

**PLEASE NOTE THAT THE RESOLUTIONS ADOPTED AT THIS MEETING
APPEAR AT THE END OF THE DOCUMENT**

**TOWN CLERKS MINUTES
REGULAR MEETING
TOWN BOARD
FEBRUARY 17, 2005**

Present: Supervisor John J. Dunford
Councilman Richard B. Honeck
Councilman Pat Bonanno
Councilwoman Lorraine Mitts

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

And: Approximately 20 persons
Councilman Johnson was present near the end of meeting

Councilman Honeck made a motion to open the regular meeting and Councilman Bonanno seconded. All in favor.

Pledge of Allegiance
Notation of Exits by Supervisor Dunford

PUBLIC HEARING

PERFORMANCE BOND – PROSPECT HILL OFFICE PARK

Councilwoman Mitts made a motion to open the hearing and Councilman Honeck seconded. All in favor. Town Clerk Mazzei read the legal notice. There was a letter submitted from the Planning Board and the Town Engineer recommending the release. No other comments were received. Supervisor Dunford made a motion to close the hearing and Councilwoman Mitts. All in favor.

COMMERCIAL MORATORIUM - ROUTE 22 NORTH

Supervisor Dunford made a motion to open the hearing and Councilman Bonanno seconded. All in favor. Rick O'Rourke of Keane and Beane asked about drafts of the

proposal. The Supervisor said that the Town Board is working on the overlay and checking on how to proceed. There is no final draft available yet. Don Rossi asked about Mt. Ebo south. Councilwoman Mitts made a motion to close and Councilman Bonanno seconded. All in favor.

REVIEW OF MINUTES

Councilwoman Mitts made a motion to review the following minutes; Supervisor Dunford seconded and all in favor.

January 20, 2005 Regular Meeting
February 3, 2005 Special Meeting

CORRESPONDENCE

Correspondence Received

1. New York State Environmental Facilities Corporation Re: NYC Watershed – WWTP Upgrade Program Brewster Heights Sewer District #1 O&M Budget Comments
2. Richard Goldsand Re: Eagles Ridge
3. Thomas Duffy, Chairman Vail's Grove Cooperative, Inc. Re: Sewer Treatment Plant
4. James Tompkins, Jr. Re: Foil Request for Local Law for Solid Waste Collection
5. BS&K Re: Reception dinner on 1/20/05
6. Acord Certificate of Liability Insurance Re: P & D Electric, Inc.
7. Hudson River Valley Greenway Re: Greenway Visions in Planning Award
8. State of New York Department of State Re: Master Planning and Zoning Incentive Award Program
9. NYMIR Re: NYMIR's Proposed Rate Adjustments for 2005
10. Lynne Eckardt Re: Foil Request for the Stonecrest File - Tape from Conservation Commission 12/28/04 – Town Attorney's Bills for 2004 – Electronic Minutes for December 2004
11. Daniels & Porco, LLP Re: Turk Hill Partners, LLC V. The Town Board of the Town of Southeast, ET AL.; Putnam County Index No.: 1456/04
12. Spain Agency Re: Loss Runs
13. Jacobson Re: Turk Hill East Subdivision, Turk Hill Road & Allview Avenue Preliminary Plat Review NLJ #0001-0819, Vita Subdivision 300 Brewster Hill Road Preliminary Plat Review NLJ #0001-0811
14. Putnam County Youth Bureau Re: Awards Dinner 4/29/05
15. Putnam County Executive Re: List of Improvements for 2005
16. Richard Goldsand Re: Public Hearing LADA, P.C.
17. Barbara Devolve Re: Animal Seizures for the Town of Southeast
18. John Ligos Re: Signs for Soccer Registration

19. New York State Environmental Facilities Corporation Re: Annual Budget Estimate for Blackberry Hill Sanitary Sewer District STP, Annual Budget Estimate for Brewster Heights Sewer District #1
20. Brian A. Orzel Re: Permit Application Number 2004-00770-YS by Putnam Seabury Partners, L.P.
21. Sterling Re: Project #E99016-Town of Southeast Landfill
22. Riverkeeper Re: Temporary Wastewater Plans for Terravest Corporate Park
23. Severn Trent Re: Brewster Heights Water System
24. Sy Globerman Re: District Formation
25. Putnam County Executive Re: EOH, WQIP
26. Marsh Certificate of Insurance Re: Reclamation of Kingston, LLC
27. Catherine Croft Re: Foil Request for Electronic Form of Approved Town Board Minutes for 10/28/04, 11/10/04, 12/16/04 and 1/6/05 – Electronic Form of Approved Planning Board Minutes for 12/13/04 and 1/10/05 and Viewing of Conservation Commission Minutes for 12/28/04
28. George Whipple III Re: Tilly Foster Iron Mine
29. NYS Assembly Re: Transportation Services for Elderly and Disabled Services
30. Paul Eldridge, Personnel Director Putnam County Re: Empire State Wage Act of 2004
31. William Kruzykowski Re: Foil Request for Verizon Plans for Deans Corner Maps and Sprint Plans for Joe's Hill Maps
32. Severn Trent Re: Brewster Heights Water System
33. Acord Certificate of Liability Insurance Re: Quality Environmental
34. Severn Trent Re: Late Submission of Discharge Monitoring Reports (DMR'S) to NYS DEC
35. Steven A. Kaufmann Re: Physical Damage Claim
36. NYS DEC Re: Water Power and Control Commission in the Matter of the Application of the Village of Brewster
37. Howard Protter Re: Town of Southeast with Village of Brewster Water Supply and Service File No. 6812-1
38. Malcolm Pirnie Re: Brewster Heights WWTP Upgrade Plumbing Contract Status
39. Severn Trent Re: BMW – Month of December 2004
40. NYS DEC Re: Foil No. 05-29 Town of Southeast – Putnam County
41. Steven A. Kaufmann Re: Snow Removal Operations, Town of Southeast Claim #TSOUT-2005-001 -1/12/05
42. Putnam County Department of Health Re: Addition – Callicchia, 31 Farm Lake Ct. Increase in Number of Bedrooms (T) Southeast, TM#77.-1-43. Addition – Bergquist, Oakwood Dr. No Increases in Number of Bedrooms (T) Southeast, TM#45.76-2-13. Addition – Guldán, 4 Maple Lane No Increases in Number of Bedrooms (T) Southeast, TM#79-1-4
43. NYS DEC Re: Wastewater Facility Operation Report for the Month of December 2004
44. Tanya Hrabsky Re: Foil Request for Copies from Old Zoning Book
45. G. Howard Taylor Re: Rt. 22
46. Gerald McKinstry Re: Foil Request for Expense Reports for the Town Supervisor and Town Board Members for the Year 2004

47. Theresa Ryan Re: Assessor cards C.O.'s and Building Permits for TM#58-1-23
48. Benvenuti Restaurant Re: Liquor License for 31 Sodom Road, Brewster, New York
49. Cookie Saccomanni DeSimone Re: Coffee House Café in Southeast
50. State of New York Office of Real Property Services Re: NYSORPS Excellence in Equity Award
51. Penelope McKown Re: Permit to Build Access Roads from Lincoln road to Construction Sites of New Condominiums at Eagles Ridge
52. Joseph Ferrera Re: Affidavit of Publication for Public Hearing Notice for Amendments to chapter 138 of Town code (LL#16)
53. John Lord Re: Outside Storage at Proposed Westchester Tractor Facility
54. NYS DEC Re: Islandia Farm, Hickory Ridge Road, Southeast NY
55. George Yourke Re: Look Over File for Terravest Public Hearing (12/28 & 11/'04) – Questions and Comments @ Public Hearing and Responses by Developer and/or his Consultants along with Comments Written During the 10 day Period Afterwards
56. Memo to the Supervisor from Ron Harper Re: Various Updates for Week Ending 1/7/05, 1/14/05, 1/28/05, 2/4/05
57. Sayegh Law Firm Re: foil Request for LL# 1 of 2005
58. New York Metropolitan Transportation Council Re: Start of the 30 day Comment Period for Transportation Coordinating Committee Preliminary Project Listings
59. State of New York Office of the State Comptroller Re: Revision to August 2004 Bulletin – Modification of NYS Retirement Systems' Annual Payment Date and Reserve Provision for Pension Contributions

Correspondence Sent

1. Mr. William J. Carlin, Jr. Re: The Extension of Real Property Tax Collection
2. Memo to The Supervisor Re: 2004 Budget
3. Cathy Manfolk Re: Resume
4. Mr. William Kolessar Re: Peace Officers in the Village of Brewster
5. Honorable Arne Nordstrom Re: Putnam County Agricultural District
6. Mr. & Mrs. Brindisi , Mr. & Mrs. Destio Re: Refuse Service
7. Mr. Paul Frey Re: Notice of Violation Dated January 19, 2005
8. Laura B. Mahler Re: Town of Southeast, Claim Against Heritage Plumbing & Heating, Inc. (Hartford File No. 564 S 24172)
9. Mr. Brian McGuire Re: Brewster Heights Sewer District and the Blackberry Hill Sewer District

VOUCHERS

Councilman Honeck made a motion to approve the Voucher list in the amount of \$1,840,971.41. Councilwoman Mitts seconded and all in favor.

MEETING DATES

Councilwoman Mitts made a motion to set the following dates and Councilman Bonanno seconded. All in favor.

March 10, 2005 7:30 Civic Center Work Session
March 17, 2005 7:30 Civic Center Regular Meeting

LOCAL LAW #2/2005 – COMMERCIAL MORATORIUM/ROUTE 22

Introduced by Councilman Honeck
Seconded by Councilwoman Mitts

Upon roll call vote:

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

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

SETTING OF PUBLIC HEARINGS

Councilwoman Mitts made a motion to set the following public hearing and Supervisor Dunford seconded. All in favor.

March 17, 2005 Civic Center

7:31 Proposed Local Law to Amend Local Law #1 of 2002 to expand Moratorium to Include Doansburg Road and Route 22 North of Doansburg Road to the Patterson town line.

7:32 Proposed Local Law to impose a Moratorium on any development which would include “Adult Use” projects pending review and adoption to the Town Code pertaining to such uses

**RESOLUTION # /05 – SPECIAL PERMIT FOR PALAZETTI WAREHOUSE –
HARDSCRABBLE HEIGHTS DRIVE**

Introduced by Councilman Bonanno
Seconded by Supervisor Dunford

Upon roll call vote:

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

Vote not carried.

**RESOLUTION # /05 – MORATORIUM VARIANCE FOR GARDEN HOMES
MANAGEMENT**

Introduced by Supervisor Dunford
Seconded by Councilman Honeck

Upon roll call vote:

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

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

RESOLUTION # /05 RELEASE OF PERFORMANCE CROSSROADS SCHOOL

Introduced by Councilman Honeck
Seconded by Councilwoman Mitts

Upon roll call vote:

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

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

**RESOLUTION # /05 – PERFORMANCE BOND FOR MEADOWS AT DEANS
CORNER**

Introduced by Councilwoman Mitts
Seconded by Councilman Honeck

Upon roll call vote:

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

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

**RESOLUTION # /05 – ACCEPTANCE OF DEED TO FORMER LANDFILL
PROPERTY**

Introduced by Councilman Bonanno
Seconded by Councilman Honeck

Upon roll call vote:

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

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

RESOLUTION #/05 – WETLANDS PERMIT – TARLETON

Introduced by Councilwoman Mitts
Seconded by Councilman Honeck

Upon roll call vote:

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

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

GRANT APPLICATION

Councilwoman Mitts made a motion to authorize the Supervisor to sign the Stormwater Phase II grant application. Seconded by Councilman Bonanno and all in favor.

NEW BUSINESS

TERRA 9/WESTCHESTER TRACTOR

Councilwoman Mitts made a motion to refer the Terra 9/Westchester Tractor to the Zoning Board of Appeals for interpretation. Councilman Honeck seconded and all in favor.

Richard O'Rourke said that assembly was the proposal and not light manufacturing. Councilwoman Mitts said that she thought the referral would be the quickest way and was urged from the audience to forward to the ZBA. Councilman Bonanno asked about retail which is prohibited. Mr. O'Rourke said that according to the Zoning Ordinance he does not feel it is what is considered retail. It is not manufacturing only light assembly. There is not a retail use as defined in the Town Zoning Ordinance. Supervisor Dunford said sales are made to end users which seems to be retail. It was mentioned at the worksession that they also rent. Councilwoman Mitts said that is why she feels an interpretation is needed.

Stuart Abeit from 991 Route 22 asked the Board to come up with a law which will forbid overnight parking in his lot. He was told to see the Supervisor in the coming week.

Historic site area was questioned by a resident and Supervisor Dunford said that they will be reviewing the whole list of sites in March.

Ms. Croft asked the Town Clerk to start calling her whenever she submits a FOIL request and Town Clerk Mazzei said because of the workload that was not possible. She then requested that she receive electronic copies of the minutes and the Town Clerk informed her of the decision from the Open Government in Albany. If the minutes are on the Town website then they could be downloaded from there. If not, they can receive them at town hall in paper form.

Lynne Eckardt asked whether the Town would submit comments as an interested agency on the Gateway Summit project proposed in Carmel. Supervisor Dunford responded that the Town would comment and those comments would include the possibility of the Southeast and Carmel Boards discussing a joint transportation improvement district.

Councilman Bonanno made a motion to enter into Executive Session to discuss remarks that may be legally defamatory that had been published about the Town Clerk. The

motion passed 4 to 0 and the Board went into Executive Session. After Executive Session, Supervisor Dunford made a motion to authorize Town Counsel to look into the appropriateness of the Town prosecuting a defamatory action on behalf of the Town Clerk. The motion was seconded by Councilman Bonanno and passed 5 to 0.

The Town Clerk then asked Town Counsel if she could bring an action personally against Ms. Eckardt and anyone who assisted her in the publication of the defamatory statements, if the Town Board determined that the Town would not bring such an action. Town Counsel replied that she could bring a personal action.

Respectfully submitted,

Ruth Argo Mazzei
Southeast Town Clerk

DRAFT

Resolution # /2005 Amending Local Law No. 1 of 2002

Introduced By: Councilman Honeck

Seconded By: Councilwoman Mitts

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 to amend Local Law No. 1 of 2002 entitled **“A LOCAL LAW REGULATING FOR AN INTERIM PERIOD, THE APPROVAL OF SUBDIVISION PLATS AND PROJECT DEVELOPMENT PLANS PROPOSED IN CERTAIN AREAS OF THE TOWN OF SOUTHEAST, PURSUANT TO COMPLETION AND REVIEW OF A COMPREHENSIVE MASTER PLAN AND AMENDMENTS TO THE ZONING ORDINANCES CONTINGENT THEREON BY THE TOWN BOARD”**; and

WHEREAS, notice of said public hearing was advertised in an official newspaper of the Town of Southeast in the manner prescribed by law and such public hearing was held on February 17, 2005, and

WHEREAS, the Town Board continues to work on amendments to the Zoning Code relating to commercial properties located along the Route 22 corridor north of the intersection with Interstate Route 684 to Doansburg Road, and

WHEREAS, it is the sense of this Town Board that the moratorium on development in the Rt. 22 North Corridor remain in effect until such time as the requisite amendments to the Zoning Code can be enacted.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Southeast hereby adopts Local Law No. 2 of 2005 amending Local Law No. 1 of 2002, a copy of which is annexed hereto and made a part of this resolution, and be it further

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

UPON ROLL CALL VOTE:

Supervisor Dunford – Aye

Councilman Bonanno – Aye

Councilwoman Mitts – Aye

Councilman Johnson – Absent

Councilman Honeck – Aye

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

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

PALAZETTI / SPECIAL PERMIT REQUEST

RESOLUTION NO. _____ / 2005

DATE: February 17, 2005

INTRODUCED BY: Councilman Bonanno

SECONDED BY: Supervisor Dunford

WHEREAS, Perry Palazetti, owner of premises located on Hardscrabble Heights Drive, Town of Southeast, also known as Tax Map No. 78.-2-80 (the "Subject Premises") has made application to this Town Board for a Special Permit to allow the proposed commercial building to be used and utilized eighty (80%) percent storage / warehouse and twenty (20%) percent office; and

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

WHEREAS, storage/warehouse use is only permitted in twenty (20%) percent of the building in an OP-1 zone, unless a Special Permit is granted by the Town Board allowing a greater percentage of storage/warehouse use; and

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

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

WHEREAS, a duly noticed public hearing was held by the Town Board on January 20, 2005 in connection with this application and all interested parties have been given an adequate opportunity to be heard in this regard,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby makes the following findings of fact in connection with the instant application:

1. The proposed use is in such location and is a size and character that it will be in harmony with the appropriate and orderly development of the surrounding district and will not be detrimental to the immediate site or adjacent properties;

2. The location and size of the proposed use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout, and its relation to access streets will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous;

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

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

AND BE IT FURTHER

RESOLVED, that based upon the foregoing findings, the Town Board of the Town of Southeast hereby GRANTS a Special Use Permit to Perry Palazetti to permit the use of the Subject Premises twenty (20%) office and eighty (80%) percent warehouse / storage in accordance with the Statement of Use prepared and submitted to the Planning Board in connection with the Project Development Plan application, subject to the applicant's final submission to and grant of approval by the Planning Board.

Upon Roll Call Vote:

Supervisor Dunford Aye

Councilman Johnson Absent

Councilman Honeck No

Councilman Bonanno Aye

Councilwoman Mitts NO

VOTE: ~~carried~~ / defeated by a vote of 2 in favor, 2 against; 0 abstained.

TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK)

: ss.:

COUNTY OF PUTNAM)

I, RUTH A. MAZZEI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 17th day of February, 2005 and that such resolution was duly on file in the office of the Clerk of the Town of Southeast on February 18, 2005.

RUTH A. MAZZEI
Town Clerk

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

**GARDEN HOMES MANAGEMENT
MORATORIUM VARIANCE**

RESOLUTION NO. _____ / 2005

DATE: February 17, 2005

INTRODUCED BY: Supervisor Dunford

SECONDED BY: Councilman Honeck

WHEREAS, on February 28, 2002 this Town Board adopted Local Law No. 1 of 2002, which imposed a moratorium on certain residential subdivisions and commercial projects in specified areas of the Town of Southeast; and

WHEREAS, such moratorium was extended currently remains in effect with respect to properties which have frontage on or gain sole access from that portion of NYS Route 22 beginning at the terminus of Interstate Route 684 and ending at Doansburg Road (the "Route 22 North Corridor"); and

WHEREAS, pursuant to Article IV of Local Law No. 1, Garden Homes Management, the owner of property located within the Route 22 North Corridor, has filed a written request for relief from the restriction of such moratorium to permit the filing of project development plans for such property; and

WHEREAS, representatives of the owner have appeared before the Town Board and presented descriptions of the proposed projects; and

WHEREAS, the Planning Board of the Town of Southeast has reviewed the proposal in accordance with the provisions of the moratorium local law; and

WHEREAS, the applicant was afforded ample opportunity to submit arguments in support of their request for a variance to allow its project to go forward while the moratorium remains in effect.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board finds and determines that such variance or modification is not consistent with the spirit of the comprehensive plan and prospective zoning code amendments being considered for the Route 22 North Corridor, in that the subject property is within an area currently characterized by significant traffic congestion; is the subject of ongoing review of transportation infrastructure improvements; and portions of which may be the subject of acquisition

by the State to enable proposed infrastructure and intersection improvements to be made; and the applicant has failed to demonstrate that the strict application of the provisions of Local Law No. 1 of 2002, as amended, to the specific property will cause undue economic hardship which is unique to that specific property; and be it further

RESOLVED that, based upon the foregoing findings of fact, a Variance from the moratorium pursuant to Article IV of Local Law No. 1 of 2002, as amended, is **DENIED**.

Upon Roll Call Vote:

Supervisor Dunford	<u>Aye</u>	Councilman Johnson	<u>Absent</u>
Councilman Honeck	<u>Aye</u>	Councilman Bonanno	<u>Aye</u>
Councilwoman Mitts	<u>Aye</u>		

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

TOWN CLERK'S CERTIFICATION

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

I, RUTH A. MAZZEI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 17th day of February, 2005 and that such resolution was duly on file in the office of the Clerk of the Town of Southeast on February 18, 2005.

RUTH A. MAZZEI
Town Clerk

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

**RESOLUTION AUTHORIZING ACCEPTANCE
OF DEED CONVEYING CERTAIN LANDS**

RESOLUTION NO. _____ / 2005

DATE: February 17, 2005

INTRODUCED BY: Councilman Bonanno

SECONDED BY: Councilman Honeck

WHEREAS, John F. Ege, Jr., as Executor of the Last Will and Testament of Charles D. Nelson and National City Bank of Pennsylvania, as Trustee of the Helen P. Fitzgerald Trust dated August 26, 1987 have presented a deed dated February 2, 2005 conveying fee simple title to certain lands described therein to the Town of Southeast for no consideration; and

WHEREAS, the property therein constitutes so much of the lands owned by the grantor that were used and utilized by the Town as a municipal landfill pursuant to lease; and

WHEREAS, the Town is under Consent Order with the New York State Department of Conservation to close, cap and reclaim such former landfill property.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Southeast is hereby authorized to accept the deed dated February 2, 2005 from John F. Ege, Jr., as Executor of the Last Will and Testament of Charles D. Nelson and National City Bank of Pennsylvania, as Trustee of the Helen P. Fitzgerald Trust dated August 26, 1987 conveying the therein described lands and cause same to be recorded in the land records of the Putnam County Clerk; and be it further

RESOLVED, that all actions taken by the Supervisor in contemplation or in furtherance thereof are hereby ratified and confirmed.

Upon Roll Call Vote:

Supervisor Dunford Aye Councilman Bonanno Aye

Councilman Johnson Absent Councilwoman Mitts Aye

Councilman Honeck Aye

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

TOWN CLERK'S CERTIFICATION

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

I, RUTH A. MAZZEI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 17th day of February, 2005 and that such resolution was duly on file in the office of the Clerk on February 18, 2005.

RUTH A. MAZZEI
Town Clerk

**TOWN BOARD
TOWN OF SOUTHEAST**

**RESOLUTION MODIFYING RECOMMENDATION
OF THE CONSERVATION COMMISSION AND AUTHORIZING
ISSUANCE OF A WETLANDS PERMIT FOR 140 JOE'S HILL ROAD**

INTRODUCED BY: Councilwoman Mitts DATE: February 17, 2005

SECONDED BY: Councilman Honeck

WHEREAS, the Conservation Commission of the Town of Southeast rendered a decision dated September 29, 2004 with regard to the application of Ellis Tarlton, to allow the construction of an accessory dwelling structure, portion of the main dwelling structure, and portion of the septic field to fall within designated wetland buffer areas; and

WHEREAS, the subject property is located at 140 Joe's Hill Road, Tax Map No. 69.-1-4.1, in the Town of Southeast, Putnam County, New York; and

WHEREAS, the applicant has appeared before the Town Board and presented plans indicating the level of proposed disturbance within the wetland buffer area; and

WHEREAS, at the request of the Town Board, the applicant has re-submitted a proposed plan prepared by Benjamin V. Doto, III, PE, LLC, dated January 31, 2005, which eliminates the proposed accessory structure and thereby reduces the amount of potential incursion within the wetland buffer area.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board finds that there is sufficient reason to modify the recommendation of the Conservation Commission consistent with the re-submitted plan and reduced wetland buffer disturbance and hereby amends and modifies the determination of the Conservation Commission regarding the application of Ellis Tarlton for a wetlands permit for property located at 140 Joe's Hill Road, Town of Southeast, and hereby directs the Wetlands Inspector to issue a Permit to allow activity in the designated wetland buffer area consistent with the plan prepared by Benjamin V. Doto, III, PE, LLC, on behalf of the applicant dated January 31, 2005 and subject to all further terms and conditions imposed by the Town of Southeast Conservation Commission.

UPON ROLL CALL VOTE:

Supervisor Dunford	<u>Aye</u>	Councilman Bonanno	<u>Aye</u>
Councilman Johnson	<u>Absent</u>	Councilwoman Mitts	<u>Aye</u>
Councilman Honeck	<u>Aye</u>		

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

