Broadway Theatre Re: TOSE Refund(s) for Southeast Seniors

FOILS

- Lauren Camerino to Bldg. Dept. Re: All Building Records-1 North Road
- Andres Gil to Bldg. Dept. Re: Survey of Property-117 North Brewster Rd.
- Joanne Monteleone to Bldg. Dept. Re: All Building Records-84 Vails Lake Shore Drive

- Anthony Spadavecchia to Bldg. Dept Re: All Building Records, Supply Wells, Environmental Contamination Issues, On-site Fuel Tanks, & Any On-site Structures-26-32 Prospect Street & 1 Garden Street
- Cynthia Haas to Bldg. Dept. Re: All Building Records- 139 Cobb Road
- Lauren Camerino to Bldg. Dept. Re: All Building Records-606 Bentley Court
- Joseph Kenna to Bldg. Dept. Re: All Building Records-188 Joe's Hill Rd.
- Ashley Spahn to Bldg. Dept. Re: All Building Records-63 Knox Rd.
- Luke Joachim to Bldg. Dept. Re: All Building Records-174 Route 22
- Angela McGoorty to Bldg. Dept. Re: All Employee Records-Angela McGoorty
- Thomas O'Brien to Bldg. Dept. Re: Building & Plumbing Permits-3711-3751 Danbury Rd.
- Jerzy Myslinski to Bldg. Dept. Re: All Building Records & Any Violations Pertaining to Stop Orders
- Stephanie Fox to Bldg. Dept. Re: Existing Deck, Garage Drawings & Survey-44 Panorama Drive
- Nick Terrana to Bldg. Dept. Re: Request for Digital Copy of Blueprints-1545 Route 22
- Susan Wilson to Bldg. Dept. Re: All Building Records-150 Starr Ridge Road
- Diane Dolinsky-Pickar to Bldg. Dept. Re: Survey-176 Turk Hill Rd.
- Nina Collins to Bldg. Dept. Re: All Records of Property- Big Elm Rd.
- Greg McKenzie to Bldg. Dept. Re: Open & Active Building Permits, Stop Work Orders, & Any Zoning Issues on Existing Structure
- Joseph Lombardi to Bldg. Dept. Re: C of O's & Survey-23 Bloomer Road
- Kate O'Keefe to Bldg. Dept. Re: All Building Records-26 Brewster Woods
- Thomas Buschman to Bldg. Dept. Re: Survey & C of O-23 Bloomer Road
- Jeffrey Redfield to Bldg. Dept. Re: Copy of Survey-284 & 300 Foggintown Road
- Nicholas Santana to Bldg. Dept. Re: All Permits-64 Pumphouse Rd.
- David Ettari to Bldg. Dept. Re: All Building Records & Septic Information-188 Joe's Hill Rd.
- Martha Plascencia to Bldg. Dept. Re: All Building Records-2 Bridge Lane
- Alba Illescas to Bldg. Dept. Re: All Building Records, Septic & Survey-174 Route 22
- Takami Dunn to Bldg. Dept. Re: Septic Location-85 Welfare Rd.
- Lisa LaGuardia-Tremblay to Bldg. Dept. Re: All Building Records-60 Bloomer Rd.
- Heather Duffelmeyer to Bldg. Dept. Re: All Building Records-
- Donna O'Connell to Bldg. Dept. Re: All Building Records-161 Maple Road
- Jason Kennedy to Bldg. Dept. Re: Survey, Drainage & Runoff Control Plans-27 Maple Drive
- Danielle Edwards to Superintendent of Highway M. Burdick Re: Access to Paper Maps, Text Files, Arcview Shapefiles, Adobe Files, AutoCAD Files or Any Other Format Detailing Legal & Restricted Truck Routes in Southeast
- Pam Blecket to Bldg. Dept. Re: All Building Records-902 Village Drive
- Lauren Camerino to Bldg. Dept. Re: All Building Records, Survey, & Septic Info-9 Ailish Lane
- Phil Risi to Bldg. Dept. Re: All Building Records, Violations & Survery-28 North Brewster Road
- Jayson Scott to Bldg. Dept Re: Elevator Records-46 Mt. Ebo Road North
- Lauren Camerino to Bldg. Dept. Re: C/O's & Bldg. Permits-1504 Eagles Ridge Road
- Vera Karaqi to Bldg. Dept. Re: C/O for Basement & Families in House-14 Birch Drive
- Debbie Cuiffo to Bldg. Dept. Re: All Building Records & Surveys-64 Pumphouse Rd.
- Krista Brady to Bldg. Dept. Re: All Building Records, Surveys & Property Card-11 Andrea Dr.
- Ken Kauffman to Bldg. Dept. Re: All Building Records-76 Friendly Road
- George Ennabe to Bldg. Dept. Re: C/O's-2304 Village Drive

Email

1. Supervisor Hay to Highway Superintendent Burdick & TB Re: 2020 NYSEG Tree Trimming
2. Annmarie Milano, Clerk to Justice Southeast Town Court to Supervisor Hay, Town Clerk (TC), TOSE Tax Receiver & Accounting Re: Tickets and Pleas
3. Art Carlson to Supervisor Hay & Town Board (TB) Re: No Water
4. M. Levine, Bldg. Dept. to Supervisor Hay, Town Attorney (TA), Erica Larca Re: Information on 4 Sodom Lane South
5. Eric Larca, TB to Brewster Mayor Jim Schoenig & TB Re: 29 Oak Street
6. Sarah Barnes to TC Re: Brewster High School Graduation Celebration
7. Victoria Desidero to TC & Michael Kopansky Re: NYSEG Line 803 Bond
8. TC to Safeguard Re: Safety Paper
9. Supervisor Hay to M. Skane, Comcast Re: Hanging Cable Wire-37 Elmwood Drive
10. Resident to Supervisor Hay Re: ATV
11. Resident to TC Re: Handicap Permit
12. Justice Folchetti to Supervisor Hay Re: Contact Tracers
13. General Code LLC to TC Re: Payment Reminder
14. Mary Beth Sullivan, General Code to TC Re: Supplement Shipment Shipped
15. Resident to Supervisor Hay, Michael Levine, TB & TOSE Re: Complaint/Concerns-160 Triton Farm Way
16. Supervisor Hay to Highway Superintendent Burdick, M. Levine, Bldg. Dept. TB, & Paul Jonke PC Legislator Re: Unleashed Dogs on Old Milltown Road & Request for Signage
17. Requests for Marriages to TC Re: Marriage License Appointment
18. Request for Copy Marriage License to TC Re: Copy of Marriage License
19. Bettina Aguilar to TC Re: Survey
20. Lisa DeRose to Supervisor Hay Re: DeRose Property Follow-Up
21. Lois D'Uva to TC Re: 241 Fields Lane Reinspection
22. Resident to Supervisor Hay & TB Re: Request to Rent Lakeview Manor
23. Resident to Supervisor Hay Re: Removal of Deer Carcass off of Train Tracks
24. Resident to TC Re: Burn Permit
25. PW Scott to Supervisor Hay Re: 25 Fields Lane Application-NYSDEC Mulch Regulations
26. Resident to Laurie Bell, Town Assessor Re: Property Taxes
27. Willis Stephens, TA to Legals at Putnam Press Re: Public Notice-Outdoor Dining
28. Michael Levine, Bldg. Dept. to TC Re: Alarm System Compliance
29. Business Owner TOSE to Supervisor Hay Re: Upcoming Phases of Businesses Being Allowed to Open
30. Laurie Bell, Town Assessor to Victor Karlsen, Brewster Central School District Re: Resident Ballots for School Vote
31. PC Resident to Supervisor Hay, PC & Jim Schoenig, Mayor of Brewster Re: Flags
32. John Lord, TB to TC & Victoria Desidero, PB Re: Open Space on Pugsley Road/Fields Corner
33. R. Cullen to TB, Putnam County Sheriff & BCSD BOE Re: Brewster School SRO's
34. TC to Richard O'Rourke Re: Parkland Alienation Resolution and Home Rule Request
35. NYS DOT to TC Re: Permit Jurisdiction Review-Replacement/Repair of Guardrails I-84 in Southeast
36. PC Board of Elections to TC Re: Signage Request on 6/23/2020
37. Willis Stephens, TA to Mezza Luna, & Bldg. Dept. Re: Site Map
38. NYSEG to Supervisor Hay & TB Re: NYSEG to Resume Work Delayed by COVID-19

39. Supervisor Hay to All Employees Re: Back to Work Fulltime
40. Restaurant Owner to Bldg. Dept. Re: Use of Parking Lots for Outdoor Dining
41. Willis Stephens, Town Attorney to Supervisor Hay, TB & TOSE Re: List of Southeast Restaurants

Correspondence Sent

1. Thomas LaPerch, TOSE Planning Board to ARB Re: Las Mananitas
2. Thomas LaPerch, TOSE Planning Board to Putnam County Division of Planning & Development Re: Home Depot
3. Michael Levine to Property Owner Re: NOV/OTR-116 Cobb Road
4. Michael Levine to Property Owner Re: NOV/OTR-4 Sodom Lane
5. Supervisor Hay to Richard Williams, President of EOHWC Re: Purchase Mowing Tractor
6. Supervisor Hay to All TOSE Employees Re: Contact Tracing Volunteers
7. Gerald Schramek to Property Owner Re: NOV/OTR Re: 399 Brewster Hill Rd
8. Gerald Schramek to Property Owner Re: NOV/OTR Re: 137 Overlook Drive
9. TOSE to Peder Scott & Associates Re: Escrow Account-Northwood Tree
10. TOSE to James J. Hahn Engineering Re: Escrow Account-Wellington II Dev
11. TOSE to Bibbo Associates Re: Escrow Account-Alfacor LLC
12. TOSE to Daniel Richmond, Esq., Zarin & Steinmetz Re: Escrow Account-Commercial Campus at Fields Corner p/k/a Northeast Interstate Logistics
13. TOSE to J.R. Folchetti & Associates Re: Escrow Account-Palmer Site Plan
14. Supervisor Hay to Village of Brewster Planning Board Re: Longview School-571 Main St.
15. Michael Levine to Property Owner Re: NOV/OTR-56 Locust Dr.

RESOLUTION NO. 36 /2020 RESOLUTION ADOPTING LOCAL LAW #6 of 2020

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

WHEREAS, a resolution having been adopted by the Town Board of the Town of Southeast for a public hearing to be held by said Town Board to hear all interested parties on a proposed local law which would amend Chapter 54 of the Town Code to codify the requirements for obtaining a burning 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

(the “Project Site”). The proposed project requires subdivision approval from the Planning Board, and Site Plan, Wetland Permit, and Special Permit from the Town Board; and

WHEREAS, the Town of Southeast Town Board (the “Town Board”) is in receipt of the following drawings, prepared by Insite Engineering, Surveying, & Landscape Architecture, PC, related to the Site Plan, Special Permit, and Wetland Permit application:

Drawing No. & Title	Last Revised
SMP-1 Site Master Plan	6/10/2020
EX-1 Existing Conditions Plan	6/10/2020
SP-1.1 Proposed Layout & Landscape Plan	6/10/2020
SP-1.2 Proposed Layout & Landscape Plan	6/10/2020
SP-2 Proposed Grading & Utilities Plan	6/10/2020
SP-3 Proposed Erosion Control Plan	6/10/2020
SP-4 Proposed Site Plan	6/10/2020
LP-1 Proposed Lighting Plan	6/10/2020
VMP-1 Vehicle Maneuvering Plan	6/10/2020
PR-1 Road Profiles	6/10/2020
D-1 Details	6/10/2020
D-2 Details	6/10/2020
D-3 Details	6/10/2020
D-4 SSTS Details	6/10/2020
Final Subdivision Plat	6/10/2020

; and,

WHEREAS, the Town Board is in receipt of the following drawings, prepared by ADA Architects, Inc., related to the related to the Site Plan, Special Permit, and Wetland Permit application:

Drawing No. & Title	Last Revised
EL-2b Preliminary Elevations	5/27/2020
SK-5c Preliminary Fixture Plan	12/9/2019
Rendering	5/07/2020
Rendering	5/22/2020

; and,

WHEREAS, the Town Board is in receipt of the following documents related to the related to the Site Plan, Special Permit, and Wetland Permit application:

1. Full Environmental Assessment Form (FEAF), drafted by Jeffrey J. Contelmo, PE, dated 1/17/20
2. Traffic Assessment Memorandum, prepared by Maser Consulting, P.A., 12/9/2019
3. Traffic Response and Report, prepared by Maser Consulting, P.A., dated 01/30/2020
4. Traffic Response and Report, prepared by Maser Consulting, P.A., dated 02/28/2020
5. Revised Traffic Assessment Memorandum, prepared by Maser Consulting, P.A., dated 3/11/2020
6. Amended Stormwater Pollution Prevention Plan (ASWPPP), prepared by Insite Engineering, Surveying, and Landscape Architecture P.C., dated 02/03/2020
7. Envisor Equipment Screen Specification Data (6 pages), prepared by Cityscapes Inc.
8. Letter from Mary McCullough, SEQRA – HWP Unit, NYSDOT Region 8, to Chairman LaPerch, dated 3/11/2020
9. Memorandum from AKRF, Inc., to the Planning Board, dated 4/8/2020
10. Letter from Joseph Dillon, PE, to the Planning Board, dated 4/6/2020
11. Memorandum from Stephen Coleman, Town Wetland Inspector, to the Planning Board, dated 5/5/2020

WHEREAS, the Town Board has reviewed said drawings in addition to reports and correspondence filed with those drawings and has caused the same to be reviewed by its consultants; and,

WHEREAS, the Town Board held a Public Hearing on the Proposed Project on February 20, 2020, where members of the public were invited to speak and be heard; and,

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 April 13, 2020; and

WHEREAS, the Planning Board granted Preliminary Plat approval on or about May 11, 2020; and,

WHEREAS, the Planning Board granted Conditional Final Plat Approval on or about June 8, 2020; 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,

WHEREAS, the Architecture Review Board (ARB) issued a positive recommendation on the proposed Restaurant Depot building on Lot 2 to the Town Board in a resolution dated May 28, 2020, which the Town Board approved on June 4, 2020; and,

WHEREAS, development on Lots 1 and 3 is only conceptually presented, and shall be subject to site plan approval, including ARB review, at a later date; and,

WHEREAS, the ARB has not issued a recommendation or approval of any of the proposed signage or monument structures; and,

WHEREAS, the Applicant shall return to the ARB for review and approval of all signage and monument structures, and shall prepare for the ARB's review and approval tenant signage design criteria, which shall govern the tenant signage on the project site and ensure that a cohesive signage package is developed for the project; and,

WHEREAS, no signage or monument structures shall be erected on the site until the tenant signage design criteria has been reviewed and approved by the ARB; and,

WHEREAS, the Town Board is in receipt of minutes from the Zoning Board of Appeals (ZBA) dated May 18, 2020 granting variances for the manufactured slope; and,

WHEREAS, the Town received a positive recommendation from the Putnam County Department of Planning, Development and Public Transportation dated February 24, 2020; and,

WHEREAS, the Town Board determines that the proposed project substantially conforms with the General Requirements for Conditional Use and Special Permit Approval as defined in §138-53(A) of the Code of the Town of Southeast and as identified in the table below:

General Requirements for Conditional Use and Special Permit Approval	
§138-53(A):	CONFORMS (Yes/No):
(1) The proposed use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and shall not be detrimental to the site or adjacent properties in accordance with the zoning classification of such properties.	Yes.
(2) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall 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.	Yes.
(3) The location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the development and use of adjacent land and buildings.	Yes.
(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 by right.	Yes.
(5) As a condition of all special permit and conditional use permits, right of entry for inspection with reasonable notice shall be provided for to determine compliance with the conditions of said permit.	<i>The Town retains its authority to administer and enforce its Town Code as appropriate for all applications.</i>
(6) As a condition of all special permits and conditional use permits, a time limitation may be imposed.	<i>The Town Board is establishing no time limitation on this application.</i>

WHEREAS, the proposed project substantially conforms with the special permit criteria for a large retail center as defined in §138-63.4 of the Code of the Town of Southeast and as identified in the table below:

Stateline Retail Center – Special Use Permit Criteria	
§138-63.4:	CONFORMS (Yes/No):

A. Any parcel shall consist of not less than 35 acres and have access via a state or county road; and	Yes.
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 the Town of Southeast Design Guidelines for Large Retail Establishments; and	Yes.
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.	<i>See below for conformance with each provision of the Design Guidelines.</i>
(1) SITE DESIGN	
[a] Buffers	
[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.	Yes.
[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.	Yes.
[3] Existing mature vegetation shall be retained where feasible within the Environmental Conservation Buffers and within the interior of the site.	Yes.
[4] New vegetation shall be planted to create a mix of species. Native species or species known to be tolerant to urban	Yes.

stressors (see Table 1) are preferred to non-native species; although non-native ornamental species may be used as accents.	
[5] If any significant habitat is found on-site, no disturbance shall occur within that area or within 100 feet of the area.	<i>No significant habitat was 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] Building Location	
[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 three building lots with one building on each lot.</i>
[c] Site Access	
[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	Yes.

<p>York.</p>	
<p>[d] Parking Lots</p>	
<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 Lot 3.</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 that parcel.</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-</p>	<p><i>Yes.</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</i></p>

swales may be substituted for raised parking islands (see Drawings LD-4, LD-5, and LD-6).	<i>plan approval for that parcel.</i>
[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).	Yes.
[7] There shall be a provision for separate pedestrian flow to building entrance(s) outside of drive aisles for each parking area.	Yes.
[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).	<i>NA. Only Lot 2 is being developed at this time. It is anticipated that this would be accommodated on Lot 3.</i>
[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.	<i>NA. Only Lot 2 is being developed at this time. It is anticipated that this would be accommodated on Lot 3.</i>
[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).	Yes.
[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.	<i>It is anticipated that this would be accommodated on Lot 3, the details of which would be provided during site plan approval for that parcel.</i>
[e] Circulation to Adjoining Parcels	
[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.	<i>Connections are proposed between Lots 2 and 3. Connection to Lot 1 would require significant wetland disturbance.</i>
[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.	<i>No. However, compliance would require significant wetland disturbance and is not appropriate at this time.</i>
[f] Pedestrian Environment	

<p>[1] Pedestrian-scale public spaces (pedestrian walkway, square, or plaza) shall be integrated into the overall site plan to provide meaningful circulation and seating areas.</p>	<p><i>It is anticipated that this would be accommodated on Lot 3, the details of which would be provided during site plan approval for that parcel.</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 Lot 3, the details of which would be provided during site plan approval for that parcel.</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 Lot 3, the details of which would be provided during site plan approval for that parcel.</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 Lot 3, the details of which would be provided during site plan approval for that parcel.</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 Lot 3, the details of which would be provided during site plan approval for that parcel.</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 Lot 3, the details of which would be provided during site plan approval for that parcel.</i></p>

<p>[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.</p>	<p><i>It is anticipated that this would be accommodated on Lot 3, the details of which would be provided during site plan approval for that parcel.</i></p>
<p>[g] Loading & Refuse Collection Areas</p>	
<p>[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.</p>	<p>Yes.</p>
<p>[h] Signage</p>	
<p>[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.</p>	<p><i>The applicant is required to submit an application to the ARB.</i></p>
<p>[i] Lighting</p>	
<p>[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.</p>	<p>Yes.</p>
<p>[j] Storage of Merchandise</p>	
<p>[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.</p>	<p><i>No outside storage is proposed for Lot 2. It is anticipated that this would be accommodated on Lot 3, the details of which would be provided during site plan approval for that parcel.</i></p>
<p>[2] Vending machines, ice machines, newspaper boxes, or similar equipment may not be located outside of any building.</p>	<p>Yes.</p>
<p>(2) BUILDING DESIGN</p>	
<p>[a] Building Size</p>	
<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</p>	<p><i>Restaurant Depot is a large single tenant on a separate lot. It is anticipated that this would be accommodated on</i></p>

<p>design. In all cases, all buildings shall comply with the design parameters set forth herein.</p>	<p><i>Lot 3, the details of which would be provided during site plan approval for that parcel.</i></p>
<p>[b] Building Height</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>[c] Building Style</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>[d] Building Facades & Materials</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"> • The height of cornices, lintels and sill levels, articulated floor levels and other horizontal building features. • The spacing and proportion of columns, piers and other elements of the basic structural grid. • The spacing and proportion of window and door openings, bays or other aspects of building fenestration. • Colors, textures and the general nature of exterior materials and treatment, including building ornament and trim. 	<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"> • Variation in roof heights. • Changes in the predominant wall plane and/or in facade elements such as window openings and balconies. • Use of horizontal projections or recesses in the building facade such as bay windows, cornices, balustrades, etc. • 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. 	<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>[e] Building Roofs</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.
[f] Building Materials	
[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.
[g] Mechanical Equipment	
[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	TBD

occupancy by the Town of Southeast; and	
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.	<i>TBD</i>

NOW THEREFOR BE IT FURTHER RESOLVED, that pursuant to the authority vested in the Town Board by Chapter 78, “Freshwater Wetlands,” of the Town Code, the Town Board hereby grants Wetland Permit Approval for the Proposed Project, as recommended by the Planning Board and subject to the conditions outlined in the memorandum from the Town Wetland Inspector dated May 5, 2020, and referenced above.

BE IT FURTHER 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. The Applicant must conform to all the rules, regulations, and ordinances of the Town of Southeast, County of Putnam, and State of New York.
2. The Applicant is hereby bound by any statements offering modifications, improvements, or offerings to the Town of Southeast made by itself or its representatives in relation to approval of the Proposed Project.
3. Detailed plans have been provided for Restaurant Depot on Lot 2, and conceptual development plans have been provided for Lots 1 and 3. Should project changes be required that would represent a significant change, the Applicant may be required to seek an amended Special Permit approval from the Town Board.
4. As stated by the applicant in a letter dated December 1, 2009, 1,500 square feet of space on the second floor of the retail center on Lot 3 shall be made available to the community for public meetings, functions, or similar uses, including activities for seniors. The community space shall be accessible by elevator, and shall have ADA compliant restroom facilities. A secured storage cabinet

and/or closets that could be used by the seniors or other civic and community organizations to safely store items shall be made available. The details of such space shall be developed during the Site Plan approval of Lot 3.

5. Existing trees, understory vegetation, and ground cover along all property lines shall remain undisturbed to the maximum extent practicable throughout the duration of construction. Should any disturbance be required to construct approved improvements, the area shall be replanted with comparable vegetation as soon as is practicable following completion of construction activity in that area.
6. All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season. Landscaping shall be maintained for the life of the facility.
7. The Applicant shall provide an on-site and qualified arborist or landscape architect to supervise construction activity within 100 feet of any tree designated to be preserved on the approved plans. The arborist or landscape architect shall ensure that the tree protection measures indicated on the approved plans are in place and properly maintained throughout construction activity.
8. HVAC equipment shall be fully screened from view, and upon installation, screening shall be adjusted as necessary to ensure proper shielding.
9. No outdoor display areas are permitted on Lots 1 and 2.
10. Outdoor display areas on Lot 3 shall be maintained in such a manner to ensure an attractive and pedestrian friendly sidewalk, and shall be clearly delineated on the site plan to facilitate enforcement. No banners, signs, or other promotional materials shall be permitted within outdoor display areas.
11. No heavy machinery, large equipment, or palletized merchandise shall be permitted within outdoor display or parking areas.
12. Vending machines, reverse vending machines (bottle and can recycling stations), ice machines, newspaper boxes, or similar equipment shall be prohibited outside any buildings.

BE IT FURTHER RESOLVED, that pursuant to the authority vested in the Town Board by Chapter 138, "Zoning," of the Town Code, the Town Board hereby grants Final Site Plan 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).

General Conditions

1. The Applicant must conform to all the rules, regulations, and ordinances of the Town of Southeast, County of Putnam, and State of New York.

2. The Applicant is hereby bound by any statements offering modifications, improvements, or offerings to the Town of Southeast made by itself or its representatives in relation to approval of the Proposed Project.
3. Detailed plans have been provided for Restaurant Depot on Lot 2, and conceptual development plans have been provided for Lots 1 and 3. Should project changes be required that would represent a significant change to Lot 2, the Applicant may be required to seek an amended Site Plan Approval from the Town Board. Future development on Lots 1 and 3 shall require Site Plan Approval from the Planning and/or Town Board.
4. The Applicant is granted approval based on generic review by the Architectural Review Board of building design and elevations and will have to seek a second review if modifications to the approved design are made. The Proposed Action shall be constructed in accordance with the approved plans and drawings for the specific tenant as reviewed by the Architectural Review Board and approved by the Town Board.
5. Within thirty (30) days of Final Site Plan Approval, the Applicant shall provide to the Town Board one full set of final full-sized plans and five copies of the filed plans on eleven-inch by seventeen-inch, or similar, paper, with a graphic scale indicated (to allow for scale measurements of photo-reduced drawings), for distribution to the Town Engineer, the Planning Board, the Town Clerk, the Building Inspector, and the Town Planner. The final plan set shall be certified by the Supervisor of the Town of Southeast.
6. The Applicant shall submit two (2) sets of as-built plans to the Town of Southeast Building Department after final construction is completed. The as-built plans must show the impervious surfaces, landscaping, and final design specifications for all stormwater management facilities. The plans must be certified by a professional engineer.

Financial & Legal Considerations

1. The Applicant shall post a Performance Bond in an amount determined by the Town Engineer and approved by the Town Board to ensure all site grading, stormwater management, and road improvements will be made in accordance with the approved drawings, Town of Southeast Code and to the satisfaction of the Town Engineer and/or Highway Superintendent. The Performance Bond may also be used to finance necessary work to stabilize the project site should the Applicant abandon the project and the Town is forced to complete necessary improvements. The establishment of the Performance Bond shall be done in a form acceptable to the Town Counsel. The bond amount will be based upon 2020 construction costs. If the construction is not begun during the calendar year 2020, the Applicant must re-apply to the Town Board for an adjustment of

the bond amount to account for escalation of material and labor costs. Upon such request the Town Board shall diligently set a new bond amount in accordance with the recommendation of the Town Engineer. The Performance Bond must be paid prior to the start of any work on the site and/or the filing for a Building Permit. The Town Board requests that the Southeast Building Inspector withhold the Certificate of Occupancy until the Town Board or its duly authorized representative has made an inspection of the subject improvements and determined that the Applicant has complied with all the conditions of this approval.

2. Any and all outstanding inspection, engineering, or planning consulting fees shall be paid to the Town prior to the issuance of a Certificate of Occupancy for any improved lot.
3. This resolution supersedes all construction, design, approvals, conditions, restrictions, and requirements of any previously approved site plan or building permits for the affected parcels. The inclusion of certain previously adopted conditions in this resolution shall not be deemed as an affirmation of past approvals or conditions not recited herein.

Construction Activity

1. At least ten (10) days prior to commencing construction of any required improvements, the Applicant shall notify the Town Board and the Town Engineer, in writing, of the time when it proposes to commence construction of such improvements so that the Town Board may cause an inspection to be made to ensure that all Town specifications and requirements shall be met during the construction of required improvements. The Applicant shall provide a general construction phasing schedule to the Town Board and Town Engineer and shall update that schedule, and provide copies to the Town Board and Town Engineer, throughout the construction process, as necessary. The Town shall require a pre-construction conference between the Town Engineer and Town Highway Superintendent and the owner or owner's representative, general contractor and on-site engineer to review construction phasing plans, inspections schedules, and requirements for complying with all regulations and conditions of this approval.
2. The Town Board or its designee may make periodic inspections to ensure that all site work and site improvements are being made in conformance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall designate a responsible and competent person to be the on-site construction manager who shall be responsible for ensuring the continued compliance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall ensure that all remedial measures are taken within 72 hours of any notification of deficiencies relating to construction. If appropriate measures are not implemented to the satisfaction of the Town Engineer, a stop work order may be issued by the Town and/or a fine imposed according to Town Code.

3. Should project changes be required that would represent a significant change to the approved plans, the Applicant may be required to seek an amended approval from the Town Board.
4. The Applicant shall retain the services of a professional engineer and/or a landscape architect (in accordance with the drawings prepared) throughout the construction process who shall periodically observe the construction of all approved improvements, except improvements to Town of Southeast roads and drainage (which shall be inspected by the Town Engineer and/or Highway Superintendent). The Applicant's professional engineer and/or landscape architect shall provide a statement, in writing, that all approved improvements have been constructed substantially as required and approved by the Town Board or as such requirements have been modified.
5. Prior to commencing any site clearing, grading, or construction activity, the Applicant shall have the boundary of the property staked out by a licensed surveyor.
6. A copy of the completed Notice of Intent (NOI) to comply with the New York State Department of Environmental Conservation General Permit for Construction Activity shall be maintained at the on-site construction office.
7. All sediment and erosion control measures or Best Management Practices indicated on the approved plans and/or required for compliance with the New York State Department of Environmental Conservation General Permit for Construction Activity shall be installed at the commencement of grading activities and shall be inspected on a weekly basis (or following any storm event in excess of one-half inch) to ensure proper function. All construction activities shall adhere to the provisions for sediment and erosion control contained in the New York State Department of Environmental Conservation's *New York Standards and Specifications for Erosion and Sediment Control*.
8. The design and construction of all proposed water quantity and water quality best management practices shall adhere to the *New York State Stormwater Management Design Manual*.
9. Any drainage improvements that would affect a Town drainage structure or element or any improvements to Town of Southeast roads shall be made in accordance with the Town Road and Drainage Specifications (Chapter A143 of the Town Code) and shall be made under the direction and supervision of the Highway Superintendent.
10. The Town Highway Superintendent must be notified a minimum of 72 hours in advance of any construction activity affecting the Town drainage system or any Town Road except where

emergency repairs are required, in which case the Highway Superintendent must be notified as soon as possible after the affected area has been stabilized.

11. Existing trees, understory vegetation, and ground cover along all property lines shall remain undisturbed to the maximum extent practicable throughout the duration of construction. Should any disturbance be required to construct approved improvements, the area shall be replanted with comparable vegetation as soon as is practicable following completion of construction activity in that area.
12. All disturbed areas shall be stabilized pursuant to New York State Department of Environmental Conservation regulations. Should disturbed areas remain disturbed for periods longer than one month, more permanent stabilization measures shall be installed.

Landscaping

1. Prior to planting according to the approved landscape plan, the Applicant shall stake the location of all proposed landscaping and allow for a site inspection by the Town Board or its designees to ensure that the proposed landscaping will provide the maximum screening benefit and/or that the proposed landscaping is suitable for the visual setting and overall appearance of the project site.
2. All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season. Landscaping shall be maintained for the life of the facility. In the event that said landscaping is not maintained to the satisfaction of the Building Inspector, the Building Inspector shall notify the applicant in writing of the violation. If the required landscaping maintenance is not performed within 30 during the growing season, or within 30 days of the start of the growing season if the violation is noted during the winter months, to the satisfaction of the Town Engineer and/or Building Inspector, the Town shall correct the violation and be reimbursed for Town costs by the applicant.
3. The Applicant shall provide an on-site and qualified arborist or landscape architect to supervise construction activity within 100 feet of any tree designated to be preserved on the approved plans. The arborist or landscape architect shall ensure that the tree protection measures indicated on the approved plans are in place and properly maintained throughout construction activity.
4. Existing trees, understory vegetation, and ground cover along all property lines shall remain undisturbed to the maximum extent practicable throughout the duration of construction. Should

any disturbance be required to construct approved improvements, the area shall be replanted with comparable vegetation as soon as is practicable following completion of construction activity in that area.

5. To allow for a more natural landscape and appropriate screening, the proposed trees shall be planted in a variety of caliper widths and tree heights, with larger trees planted at key locations.

Architecture and Signage

1. The application shall be subject to all representations made to the Planning Board, ARB, and Town Board with regards to the proposed architecture. Any substantive changes to the proposed architecture shall be referred by the Building Inspector to the ARB for review and recommendation to the Town Board.
2. Prior to the erection of any signage or sign monuments, tenant signage design criteria shall be prepared by the Applicant and submitted to the ARB for review and approval. The tenant signage design criteria shall include the maximum dimensions, location, mounting style, materials, lighting, and any other such design elements as the ARB deems necessary to ensure that a cohesive signage package is developed for the site. The tenant signage design criteria shall govern all tenant signage on the site.
3. Prior to the erection of any tenant signage, the proposed tenant sign shall be reviewed and approved by the ARB in conformance with the approved tenant signage design criteria.
4. HVAC equipment shall be fully screened from view, and upon installation, screening shall be adjusted as necessary to ensure proper shielding.

Stormwater Management

1. Pursuant to § 119-13 of the Code of the Town of Southeast, the Applicant/property owner shall submit a plan for ownership, construction, operation and maintenance of stormwater facilities. This plan shall provide for the inspection, operation and maintenance of each and every component of such facilities and shall specify the methods and procedures to be used to provide and ensure the funds required for such inspection, operation and maintenance and who will be responsible there for. A four-year performance guaranty shall be provided for the entire stormwater management

system by the developer to cover any modifications, corrections, or material failures. In addition, the developer shall fund or otherwise guarantee an inspection and maintenance program for a period of no less than 10 years.

2. The Applicant shall provide for the long term maintenance and continuation of stormwater control measures approved by the Town of Southeast. Stormwater control measures shall be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components.
3. This resolution binds the Applicant, property owner, and its successors, to the maintenance provisions depicted in the approved stormwater pollution prevention plan and site plan.
4. The Applicant shall maintain, clean, repair, replace and continue the stormwater control measures depicted in the approved stormwater pollution prevention plan to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices, aeration system, and retention ponds.
5. The Applicant/property owner shall be responsible for all expenses related to the maintenance of the stormwater control measures.
6. The Applicant/property owner shall provide for the periodic inspection of the stormwater control measures, not less than once per year, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Town Engineer within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
7. The Applicant/property owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Town.
8. The Applicant/property owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Town or in accordance with the recommendations of the inspecting engineer.

9. If ever the Town determines that the Applicant/Property owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Town or by the inspecting engineer, the Town is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.

10. All stormwater management basins shall be maintained to provide vector control. The aeration system shall be monitored and repaired as necessary. Any garbage or debris shall be removed on a regular basis.

11. Any plant material associated with the stormwater management facilities shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season. Plant material approved as part of the stormwater pollution prevention plan shall be maintained for the life of the facility and replaced as necessary,

Outdoor Storage

1. No outdoor display or storage shall be permitted on Lot 2.

UPON A ROLL CALL VOTE:

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

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

RESOLUTION NO. 38 / 2020 AUTHORIZE ADDITIONAL EXPENDITURE TO PURCHASE HIGHWAY EQUIPMENT – STEEP SLOPE MOWER

INTRODUCED BY: Supervisor Hay
 SECONDED BY: Councilman Alvarez

WHEREAS, the Town Board is in receipt of a recommendation dated June 15, 2020 from the Highway Superintendent for the proposed purchase of a “steep slope mower”; and

WHEREAS, over the past several years, the Town Highway Department’s obligation to maintain various grassy areas within the Town has grown, and in particular, there have been many East of Hudson Watershed Corporation (“EOHWC”) projects that fall under the Town’s maintenance responsibility that have steep slopes requiring specialty equipment to maintain; and

WHEREAS, due to the fact that the Town had not performed particular Operation and Maintenance (O&M) obligations, the Town was “charged back” the following sums by EOHWC: \$4,365.09 in 2016, \$7,265.06 in 2017, \$8,217.33 in 2018 and \$10,286.13 in 2019 for a total of \$30,133.61; and

WHEREAS, had the Town performed the O&M on those projects there would not have been a charge back, and the Town would have been reimbursed for the cost of O&M; and

WHEREAS, by eliminating future O&M chargebacks, the cost of purchase of a steep slope mower will be offset by savings and reimbursement; and

WHEREAS, it is found and determined that there are sufficient funds available and allocated for the proposed purchase within the 2020 Highway Department Budget and such purchase will not require issuance of bonds or notes for the purchase thereof.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Highway Superintendent is hereby authorized to expend an amount not to exceed twenty seven thousand (\$27,000) dollars to purchase a steep slope mower; and be it further

RESOLVED, that if the Southeast Superintendent of Highways requires any addition funds above the amount allotted, he will need further authorization by the Town Board to make such expenditure; and be it further

RESOLVED, that this resolution shall take effect immediately.

Upon Roll Call Vote:

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

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

RESOLUTION NO. 39 / 2020 AUTHORIZE ADDITIONAL EXPENDITURE TO PURCHASE HIGHWAY EQUIPMENT – SMALL DUMP TRUCK

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Larca

WHEREAS, the Town Board is in receipt of a request and recommendation dated June 15, 2020 from the Highway Superintendent for the proposed purchase of a replacement of the Town's 2008 small dump truck; and

WHEREAS, in order to offset the \$57,712.70 cost of the new vehicle, the Town Highway Superintendent will use \$37,145.00 from the most recent highway surplus equipment sale and will auction off two other small trucks, which should generate between \$15,000 and \$20,000; and

WHEREAS, regardless of the actual sale price of the two vehicles to be sold, if the lower estimate becomes actual, there are sufficient funds in the Town Highway Budget Equipment Line to offset the difference and if the higher amount it obtained, there could be a small surplus which would be credited into that same budget line,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Highway Superintendent is authorized to expend the monies as described above to purchase a replacement for the Chevrolet 3500 small dump truck; and be it further

RESOLVED, that if the Southeast Superintendent of Highways requires any additional funds above \$5,000 to complete this purchase as identified above, he will need further authorization by the Town Board to make such expenditure; and be it further

RESOLVED, that this resolution shall take effect immediately.

Upon Roll Call Vote:

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

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

Respectfully Submitted,

Michele Stancati
Southeast Town Clerk