



TOWN OF PUTNAM VALLEY
Public Hearings +
Town Board Work Session Agenda

August 19, 2020

VIA ZOOM

5 PM

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**Pledge of Allegiance**

**PUBLIC HEARINGS 5:00PM via ZOOM**

1) Public Hearing: District Zoning Code Changes  
immediately following:

2) Public Hearing: Solar Energy Moratorium  
immediately following:

3) Public Hearing: Restrictions of the sale of Controlled Substances  
immediately following:

4) Public Hearing: PVVFD 5 year Contract immediately following:

**TOWN BOARD WORK SESSION**

**Supervisor's Comments**

1. Declaration of SEQRA Findings

**Facilities**

2. Authorize Temporary Cleaning Personnel 2020
3. Authorize Temporary Wastewater Personnel 2020

**Adjournment**

**Next Town Board Meeting: Wednesday, August 26th, 2020, 5PM at Town Hall**



## TOWN OF PUTNAM VALLEY

### Public Hearings + Town Board Work Session

August 19, 2020  
VIA ZOOM - 5 PM

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Town of Putnam Valley
Public Hearings and Town Board Work Session
Wednesday August 19, 2020
starting at 5:00pm
via ZOOM

Join this Zoom video meeting on your computer or smart phone:
<https://us02web.zoom.us/j/83538426871>

You will be prompted for the password!
Meeting ID: 835 3842 6871
Passcode: 241121

If you don't already have Zoom on your computer or cell phone, you will be prompted to download and install the free software. You will be put in a waiting room temporarily. You are welcome to enter the waiting room earlier than the start time to be ready.

Once in the meeting, mouse down to the bottom of the screen to use the controls on the lower left to enable both your audio and video.

Once you are in the meeting, please click and launch the PARTICIPANTS window (at the bottom of your screen) and once in the participants window hover over your own name to reveal "more" and choose "rename" from the drop down box. Please be sure your name is listed so we know who you are if you ask a question

Enable the "CHAT" feature on the bottom menu. You may be muted on entry to the meeting, and will be called upon in order. If you have difficulty with your audio or video connection, call 845-216-6683 for technical help or email arrien@optonline.net and provide your phone number to help you troubleshoot your audio.

IMPORTANT: Please only use the CHAT for requesting to be next in line to un-mute and ask a question or make a comment. Do not post actual questions in the CHAT. Only present them orally, and also show your video if you have a webcam.

If you are unable to join using video via Zoom, or if you do not have a device with a camera, you may dial into the meeting using a regular phone. Note that from a regular phone you will not be able to view the shared media. You will only hear audio.

One tap mobile

+19292056099,,83538426871#,,,,,0#,,241121# US (New York)

Dial by your location

+1 929 205 6099 US (New York)

Meeting ID: 835 3842 6871

Passcode: 241121

If you call in on a regular phone you will be prompted both for the Meeting ID and the Password

Find your local number:

<https://us02web.zoom.us/j/khRjCd2Ve>

REGARDING DOCUMENTS:

This Agenda and other related Documents will be posted on the Town Website at

<https://www.putnamvalley.com/calendar-agendas/>

REGARDING MEETING RECORDINGS:

The Public Hearings and the Town Board meeting will be recorded and the video will be downloadable from the Putnam Valley town website at

<https://www.putnamvalley.com/planning-board-meetings/>

Allow 24 hours for the video to become available.

The meeting will also be aired within parts of the Town of Putnam Valley on local Channel 20 on the Altice Optimum cable system.

See Program Schedules for Monday and Tuesday at

http://ctv2.putnamvalley.com/external_schedule/simple_day_schedule

AGENDA

Pledge of Allegiance

PUBLIC HEARINGS

5:00pm

1) Public Hearing: District Zoning Code Changes
immediately following:

2) Public Hearing: Solar Energy Moratorium

immediately following:

3) Public Hearing: Restrictions of the sale of Controlled Substances

immediately following:

4) Public Hearing: PVVFD 5 year Contract

immediately following:

TOWN BOARD WORK SESSION

AGENDA TBA

Adjournment

Proposed Local Law Number 02-2020 as Revised July 7, 2020

1. A new Section 165-20 shall be added to the Town Code stating:

“1. The Planning Board shall have the right to waive or amend the submission requirements of Section 165-16(C)(a) and (b) concerning a Development Approval Plan for any applicant, upon a vote of a majority plus one of the total Board, if, in its opinion, the best interests of all concerned will be served.”

2. A new Section 165-21.1(C) shall be added to the Town Code stating:

“The Planning Board shall have the right to waive or amend the submission requirements of Section 165-21(C)(1) concerning a Site Plan for any applicant, upon a vote of a majority plus one of the total Board, if, in its opinion, the best interests of all concerned will be served.”

3. That the second sentence of Town Code Section 165-21.1(A)(1) be amended to state:

“Upon receipt of a complete set of development approval plans (residential districts) or site plans (nonresidential districts), the Planning Board may forward a set of all pertinent materials to the Town of Putnam Valley Committee for the Conservation of the Environment ("CCE") for its review and recommendations. If the Planning Board determines not to refer a set of development approval plans or site plans to the CCE for review and recommendation, it shall promptly notify the CCE of such decision.”

4. That Town Code Section 161-7(B)(1) shall be amended to state:

“In all cases, the approving authority may refer any application submitted to it pursuant to this chapter to the CCE for review and report. The date of referral from the approving authority shall be deemed to be the date of the first regularly scheduled monthly meeting of the CCE after receipt of a complete set of pertinent materials from the Planning Board. If the approving authority determines not to refer an application to the CCE for review and report, it shall promptly notify the CCE of such decision.”

5. That the following sections of Town Code Article VIIA entitled “Special Provisions for County Agricultural District Properties” shall be amended as follows:

§ 165-26.1 is hereby stricken in its entirety and replaced with the following:

“Purpose. The purpose of this Article VIIA is to create an Agricultural District Overlay Zone which provides special regulations with respect to properties located in agricultural districts created under Article 25-AA of the New York State Agriculture and Markets Law and § 283-a of the New York State Town Law, in recognition of § 305-a(1) of the Agriculture and Markets Law (hereinafter referred to as the “AG District Overlay Zone.”

§ 165-26.2 is stricken in its entirety and replaced with the following:

“Districts

A. The following overlay zoning district is hereby created:

Zoning District Name	Abbreviated Designation
Agricultural District Overlay Zone	AG

B. Properties falling within the Agricultural District (AG) overlay zone shall be those properties included within the County Agricultural District under Article 25-AA of the New York State Agriculture and Markets Law. The Agricultural (AG) District shall be an overlay zone corresponding to and including only those properties so designated. Removal or withdrawal of a property from the County Agricultural District shall result in that property's being located in the base zoning district in effect as of the date of removal or withdrawal.”

§ 165-26.3 is stricken in its entirety and replaced with the following:

“Permitted Uses: bulk and site development plan regulations:

A. AG Agricultural Overlay District.

- (1) Permitted uses: farm operations as defined in Agriculture and Markets Law § 301(11);
- (2) Special permit uses: bed-and-breakfasts, commercial stables, camps and outdoor recreational facilities.
- (3) Accessory uses: residential uses to house the owner of the farm operation, his/her immediate family, and those exclusively employed by him/her in connection with the farm operation.
- (4) Lot and bulk regulations.

(a) All lots shall contain at least the minimum size required to be included in the County Agricultural District; all principal and accessory structures other than fences and walls shall be no closer than 50 feet to any lot line; all structures designed for the housing, care and/or feeding of livestock shall be no closer than 100 feet to any lot line; and no structure (except for silos) shall exceed 35 feet in height.

(b) Any lot which lawfully existed on the effective date of enactment of this Article VIIA, which fails to meet the minimum lot area requirement of a lot, shall be considered a legal nonconforming lot and may be employed for farm operations subject to all other dimensional regulations specified herein. Any abutting nonconforming lot(s) located in the AG District, which is/are owned by the same owner or owners, shall be considered as one merged lot for the purposes of this chapter.

(5) Site development plan review in agricultural districts. Activities which comprise farm operations in agricultural districts shall be subject to the site development plan approval procedures outlined in this Subsection A(5), rather than §§ 165-16 or 165-21 of this Code, unless the proposed activity poses a threat to public health or safety, including ground and surface water, in which case the provisions of §§ 165-16 and/or 165-21, shall apply to the fullest extent authorized by Ag and Markets law 8 Article 25-AA.

(a) Site development plan submission requirements:

- [1] Application form, required fees and escrow.
- [2] A scaled drawing of the site and location map showing boundaries and dimensions and identifying contiguous properties and any recorded easements and roadways, prepared by a New York State licensed architect, engineer, or land surveyor.
- [3] Existing contours showing elevations at two-foot intervals.
- [4] Illustration of regulated wetlands, wetland buffers, water bodies and/or watercourses and buffers associated with the water bodies and/or watercourses delineated in accordance with Chapter 144 of the Putnam Valley Town Code.
- [5] Illustration of existing and proposed water supply and sewage disposal systems.
- [6] Proposed location and arrangement of buildings and structures on site, including means of ingress and egress, parking, circulation of traffic, and signage, exterior dimensions of buildings and structures along with any available blueprints, plans or drawings.
- [7] A description of the project including the intended use of the land and proposed buildings, structures, signs and any anticipated changes in the existing topography and natural features of the site to accommodate the changes. The application shall also include a certified copy of the County approval for the admission of the property into the Agricultural District and the application submitted to the County such admission/review.
- [8] A soil erosion and sediment control plan shall be prepared in conformance with state requirements and Chapter 155 of the Code of the Town of Putnam Valley to the fullest extent under Ag and Markets Law Article 8 25-AA.
- [9] A stormwater pollution prevention plan under Chapter 102 of the Putnam Valley Town Code to the fullest extent authorized under Ag and Markets Law Article 8 25-AA.
- [10] Additional information as required by the Planning Board.

(b) Procedure:

- [1] Application shall be submitted to the Planning Board and shall be placed on the next available agenda.
- [2] An application will be deemed complete when all the information and documentation required under Subsection 5(a) above has been received and reviewed by the Planning Board.
- [3] The Planning Board may require a public hearing for applications in which there is substantial public interest. The public hearing shall be conducted at the Planning Board's next regular meeting following the day it deems the application complete. The Planning Board shall mail a notice of said hearing to the applicant,

all abutting property owners, and those property owners within 200 feet of the subject site at least 10 days prior to said hearing and shall give public notice of said hearing in a newspaper of general circulation in the Town at least five days prior to the date thereof.

[4] The Planning Board shall approve the proposed farm operation upon the applicant's demonstrating that:

[a] The proposed project constitutes a farm operation within the meaning of Agriculture and Markets Law § 301(11) and conforms to the farm operations represented in the application for admission/renewal to the Agricultural District and all terms and conditions of such approval.

[b] The proposed project complies with the requirements of paragraph 2(a) and does not pose a threat to public health or safety, including unnecessary degradation to streams, wetlands, water bodies, and/or groundwater.

[5] The Planning Board shall issue its decision at its next meeting after it deems an application complete. If the Planning Board requires a public hearing under this section, it shall issue its decision no later than 30 days after such public hearing.

[6] The Planning Board may impose reasonable conditions upon the approval.”

§ 165-26.4 is hereby stricken.

§ 165-26.5 is stricken and replaced with the following:

“Future Subdivisions:

Future subdivisions of all lots now or hereafter included within the AG District shall be subject to the following criteria and shall require Planning Board approval under the procedures applicable to lots outside the AG District.

A. The maximum number of lots into which any AG lot may be subdivided may not exceed that number of lots into which the AG lot could have been subdivided prior to that lot's inclusion in the AG District. This calculation shall be made by the Planning Board based on submission of requisite documentation provided by the applicant prior to any site disturbance, shall be certified by the Town's planning, engineering and wetland consultants, and shall be filed with the Town Clerk.

B. Where the above calculations cannot be made because an AG parcel has already been disturbed to facilitate farm operations, all lots resulting from any future subdivisions of that parcel shall conform to the bulk requirements of the CD Zoning District, except that no lot shall contain fewer than 10 acres of net lot area.”

A new 165-26.6 shall be added to ARTICLE VII of the Town Code stating as follows:

“Future Zoning and Building Requirements”

Parcels and buildings which are no longer included in the County Agricultural District must comply with the base zoning district requirements and the New York State Building Code in effect as of the date the property is no longer included the County Agricultural District.”

Town Code Section 165-16B is hereby amended to add a new subsection (5) stating as follows:

“Any farm operation in PD, CD, R-1, R-2, and R-3 Zoning Districts, except for those properties located in the Agricultural Overlay District (AG) regulated under Section 165-26 of the Town Zoning Code.”

6. A new Town Code Section 120-11.1 is hereby added to state as follows:

“No Recreation Vehicle, as same shall be defined in the Town Zoning Code, shall be parked on a Town highway for a period of more than 24 hours during any month, and no Recreation Vehicle shall be used as living quarters while parked on a Town Highway”.

Town Code Section 165-27 J(2) is hereby amended to strike the words “or side yard”.

7. **A New Town Code Section 165-65.1 is hereby added to state:**

Section 1. Legislative Intent.

The Town Board has recognized that several states, in addition to permitting the distribution of medical marijuana, have also permitted the distribution of marijuana for recreational purposes. The Town Board also recognizes that the legalization of marijuana in New York is a subject of current discussion and community forums organized by the State, and that the New York State Commissioner of Health has recommended that the recreational use of marijuana be considered for legalization in New York. A public hearing having been held before the Town Board, and the Town Board has found that Town residents are greatly concerned about the retail sale of marijuana in the Town if it should become legal in New York. Accordingly, it is the intent of the Town Board to prohibit the use of any building, structure or premises for the sale or distribution of marijuana in all zoning districts.

Section 2.

A new Section 165-65.1 shall be added to the Town Code stating as follows:

§ 165-65.1 Prohibitions

A. No building, structure or premises approved and licensed as a Medical Marijuana Facility pursuant to Article 33 of the New York Public Health Law may be used for the sale of any product containing Tetrahydrocannabinol (THC) other than lawfully prescribed and dispensed Medical Marijuana for medical conditions.

B. Except for duly registered marijuana dispensing facilities dispensing duly prescribed Medical Marijuana, no building, structure or premises within any use district in the Town of Putnam Valley may be used for the sale or distribution of Marijuana and/or substances containing THC, including but not limited to Marijuana, cannabis vaporizers, cannabis tea, Cannabis edibles, cannabis capsules, oils, and creams (Marijuana Products).

Section 3.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this article or in its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 4.

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

Proposed Local Law Number 04-2020

SECTION 1. TITLE

This Local Law shall be known as the “Moratorium on and Prohibition of Large Scale Solar Installations, Large Scale Battery Energy Storage System Installations, and Large Scale Wind energy Conversion Systems within the Town of Putnam Valley.”

SECTION 2. STATUTORY AUTHORITY; PURPOSE AND INTENT.

This Local Law is intended to be consistent with and is adopted pursuant to the authority granted to the Town Board of the Town of Putnam Valley under the New York State Constitution, and the Laws of the State of New York, including but not limited to the following authorities: New York State Constitution Article IX, Section 2 (c)(ii)(6), (10); Municipal Home Rule Law § 10(1)(i); Municipal Home Rule Law § 10(1)(ii)(a)(6), (11), (12), and (14); Municipal Home Rule Law § 10(1)(ii)(d)(3); Municipal Home Rule Law § 10(2); Municipal Home Rule Law § 10(3); Municipal Home Rule Law § 10(4)(a), and (b); Statute of Local Governments §10(1), (6), and (7); Town Law § 64 (17-a); Town Law § 130(3) and (15); Town Law §135; Town Law Article 16 (Zoning & Planning) inclusive; Environmental Conservation Law §3-0301(1)(b), 3- 0301(2)(m) and 8-0113 and 6 NYCRR Part 617, also known as the State Environmental Quality Review Act, as it pertains to applications that are neither excluded nor exempt from this local law.

This Local Law is a land use regulation. This Local Law is intended and is hereby declared to address matters of local concern, and it is declared that it is not the intention of the Town to address matters of statewide concern. This Local Law is intended to act as and is hereby declared to exercise the permissive “incidental control” of a zoning law and land use law that is concerned with the broad area of land use planning and the physical use of land and property within the Town, including the physical externalities associated with certain land uses, such as potential negative impacts of such uses on a community.

This Local Law shall supersede and suspend those provisions of the Zoning Ordinance of the Town of Putnam Valley and New York state law which require the Planning Board and/or the Town.

Code Enforcement officer to accept, process, and approve land use applications within certain statutory time periods.

This Local Law is intended to temporarily prohibit the creation or siting of Large Scale Solar Installations, Large Scale Battery Energy Storage System Installations, and Large Scale Wind Energy Conversion Systems (as herein later defined) within the Town of Putnam Valley for a period of up to twelve (12) months, pending the development and adoption of local laws and/or ordinances designed to regulate and govern such installations.

The Town Board recognizes and acknowledges that the Town needs to study and analyze many considerations that affect the preparation of local legislation to regulate the future creation and siting of Large Scale Solar Installations, Large Scale Battery Energy Storage System

Installations, and Large Scale Wind energy Conversion Systems . The Town Board has formally requested the Building and Zoning Department and the Planning Board of the Town of Putnam Valley to identify and review local laws from other jurisdictions, and related information and source materials, in order to assist in developing the parameters of a local law to regulate of Large Scale Solar Installations, Large Scale Battery Energy Storage System Installations, and Large Scale Wind energy Conversion Systems . The Town Board has directed the Town Attorney to assist in this endeavor.

The Town Board also recognizes the need to review and examine its existing ordinances, local laws and Zoning Ordinance provisions insofar as they may be affected by adoption of such local law(s) regulating the creation and/or siting of Large Scale Solar Installations, Large Scale Battery Energy Storage System Installations, and Large Scale Wind Energy Conversion Systems. It is deemed necessary to enact this moratorium in order to permit the Town adequate time in which to draft suitable legislation for this purpose. During the term of the moratorium the Town of Putnam Valley shall work to prepare and eventually adopt new land use regulations to incorporate into the Town's existing Zoning Ordinance.

At this time, there are no pending applications for the location, development or site plan approval of a Large Scale Solar Installations, Large Scale Battery Energy Storage System Installation, and/or Large Scale Wind Energy Conversion System.

During the pendency of the moratorium, the Town Board will consider how best to permit such installations so as to harmoniously integrate such installations with the existing community and landscape. At present, the Zoning Ordinance of the Town of Putnam Valley may not adequately regulate such land use. If the community allows such development during that time, the goals of the Town Zoning Code and its related legislation favoring the preservation and support of scenic, cultural, aesthetic, historic, environmental, and other resources of the Town of Putnam Valley could be undermined or damaged. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory final regulations are adopted.

For these reasons, the Town Board finds that temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to develop and adopt necessary zoning and land use changes to the Zoning Ordinance of the Town of Putnam Valley, thus protecting and furthering the public interest, health and safety.

SECTION 3. DEFINITIONS.

For purposes of this Local Law, the following terms shall have the meanings respectively set forth below:

Large Scale Solar Installation(s) - Any installation of solar panels, equipment and/or buildings or structures undertaken for generating power from the sun and converting such power into electricity. Large Scale Solar Installations specifically do not include any solar panel collection system or array utilized for the on-site consumption of a business or residence that does not generate more than 5 kWh of electrical power in total.

Large Scale Battery Energy Storage System Installation(s) -Any installation of a rechargeable energy storage system, consisting of electrochemical storage batteries or similar technology, battery chargers, controls, power conditioning systems, inverters, transformers, switchgears and associated electrical equipment designed to store electrical power received from a generating or transmission source and periodically discharging power from the battery energy storage system into the power grid. Systems typically used to provide standby or emergency power and/or an uninterruptable power supply, load shedding, load sharing, or similar capabilities relating to the energy consumed by a residence, or business on site and having an aggregate energy capacity of not more than 5kWh of electrical power in total shall not be considered a “Large Scale Battery Energy Storage System Installation” for purposes of this Moratorium.

Large Scale Wind Energy Conversion System Installation- Any installation that converts the kinetic energy available in the wind to mechanical energy that can be used to operate an electrical generator. Large Scale Wind Energy Conversion Systems specifically do not include any system utilized for the on-site consumption of a business or residence that does not generate more than 5 kWh of electrical power in total

SECTION 4. TEMPORARY MORATORIUM and PROHIBITION.

- A. Unless permitted pursuant to Section 5 hereafter, from and after the date of this Local Law, no application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official or agent of the Town of Putnam Valley, for the construction, establishment, or use or operation of any land, body of water, building, or other structure located within the Town of Putnam Valley, for any Large Scale Solar Installations, Large Scale Battery Energy Storage System Installations, and Large Scale Wind Energy Conversion Systems, as defined above.
- B. Unless permitted pursuant to Section 5 hereafter, from and after the date of this Local Law, no person, entity or business shall use, cause, or permit to be used, any land, body of water, building, or other structure located within the Town of Putnam Valley for any Large Scale Solar Installations, Large Scale Battery Energy Storage System Installations, and Large Scale Wind Energy Conversion Systems, as defined above.
- C. This moratorium and prohibition shall be in effect beginning on the effective date of this Local Law and shall expire on the earlier of (i) that date which is twelve(12) months after said effective date; or (ii) the effective date of a Town Board resolution affirmatively stating the Town Board has determined that the need for this moratorium and prohibition no longer exists.

- D. This moratorium and prohibition shall apply to all real property within the Town of Putnam Valley, and all land use applications for the siting or creation of Large Scale Solar Installations, Large Scale Battery Energy Storage System Installations, and Large Scale Wind Energy Conversion Systems within the Town of Putnam Valley.
- E. Under no circumstances shall the failure of the Town Board of the Town of Putnam Valley, the Zoning Board of Appeals of the Town of Putnam Valley, the Planning Board of the Town of Putnam Valley, or the Code Enforcement Officer for the Town of Putnam Valley to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or any other Town-level approval constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

SECTION 5. HARDSHIP VARIANCE RELIEF FROM APPLICABILITY OF MORATORIUM.

Applications for land use otherwise subject to this moratorium may be exempted from the provisions of this local law following a noticed public hearing before the Town Board. It is specifically intended that this moratorium shall supersede New York State law which would otherwise confer exclusive variance authority to the zoning board of appeals.

Following a request for hardship variance relief, a noticed public hearing shall be held, at which hearing the Town Board may consider:

- A. The proximity of applicant's premises or the subject of applicant's request for relief to natural resources, including but not limited to scenic areas, ridgelines, cultural resources, environmental management districts, residential communities, streams, lakes, wetland areas, conservation districts and other environmental concerns.
- B. The impact of the proposed application on the applicant's premises and upon the surrounding area.
- C. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect of the proposed application upon the community.
- D. Compatibility of the proposed application with the proposed amendments to the Town Code under review to the extent they may exist at the time of the hearing, and the interim data, studies and recommendations of any administrative body charged with such review by the Town of Putnam Valley.
- E. Whether the applicant's property will be deprived of all reasonable value in

the absence of a waiver, or such application may be severely jeopardized or made impractical by waiting until the moratorium is expired.

- F. Such other reasonable considerations and issues as may be raised by the Town Board.

In making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Town Board may obtain and consider reports and information from any source it deems to be consistent with review of said application. A grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon the property owner which is unique to the property owner, and a finding that the grant of an exemption will be in harmony with, and will be consistent with the recommendations of the Comprehensive Plan.

An application for relief of application of the moratorium shall be accompanied by a fee of \$5000.00, together with the applicant's written undertaking, in a form to be approved by the Attorney for the Town, to pay all of the expenses of the Town Board and any agent or consultant retained by the Town Board to evaluate and consider the merits of such application, including but not limited to any fees incurred by the Town for services provided by the Attorney for the Town.

SECTION 6. PENALTIES.

- A. Failure to comply with any of the provisions of this Local Law shall be an unclassified misdemeanor as contemplated by Article 10 and Section 80.05 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of not more than One Thousand Five Hundred Dollars (\$1,500) or imprisonment for not more than 10 days, or both for the first offense. Any subsequent offense within a three-month period shall be punishable by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500) or imprisonment for a period of not more than 30 days, or both. For purposes of this Clause A., each day that a violation of this Local Law exists shall constitute a separate and distinct offense.
- B. Compliance with this Local Law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction, in an action brought on behalf of the Town by the Town Board.
- C. In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all costs incurred by the Town relative thereto, including attorney's fees, and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the propert(ies) within the Town on which the violation occurred, by including such expense in the next annual Town tax levy against such property, and such expense shall be a lien upon such property until paid.

SECTION 7. CONFLICTS.

For and during the stated term of this legislation, unless the stated term thereof shall be modified or abridged by the Town Board, this moratorium shall take precedence over and shall control over any contradictory local law, ordinance, regulation or Code provision.

SECTION 8. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed here from, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

SECTION 9. EFFECTIVE DATE.

The effective date of this Local Law shall be immediately upon its filing with the Secretary of State.

Proposed Local Law Number 03-2020

Section 1. Legislative Intent.

The Town Board has recognized that several states, in addition to permitting the distribution of medical marijuana, have also permitted the distribution of marijuana for recreational purposes. The Town Board also recognizes that the legalization of marijuana in New York is a subject of current discussion and community forums organized by the State, and that the New York State Commissioner of Health has recommended that the recreational use of marijuana be considered for legalization in New York. A public hearing having been held before the Town Board, and the Town Board has found that Town residents are greatly concerned about the retail sale of marijuana in the Town if it should become legal in New York. Accordingly, it is the intent of the Town Board to prohibit the use of any building, structure or premises for the sale or distribution of marijuana in all zoning districts.

Section 2.

A new Section 165-65.1 shall be added to the Town Code stating as follows:

§ 165-65.1 Prohibitions

- A. No building, structure or premises approved and licensed as a Medical Marijuana Facility pursuant to Article 33 of the New York Public Health Law may be used for the sale of any product containing Tetrahydrocannabinol (THC) other than lawfully prescribed and dispensed Medical Marijuana for medical conditions.

- B. Except for duly registered marijuana dispensing facilities dispensing duly prescribed Medical Marijuana, no building, structure or premises within any use district in the Town of Putnam Valley may be used for the sale or distribution of Marijuana and/or substances containing THC, including but not limited to Marijuana, cannabis vaporizers, cannabis tea, Cannabis edibles, cannabis capsules, oils, and creams (Marijuana Products).

Section 3.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this article or in its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 4.

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

WHEREAS, the FIRE DEPARTMENT pursuant to Town Law 184 has provided the following to the TOWN prior to commencement of negotiations on this Agreement:

(1) the FIRE DEPARTMENT's most recent annual report of directors pursuant to section five hundred nineteen of the not-for-profit corporation law;

(2) the FIRE DEPARTMENT's most recent verified certificate pursuant to subdivision (f) of section fourteen hundred two of the not-for-profit corporation law;

(3) the FIRE DEPARTMENT's most recent internal revenue service form 990;

(4) the FIRE DEPARTMENT's most recent annual report pursuant to section thirty-a of the general municipal law; and

WHEREAS, a public hearing was held at the Town Hall on _____, after due publication of notices of such hearing; and such hearing having been called for the purpose of aiding in the determination of whether or not a contract should be made between the said TOWN and the FIRE DEPARTMENT for further fire protection; and

WHEREAS, after such meeting of the Town Board of the Town of Putnam Valley on _____, the TOWN, by Resolution # _____ (a copy of which is annexed), duly authorized this Agreement with the FIRE DEPARTMENT for fire protection to said Fire Protection District upon the terms and provisions herein set forth; and

WHEREAS, this Agreement has been duly authorized by the governing board of the FIRE DEPARTMENT pursuant to Resolution # _____ (a copy of which is annexed)

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed between the parties hereto as follows:

1. The FIRE DEPARTMENT agrees to furnish fire protection and other services as set forth in EXHIBIT A annexed hereinafter referred to cumulatively as "Fire Protection" to the entire

Town of Putnam Valley for a period of five (5) years beginning January 1, 2021 and up to and including December 31, 2025. Said Fire Protection is to be furnished by the FIRE DEPARTMENT to the TOWN and to all of its inhabitants and others within the area described herein upon the terms and conditions set forth herein.

2. The FIRE DEPARTMENT shall, at all times during the life and term of this Agreement, be subject to and shall respond to calls for attendance at any and all fires and other occurrences covered under this Agreement occurring in the area as outlined in this agreement.

3. When notified by alarm or in any other manner from any person within the district of a fire or other covered occurrence within the district, said FIRE DEPARTMENT shall respond and attend upon the fire or other occurrence without delay with its apparatus and with suitable and appropriate personnel and equipment.

4. The FIRE DEPARTMENT agrees to furnish suitable apparatus and appliances for the furnishing of Fire Protection in such Fire Protection District and when notified by alarm or in any other manner, of a fire within said Fire District, the FIRE DEPARTMENT will respond and attend upon the fire, or other occurrence without delay with suitable apparatus and appliances and that the members of the FIRE DEPARTMENT shall proceed diligently and in every way reasonably suggested to extinguish the fire and to save life and property in connection therewith.

5. It is further understood and agreed that the FIRE DEPARTMENT shall provide mutual aid when requested; however, except for such mutual aid obligations, the FIRE DEPARTMENT shall not provide Fire Protection services to any other municipality, fire protection district, fire district, fire department, or any other public or private party.

6. The FIRE DEPARTMENT further agrees to maintain and operate two (2) or more fire engines at the main firehouse at 12 Canopus Hollow Road, adjoining the Town Hall in Putnam Valley; and further agrees to maintain and operate one additional fire engine at the firehouse located at Tompkins Corners in the Town of Putnam Valley. At such time as the main firehouse shall be located at the proposed new

firehouse located at #_TBD Oscawana Lake Road tax map number 72.20-1-7.12, or elsewhere, the FIRE DEPARTMENT shall maintain the fire engines and other equipment presently maintained at the firehouse adjoining Town Hall in the new firehouse.

7. At such time as the proposed new firehouse is completed and ready for occupancy, the term of the existing Lease between the TOWN and the FIRE DEPARTMENT for the Firehouse adjoining the Town Hall, at the option of the TOWN, shall terminate, and the FIRE DEPARTMENT shall promptly vacate such premises and turn same over to the TOWN in the manner and condition provided in the said Lease.

8. The TOWN shall provide and pay for Workers' Compensation Volunteer Firemen's Benefits and offer Length of Service Award Program (LOSAP) service credits for the benefit of Fire Department personnel.

9. The FIRE DEPARTMENT agrees that it will obtain and maintain in force throughout the term of this contract adequate and suitable public liability, bodily injury, death, and property damage insurance policies, including automobile, for the benefit and protection of the said FIRE DEPARTMENT. Such policies shall also name the TOWN as an additional insured, and a certificate(s) of insurance, suitably endorsed, shall be delivered to the Supervisor of the Town of Putnan Valley upon the signing of this Agreement, and upon each renewal of said policy, and shall remain in the custody of the Town Clerk. Such insurance shall be in the sum of at least \$5,000,000 combined single limit and \$5,000,000 for a multiple accident. Thirty days cancellation notice to the Town shall be required on said policies, and such policies shall remain in full force and effect throughout the Term of this Agreement.

10. Upon execution of this agreement and submission of certificate of insurance, the TOWN agrees to pay the FIRE DEPARTMENT the following amounts, (which include increases of 1.25% in year two (2), 1.50% in year three (3), and 2% increases in years four (4) and five (5)), as follows:

a. Year 2021 total of \$1,259,000 - payment of \$314,750 (25%) on February 1, 2021 and

payment of \$944,250. (75%) on March 15, 2021;

b. Year 2022 total of \$1,274,737.50 -payment of \$318,684.50 (25%) on February 1, 2022 and payment of \$956,053.00 (75%) on March 15, 2022;

c. Year 2023 total of \$1,293,858.56 -payment of \$323,464.56 (25%) on February 1, 2023 and payment of \$970,394.00 - 75 (75%) on March 15, 2023;

d. Year 2024 total of \$1,319,736.00 -payment of \$329,934.00 (25%) on February 1, 2024 and payment of \$989,802.00 (75%) on March 15, 2024; and

e. Year 2025 total of \$1,346,130.00 – payment of \$336,532.50 (25%) on February 1, 2025 and payment of \$1,009,597.50 (75%) on March 15, 2025.

11. In the event that, at any time after the execution of this Agreement, or during the term of this Agreement, the FIRE DEPARTMENT receives a grant, gift, donation, or bequest for the construction of the new firehouse in excess of \$50,000.00 in any given year, then the proceeds of such grant shall be applied to the payment of the bond/mortgage/building loan taken out, or to be taken out, by the FIRE DEPARTMENT to construct the firehouse; and the payment by the Town for Fire Protection under this Agreement shall be reduced by the same dollar amount that the monthly principal and/or interest payment on such bond/mortgage/building loan is reduced or, if applied, would otherwise be reduced by the dollar amount of the said grant, gift, donation or bequest.

12. At the expiration of this Agreement the TOWN shall have the option to renew this Agreement for an additional five (5) year term upon reasonable terms and conditions.

13. In the event that an unforeseeable new and not previously existing unfunded mandate is/are enacted and becomes effective during the term of this Agreement by OSHA, PESH, NFPS, Office of Fire Prevention or any other governing body that individually or in total result in a verifiable increase in operating costs of the FIRE DEPARTMENT the existing operating costs, and satisfactory proof of such increase is provided to the TOWN; then and in that event half of such increased operating expenses shall be

paid by the Town to the extent they apply to the remaining term of this Agreement subsequent to such increase in operating expenses (and shall be prorated if necessary). In the event of a dispute over the provisions of this Agreement, the dispute shall be resolved by Arbitration. However, despite such dispute, the FIRE DEPARTMENT shall continue to provide Fire Protection to the TOWN until such dispute is resolved at the then existing rate.

14. The TOWN and the FIRE DEPARTMENT shall comply with all applicable laws and regulations in carrying out their duties under this Agreement. Each and every provision of law and clause required by law to be inserted into this Agreement shall be deemed to be inserted into this Agreement. If any such provision is not inserted through mistake or otherwise, then upon application of either party, this Agreement shall be amended to make such insertion.

15. This Agreement shall constitute the entire agreement of the parties related to its subject matter, and shall supersede any previous oral or written understandings. Furthermore, it may only be amended by a written agreement signed by the parties.

16. The use of one gender in this Agreement shall include all others, and the use of the singular shall include the plural and vice versa.

17. All notices and communications required under this Agreement shall be accomplished by the actual delivery to the parties' addresses set forth above. Notices to the Town shall be directed to the Supervisor, and to the Fire Protection District shall be directed to the President of the FIRE DEPARTMENT.

18. This Agreement may not be assigned without the consent of the other party.

19. This Agreement shall be binding upon and inure to the benefit of the parties to this Agreement, and their trustees, receivers, successors, and assigns.

20. No rule of construction shall be applied to construe any ambiguities in this Agreement against the draftsperson.

21. This Agreement shall be governed by the laws of the State of New York.

22. If any provision of this Agreement is determined to be invalid or unenforceable, that shall not

affect the validity or enforceability of the remaining portions of this Agreement.

23. This Agreement may be executed in multiple counterparts, and the counterparts, when combined, shall form and constitute a complete agreement. The parties further agree that facsimile signatures shall be acceptable to bind the parties.

TOWN OF PUTNAM VALLEY

PUTNAM VALLEY FIRE DEPARTMENT

EXHIBIT A
DESCRIPTION OF SERVICES

Extinguishment of fires in the District; attending to flooded buildings; attending to automobile accidents, and traffic management at motor vehicle accidents and closures of State and Local highways in the District; mutual aid to other fire companies in the area according to custom and practice; inspections of buildings and properties in the fire protection district for the purposes specified in and as authorized by sections eight hundred seven-a and eight hundred seven-b of the education law, subdivision four of section three hundred three of the multiple residence law, and section one hundred eighty-nine of the town law; and such other services as have been previously provided by the Company to the District.

**Town of Putnam Valley Proposed Town Code Changes
Town of Putnam Valley, New York**

Supplemental Environmental Assessment Part 1

1

Town of Putnam Valley Town Board
265 Oscawana Lake Road
Putnam Valley, New York 10579
Contact: Mr. Sam Oliverio, Supervisor
(845) 526-2121

DR

July, 2020

Supplemental EAF Information:

At the Town Board meeting on July 15, 2020, the Town Board of the Town of Putnam Valley declared lead agency for proposed zoning and town code amendments. Following that meeting, the Town Board further discussed the proposed amendments and has made certain modifications. These modifications are indicated in this Supplemental Part I Environmental Assessment Form and are italicized and shown in “red” are also detailed as follows:

Page 6:

1. A new Section 165-20 shall be added to the Town Code stating:

“The Planning Board shall have the right to waive or amend the submission requirements of Section 165-16(C)(a) and (b) concerning a Development Approval Plan for any applicant, upon a vote of a majority plus one of the total Board, if, in its opinion, the best interests of all concerned will be served.”

2. A new Section 165-21.1(C) shall be added to the Town Code stating:

“The Planning Board shall have the right to waive or amend the submission requirements of Section 165-21(C)(1) concerning a Site Plan for any applicant, upon a vote of a majority plus one of the total Board, if, in its opinion, the best interests of all concerned will be served.”

Pages 6-7:

3. That the second sentence of Town Code Section 165-21.1(A)(1) be amended to state:

*“Upon receipt of a complete set of development approval plans (residential districts) or site plans (nonresidential districts), the Planning Board may forward a set of all pertinent materials to the Town of Putnam Valley Committee for the Conservation of the Environment (“CCE”) for its review and recommendations. *If the Planning Board determines not to refer a set of development approval or site plans to the CCE for review and recommendation it shall promptly notify the CCE of such decision*”.*

Page 7:

4. That Town Code Section 161-7(B)(1) shall be amended to state:

*“In all cases, the approving authority may refer any application submitted to it pursuant to this chapter to the CCE for review and report. The date of referral from the approving authority shall be deemed to be the date of the first regularly scheduled monthly meeting of the CCE after receipt of a complete set of pertinent materials from the approving authority. *recommendations. If the Planning Board determines not to refer a set of development approval or site plans to the CCE for review and recommendation it shall promptly notify the CCE of such decision*”.*

It is noted that the environmental impacts due text changes represented in #1 and #2 above have been fully discussed in this Supplemental EAF document. Proposed text changes to #3 and #4 above represent a notification requirement which does not have any negative environmental impacts.



1.0: INTRODUCTION: LOCATION, DESCRIPTION AND PURPOSE OF PROPOSED ACTION.

1.1: Introduction

Pursuant to the New York State Environmental Quality Review Act (SEQR), the proposed action discussed in the Full Environmental Assessment Form (EAF), is the adoption of the revisions to the Town of Putnam Valley Town Code, specifically Chapters 120 (Vehicles and Traffic), Chapter 161 (Tree Cutting) and Chapter 165 (Zoning). In accordance with recommendations of the 2007 Comprehensive Plan, the Town Board of Putnam Valley is proposing to support farming, increase environmental protection to wetlands and trees, prohibit the use of any building, structure or premises for the sale or distribution of marijuana in all zoning districts, and to provide safe, off-street parking for recreational vehicles.

1.2 Project Location

The town of Putnam Valley is located in Putnam County, New York. The population was 11,809 at the 2010 census. Its location is northeast of New York City, in the southwest part of Putnam County. Midtown Manhattan is a forty-five to fifty-minute drive.

The town has a total area of 43.0 square miles (111 km²), of which 41.4 square miles (107 km²) is land and 1.6 square miles (4.1 km²), or 3.72%, is water. 14,089 acres of Clarence Fahnestock State Park lies within the boundaries of Putnam Valley and 1,000 acres is owned by the Hudson Highlands Land Trust, an environmental preservation trust in the Hudson Valley^[5]

At the 2000 census there were 10,686 people, 3,676 households and 2,874 families residing in the town. The population density was 258.2 per square mile (99.7/km²). There were 4,253 housing units at an average density of 102.7 per square mile (39.7/km²).

1.3 Study Land Use Area

The land use study area is comprised of the entire town of 43.0 square miles. Within the study area there a broad range of uses ranging from single family residential to light industrial. Residential uses are primarily concentrated around the lake communities of Lake Peekskill, Lake Oscawana and Roaring Brook Lake as well as in two cooperative communities: Floradan Estates and Three Arrows. Mixed commercial uses are focused in the Lake Peekskill hamlet as well as at several “corners” which are situated at road intersections and provide local shopping. There are several public parks as well as a regional senior center.

1.4 Project Description

Background

In the spring of 2020, the Town Board at the recommendation of the Planning Board as well as from input from town residents determined that certain chapters of the Town Code required supplement and revision:

- Streamlining the Planning Board application review process
- Preserving existing farming while maintaining environmental protection
- Prohibit the use of any building, structure or premises for the sale or distribution of marijuana in all zoning districts.
- Prohibit street parking of recreational vehicles and permit parking of recreational vehicles in side-yards.

Revisions to the zoning and tree cutting chapter will allow the Planning Board, with a super majority vote to waive certain site plan requirements thereby streamlining the review process and reducing cost and time to residents.

The zoning revisions changes are intended to ensure that farming operations and requirements will remain while environmental resources will be protected by the removal of the RA zoning district.

Prohibition of the use of buildings, structures or premises for sale or distribution of marijuana is intended to ensure the safety of all residents.

Prohibition of street parking of recreational vehicles will provide greater road safety for residents. Side yard parking of recreational vehicles will provide a viable alternative to street parking.

Existing Zoning and Code Chapters

The existing zoning presently permits a property located in an AG district to continue to benefit from certain code requirements and regulations when the property is no longer part of the AG district by conversion to the RA district. This conversion allows the property owner to continue to be exempt from certain local laws while not committing to be included in the Putnam County Agricultural District (town AG district). The proposed change does not reduce any of the existing provisions in the town code regarding farm operation uses.

The town Planning Board is charged with the review and approval of site plan applications. Site plans must meet zoning code requirements in order to be complete. The proposed revision will permit the Planning Board to waive certain requirements by super majority vote if the Board determines that the requirements are not applicable to the project under review.

Presently the town code does not include the regulation of the sale or distribution of marijuana.

The town code does not contain a regulation that prohibits on street parking of recreational vehicles.

Proposed Code Revisions:

Generally, the proposed revisions are intended to provide the following:

- Flexibility to the Planning Board in the review of site plan applications in order to reduce cost and time to residents without compromising existing requirements.
- The continuance of farming in the town while strengthening resource protection to those properties not included in the AG zone.
- Prohibiting the sale and distribution of marijuana except for duly registered marijuana dispensing facilities dispensing duly prescribed Medical Marijuana
- Prohibition of on street parking of recreational vehicles will enhance the protection and safety of residents.

Specifically, the proposed revisions involve:

- Removal of the RA zoning district from the zoning code
- Providing the ability of the Planning Board to waive certain site plan requirements.
- Prohibit the sale and distribution of marijuana with exemption for duly registered marijuana dispensing facilities dispensing duly prescribed Medical Marijuana
- Prohibit on-street parking and permitting side yard parking of recreational vehicles.

Text of Proposed Revisions:

1. A new Section 165-20 shall be added to the Town Code stating:

“The Planning Board shall have the right to waive or amend the submission requirements of Section 165-16(C)(a) and (b) concerning a Development Approval Plan for any applicant, upon a vote of a majority plus one of the total Board, if, in its opinion, the best interests of all concerned will be served.”

2. A new Section 165-21.1(C) shall be added to the Town Code stating:

“The Planning Board shall have the right to waive or amend the submission requirements of Section 165-21(C)(1) concerning a Site Plan for any applicant, upon a vote of a majority plus one of the total Board, if, in its opinion, the best interests of all concerned will be served.”

3. That the second sentence of Town Code Section 165-21.1(A)(1) be amended to state:

“Upon receipt of a complete set of development approval plans (residential districts) or

site plans (nonresidential districts), the Planning Board may forward a set of all pertinent materials to the Town of Putnam Valley Committee for the Conservation of the Environment ("CCE") for its review and recommendations. *If the Planning Board determines not to refer a set of development approval or site plans to the CCE for review and recommendation it shall promptly notify the CCE of such decision*".

4. That Town Code Section 161-7(B)(1) shall be amended to state:

"In all cases, the approving authority may refer any application submitted to it pursuant to this chapter to the CCE for review and report. The date of referral from the approving authority shall be deemed to be the date of the first regularly scheduled monthly meeting of the CCE after receipt of a complete set of pertinent materials from the approving authority. *If the Planning Board determines not to refer a set of development approval or site plans to the CCE for review and recommendation it shall promptly notify the CCE of such decision*".

5. That the following sections of Town Code Article VIIA entitled "Special Provisions for County Agricultural District Properties" shall be amended as follows:

§ 165-26.1 is hereby stricken in its entirety and replaced with the following:

"Purpose. The purpose of this Article VIIA is to create an Agricultural District Overlay Zone which provides special regulations with respect to properties located in agricultural districts created under Article 25-AA of the New York State Agriculture and Markets Law and § 283-a of the New York State Town Law, in recognition of § 305-a(1) of the Agriculture and Markets Law (hereinafter referred to as the "AG District Overlay Zone."

§ 165-26.2 is stricken in its entirety and replaced with the following:

"Districts

A. The following overlay zoning district is hereby created:

Zoning District Name	Abbreviated Designation
Agricultural District Overlay Zone	AG

B. Properties falling within the Agricultural District (AG) overlay zone shall be those properties included within the County Agricultural District under Article 25-AA of the New York State Agriculture and Markets Law. The Agricultural (AG) District shall be an overlay zone corresponding to and including only those properties so designated.

Removal or withdrawal of a property from the County Agricultural District shall result in that property's being located in the base zoning district in effect as of the date of removal or withdrawal."

§ 165-26.3 is stricken in its entirety and replaced with the following:

“Permitted Uses: bulk and site development plan regulations:

A. AG Agricultural Overlay District.

(1) Permitted uses: farm operations as defined in Agriculture and Markets Law § 301(11);

(2) Special permit uses bed-and-breakfasts, commercial stables, camps and outdoor recreational facilities.

(3) Accessory uses: residential uses to house the owner of the farm operation, his/her immediate family, and those exclusively employed by him/her in connection with the farm operation.

(4) Lot and bulk regulations.

(a) All lots shall contain at least the minimum size required to be included in the County Agricultural District; all principal and accessory structures other than fences and walls shall be no closer than 50 feet to any lot line; all structures designed for the housing, care and/or feeding of livestock shall be no closer than 100 feet to any lot line; and no structure (except for silos) shall exceed 35 feet in height.

(b) Any lot which lawfully existed on the effective date of enactment of this Article VIIA, which fails to meet the minimum lot area requirement of a lot, shall be considered a legal nonconforming lot and may be employed for farm operations subject to all other dimensional regulations specified herein. Any abutting nonconforming lot(s) located in the AG District, which is/are owned by the same owner or owners, shall be considered as one merged lot for the purposes of this chapter.

(5) Site development plan review in agricultural districts. Activities which comprise farm operations in agricultural districts shall be subject to the site development plan approval procedures outlined in this Subsection A(5), rather than §§ 165-16 or 165-21 of this Code, unless the proposed activity poses a threat to public health or safety, including ground and surface water, in which case the provisions of §§ 165-16 and/or 165-21, shall apply to the fullest extent authorized by Ag and Markets law 8 Article 25-AA.

(a) Site development plan submission requirements:

[1] Application form, required fees and escrow.

[2] A scaled drawing of the site and location map showing boundaries and dimensions and identifying contiguous properties and any recorded easements and roadways, prepared by a New York State licensed architect, engineer, or land surveyor.

[3] Existing contours showing elevations at two-foot intervals.

[4] Illustration of regulated wetlands, wetland buffers, water bodies and/or watercourses and buffers associated with the water bodies and/or watercourses delineated in accordance with Chapter 144 of the Putnam

Valley Town Code.

[5] Illustration of existing and proposed water supply and sewage disposal systems.

[6] Proposed location and arrangement of buildings and structures on site, including means of ingress and egress, parking, circulation of traffic, and signage, exterior dimensions of buildings and structures along with any available blueprints, plans or drawings.

[7] A description of the project including the intended use of the land and proposed buildings, structures, signs and any anticipated changes in the existing topography and natural features of the site to accommodate the changes. The application shall also include a certified copy of the County approval for the admission of the property into the Agricultural District and the application submitted to the County such admission/review.

[8] A soil erosion and sediment control plan shall be prepared in conformance with state requirements and Chapter **155** of the Code of the Town of Putnam Valley to the fullest extent under Ag and Markets Law Article 8 25-AA.

[9] A stormwater pollution prevention plan under Chapter **102** of the Putnam Valley Town Code to the fullest extent authorized under Ag and Markets Law Article 8 25-AA.

[10] Additional information as required by the Planning Board.

(b) Procedure:

[1] Application shall be submitted to the Planning Board and shall be placed on the next available agenda.

[2] An application will be deemed complete when all the information and documentation required under Subsection 5(a) above has been received and reviewed by the Planning Board.

[3] The Planning Board may require a public hearing for applications in which there is substantial public interest. The public hearing shall be conducted at the Planning Board's next regular meeting following the day it deems the application complete. The Planning Board shall mail a notice of said hearing to the applicant, all abutting property owners, and those property owners within 200 feet of the subject site at least 10 days prior to said hearing and shall give public notice of said hearing in a newspaper of general circulation in the Town at least five days prior to the date thereof.

[4] The Planning Board shall approve the proposed farm operation upon the applicant's demonstrating that:

[a] The proposed project constitutes a farm operation within the meaning of Agriculture and Markets Law § 301(11) and conforms

to the farm operations represented in the application for admission/renewal to the Agricultural District and all terms and conditions of such approval.

[b] The proposed project complies with the requirements of paragraph 2(a) and does not pose a threat to public health or safety, including unnecessary degradation to streams, wetlands, water bodies, and/or groundwater.

[5] The Planning Board shall issue its decision at its next meeting after it deems an application complete. If the Planning Board requires a public hearing under this section, it shall issue its decision no later than 30 days after such public hearing.

[6] The Planning Board may impose reasonable conditions upon the approval.”

§ 165-26.4 is hereby stricken.

S 165-26.5 is stricken and replaced with the following:

“Future Subdivisions:

Future subdivisions of all lots now or hereafter included within the AG District shall be subject to the following criteria and shall require Planning Board approval under the procedures applicable to lots outside the AG District.

A. The maximum number of lots into which any AG lot may be subdivided may not exceed that number of lots into which the AG lot could have been subdivided prior to that lot's inclusion in the AG District. This calculation shall be made by the Planning Board based on submission of requisite documentation provided by the applicant prior to any site disturbance, shall be certified by the Town's planning, engineering and wetland consultants, and shall be filed with the Town Clerk.

B. Where the above calculations cannot be made because an AG parcel has already been disturbed to facilitate farm operations, all lots resulting from any future subdivisions of that parcel shall conform to the bulk requirements of the CD Zoning District, except that no lot shall contain fewer than 10 acres of net lot area.”

A new 165-26.6 shall be added to ARTICLE VII of the Town Code stating as follows:

“Future Zoning and Building Requirements”

Parcels and buildings which are no longer included in the County Agricultural District must comply with the base zoning district requirements and the New York State Building

Code in effect as of the date the property is no longer included the County Agricultural District.”

Town Code Section 165-16B is hereby amended to add a new subsection (5) stating as follows:

“Any farm operation in PD, CD, R-1, R-2, and R-3 Zoning Districts, except for those properties located in the Agricultural Overlay District (AG) regulated under Section 165-26 of the Town Zoning Code.”

6. A New Town Code Section 165.65.1 is hereby added to state:

Section 1. Legislative Intent.

The Town Board has recognized that several states, in addition to permitting the distribution of medical marijuana, have also permitted the distribution of marijuana for recreational purposes. The Town Board also recognizes that the legalization of marijuana in New York is a subject of current discussion and community forums organized by the State, and that the New York State Commissioner of Health has recommended that the recreational use of marijuana be considered for legalization in New York. A public hearing having been held before the Town Board, and the Town Board has found that Town residents are greatly concerned about the retail sale of marijuana in the Town if it should become legal in New York. Accordingly, it is the intent of the Town Board to prohibit the use of any building, structure or premises for the sale or distribution of marijuana in all zoning districts.

Section 2.

A new Section 165-65.1 shall be added to the Town Code stating as follows:

§ 165-65.1 Prohibitions

A. No building, structure or premises approved and licensed as a Medical Marijuana Facility pursuant to Article 33 of the New York Public Health Law may be used for the sale of any product containing Tetrahydrocannabinol (THC) other than lawfully prescribed and dispensed Medical Marijuana for medical conditions.

B. Except for duly registered marijuana dispensing facilities dispensing duly prescribed Medical Marijuana, no building, structure or premises within any use district in the Town of Putnam Valley may be used for the sale or distribution of Marijuana and/or substances containing THC, including but not limited to Marijuana, cannabis vaporizers, cannabis tea, Cannabis edibles, cannabis capsules, oils, and creams (Marijuana Products).

Section 3.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this article or in its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 4.

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

7. A New Town Code Section 120-11.1 is hereby added to state as follows:

“No Recreation Vehicle, as same shall be defined in the Town Zoning Code, shall be parked on a Town highway for a period of more than 24 hours during any month, and no Recreation Vehicle shall be used as living quarters while parked on a Town Highway”.

Town Code Section 165-27 J(2) is hereby amended to strike the words “or side yard”.

1.5 Project Impacts

The overall effect of the proposed code revisions will be:

- To continue existing allowable farmland use in the code while improving natural resource protection.
- Reduce cost and time by streamlining the review process of applications before the Town Planning Board.
- Provide for the safety and security of residents by the prohibition of the sale and distribution of marijuana and on-street parking of recreational vehicles

These revisions can be anticipated to result in a number of positive impacts for stakeholders in the town. There are no changes made to farming as a permitted use currently allowed in the town code. Natural resources will be more fully protected by requiring farms no longer in the AG district to applicable permits to conduct work in environmentally sensitive areas.

The Planning Board will have greater ability to apply discretion in the application of site plan requirements when applications are submitted for minor projects which do not have substantial adverse environmental impacts. This will result in streamlining applications with a reduction in time and cost to applicants while still maintaining all applicable environmental regulations.

The prohibition of the sale and distribution of marijuana except for duly registered marijuana dispensing facilities dispensing duly prescribed Medical Marijuana will result in greater safety and improve public welfare.

The proposed revisions will not result in any land disturbance, increases in pollutants or additional community services.

2.1 Full Environmental Assessment Form

Part I of this Full Environmental Assessment Form (EAF) evaluates the potential for environmental impacts to be created by the approval of the amendments by the Town of Putnam Valley Town Code by the Town of Putnam Valley Town Board. This legislation is generic in nature, not site-specific, and does not directly result in physical change to the environment.

The form that follows is published by the New York State Department of Environmental Conservation, and portions are designed for site-specific actions rather than area-wide or generic proposals. As a result, consistent with the form's directions, these non-relevant sections (contained in Sections D and E on pages 3-13 of the form) are not completed.



2

Town of Putnam Valley

To: Putnam Valley Town Board

From: Susan L. Manno

Date: July 16, 2020

Subject: Authorize Facilities Department to hire
Petr's Cleaning Service for 2020 Maintenance Position
Vacation Coverage

I formally request that the Putnam Valley Town Board authorize the Facilities Department to hire Petr's Cleaning Service to provide janitorial services when Doug Montaruli is on vacation during 2020. The fees for this service are as follows:

Town Hall Building	\$145.00 per day
Parks & Recreation Building	\$ 75.00 per day
Town Highway Department	\$ 75.00 per day

They will be covering on August 10th through August 14th, 2020 for a total amount of \$1,475.00. Petr's Cleaning Service has previously worked for the town, is insured and has provided excellent service.



3

Town of Putnam Valley

To: Putnam Valley Town Board
From: Susan L. Manno
Date: July 22, 2020
Subject: Authorize Facilities Department to hire
Cemco Water & Wastewater Specialists for
2020 Vacation Coverage-District Sewer Station

I formally request that the Putnam Valley Town Board authorize the Facilities Department to hire Cemco Water & Wastewater Specialists to provide on-call service in the event of malfunction to the District Sewer Station when Doug Montaruli is on vacation. The fees for this service are as follow:

Emergency calls on a 24 hour basis.

Technical Specialist	\$200.00/hour
Chief Operator/Mechanic	\$125.00/hour
Plant Operator	\$ 75.00/hour
Laborer/Operating Engineer	\$125.00/hour
Emergency Call Out of Operator Scope	\$155.00/man hour
Excavator, dump truck, trailer, per shift	\$1,200.00

Cemco is New York State certified in Water and Wastewater Systems.