



# TOWN OF PUTNAM VALLEY

## Work Session

September 16<sup>th</sup>, 2020

Town Hall 5 PM

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Pledge of Allegiance

Meeting called to Order

Community Choice Aggregation Presentation

Supervisor's Comments

1. Resolved to approve District Zoning Code Changes
2. Resolved to approve Solar Energy Moratorium
3. Resolved to approve the Restrictions of the Sale on Controlled Substances
4. Accept the resignation of Pat Grove from CCE
5. Authorize the Supervisor to obtain proposals for RBL Dam Repairs
6. Request to waive Commence Work permit fees
7. Building Dept.
  - A. Daily Fee Report for August 2020 (8/1/2020-8/31/2020)
8. Parks and Rec
  - A. Refunds
  - B. Personnel Additions/Changes
9. Highway
  - A. Personnel Additions/Changes
10. Authorize the Court to apply for a JCAP grant
11. Audit of Monthly Bills

Adjournment

**Next Town Board Meeting: Regular Town Board Meeting, Wednesday, September 23<sup>rd</sup>, 2020 at 6PM at Town Hall**

Resolution Local Law 2-2020 Zoning

WHEREAS, the Resolution, as set forth below, has been submitted to the Town Board to adopt Local Law number 2-2020 (a copy of which is annexed hereto) to amend the Zoning Code regarding site plan submissions, AG District provisions, removing the RA District and parking regulations for recreation vehicles; and changes to the tree cutting ordinance and

WHEREAS, a copy of the proposed Local Law 2-2020 in final form was delivered to the desk of each of the Town Board Members at least ten (10) days prior to the date hereof; and

WHEREAS, a Public Hearing was duly noticed and held on August 19, 2020; and

WHEREAS, the verbal portion of the public hearing was conducted and closed on August 19, 2020; and the written public comment period was held open until 3:00 on August 26; and written comments having been obtained during that period, and considered by the Board, and the public hearing was closed; and

WHEREAS, a Long Form Environmental Assessment was completed and reviewed by the Town Board in connection with the proposed resolution; and

WHEREAS, a negative declaration was issued by the Town Board as annexed hereto;

WHEREAS, Notice of proposed Local Law 2-2020 pursuant to GML 239-m was provided to the Putnam County Planning Department on September 3, 2020 ; and

WHEREAS, The Putnam County Planning Department has issued a letter of no objection to Local Law 2-2020;

NOW, BE IT RESOLVED, that Local Law number 2-2020 be and hereby is enacted

| <u>Town Board Member</u> | In Favor | Opposed |
|--------------------------|----------|---------|
| Jacqueline Annabi        | _____    | _____   |
| Louie Luongo             | _____    | _____   |
| Ralph Smith              | _____    | _____   |
| Wendy Whetsel            | _____    | _____   |
| Supervisor, Sam Oliverio | _____    | _____   |

By the vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed the above motion was \_\_\_\_\_ approved/ \_\_\_\_\_ disapproved by the Town Board.

Dated: \_\_\_\_\_  
\_\_\_\_\_  
Sherry Howard, Town Clerk

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:

| <b>Zoning District Name</b>        | <b>Abbreviated Designation</b> |
|------------------------------------|--------------------------------|
| 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 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.



Resolution LL4-2020 Moratorium Law

WHEREAS, the Resolution, as set forth below, has been submitted to the Town Board to adopt Local Law number 4-2020 (a copy of which is annexed hereto) to enact a Temporary Land Use Moratorium prohibiting large scale solar installations, large scale battery energy storage system installations, and large scale wind energy conversion systems within the Town of Putnam Valley;

WHEREAS, a copy of the proposed Local Law 2-2020 in final form was delivered to the desk of each of the Town Board Members at least ten (10) days prior to the date hereof; and

WHEREAS, a Public Hearing was duly noticed and held on August 19, 2020; and

WHEREAS, the verbal portion of the public hearing was conducted and closed on August 19, 2020; and the written public comment period was held open until 3:00 on August 26; and the public hearing was closed; and

WHEREAS, this Moratorium Law is a Type II action under SEQRA; and

WHEREAS, Notice of proposed Local Law 4-2020 pursuant to GML 239-m was provided to the Putnam County Planning Department on September 3, 2020 ; and WHEREAS, the proposed Moratorium Law is a Type II action under SEQRA;

NOW BE IT RESOLVED, that Local Law number 4-2020 be and hereby is enacted.

| <u>Town Board Member</u> | In Favor | Opposed |
|--------------------------|----------|---------|
| Jacqueline Annabi        | _____    | _____   |
| Louie Luongo             | _____    | _____   |
| Ralph Smith              | _____    | _____   |
| Wendy Whetsel            | _____    | _____   |
| Supervisor, Sam Oliverio | _____    | _____   |

By the vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed the above motion was \_\_\_\_\_ approved/ \_\_\_\_\_ disapproved by the Town Board.

Dated: \_\_\_\_\_  
\_\_\_\_\_  
Sherry Howard, Town Clerk

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.

Resolution LL3-2020 Marijuana Law

WHEREAS, the Resolution, as set forth below, has been submitted to the Town Board to adopt Local Law number 3-2020 adding section 165-65.1 to the Town Code prohibiting the sale and distribution of non-medical marijuana in the Town of Putnam Valley (a copy of which Local Law 3-2020 is annexed hereto); and

WHEREAS, a copy of the proposed Local Law 3-2020 in final form was delivered to the desk of each of the Town Board Members at least ten (10) days prior to the date hereof; and

WHEREAS, a Public Hearing was duly noticed and held on August 19, 2020; and

WHEREAS, the verbal portion of the public hearings was conducted and closed on August 19, 2020; and the written public comment period was held open until 3:00 on August 26; and the public hearing was closed; and

WHEREAS, a Long Form Environmental Assessment was completed and reviewed by the Town Board in connection with the proposed resolution; and

WHEREAS, a negative declaration was issued by the Town Board as annexed hereto;

WHEREAS, Notice of proposed Local Law 3-2020 pursuant to GML 239-m was provided to the Putnam County Planning Department on September 3, 2020 ; and

WHEREAS, The Putnam County Planning Department has issued a letter of no objection to Local Law 3-2020;

NOW, BE IT RESOLVED, that Local Law number 3-2020 be and hereby is enacted to add section 165-65.1 to the Town Code, prohibiting the sale and distribution of non-medical marijuana in the Town of Putnam Valley.

| <u>Town Board Member</u> | In Favor | Opposed |
|--------------------------|----------|---------|
| Jacqueline Annabi        | _____    | _____   |
| Louie Luongo             | _____    | _____   |
| Ralph Smith              | _____    | _____   |
| Wendy Whetsel            | _____    | _____   |
| Supervisor, Sam Oliverio | _____    | _____   |

By the vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed the above motion was \_\_\_\_\_ approved/ \_\_\_\_\_ disapproved by the Town Board.

Dated: \_\_\_\_\_  
Sherry Howard, Town Clerk



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.

**RESOLVED** that the Town Board accept the resignation of Pat Grove from the CCE effective immediately.

**From:** Patricia Grove [mailto:pgrove24@gmail.com]

**Sent:** Wednesday, August 26, 2020 6:04 PM

**To:** Sam Oliverio <soliverio@putnamvalley.com>; Wendy Whetsel (Cdminc@optonline.net) <Cdminc@optonline.net>; Ralph Smith (ralph1014smith@gmail.com) <ralph1014smith@gmail.com>; Louie Luongo (lluongopvtb@optonline.net) <lluongopvtb@optonline.net>; Jacqueline Annabi (annabipvtb@gmail.com) <annabipvtb@gmail.com>

**Cc:** Benjamin Lowder <benjaminwlowder@gmail.com>; Eileen Reilly <ereilly818@optonline.net>; Glenn Sapir <gsapir@earthlink.net>; Julie Ruben <julieru@gmail.com>; Mia Azcue <miamarieyoga@aol.com>; Michael Usai <Michael.usai@baruchmail.cuny.edu>

**Subject:** CCE Membership

Dear Sam and the other members of the Town Board,

I am resigning from the Commission for the Conservation of the Environment, effective immediately.

I joined the CCE because I wanted to be an advocate for the natural environment and serve my community. Despite your protestations to the contrary, the recently-enacted changes to the town code do represent an intention to marginalize and diminish CCE.

I don't see the point in remaining on an "advisory" commission whose advice is no longer sought nor valued.

Yours truly,

Patricia A. Grove, Ph.D.

5

**RESOLVED** that the Town Board authorize the Supervisor to obtain proposals for RBL Dam repair.

6

September 1, 2020

Supervisor Sam Oliviero  
Putnam Valley Town Board Members  
265 Oscawana Lake Road  
Putnam Valley, NY 10579

Dear Supervisor Oliviero and Town Board Members:

On behalf of the Putnam Valley Volunteer Ambulance Corps, I hereby request the Town Board to waive the Ambulance Corps fee for a Commence Work Permit. The Commence Work Permit is in reference to the removal of contaminated soil on the Putnam Valley Volunteer Fire Dept. property and Putnam Valley Volunteer Ambulance Corps property (tax map #72.20-1-7.12 and 72.20-1-7.11, respectively).

Very truly yours,



WILLIAM KIRKWOOD  
President

9/1/2020

**TOWN OF PUTNAM VALLEY**  
**OFFICE OF BUILDING & ZONING**  
 265 Oscawana Lake Road  
**Daily Fee Report - Summary**

7A

From: 8/1/2020 To: 8/31/2020

| Fee Type                     | Count      | Amount             |
|------------------------------|------------|--------------------|
| ADDITION/ALTERATION          | 5          | \$2,094.00         |
| DECK                         | 1          | \$270.00           |
| DEM/R                        | 1          | \$100.00           |
| ELECTRI APP/NY ELEC          | 5          | \$150.00           |
| ELECTRIC APP/SWIS            | 14         | \$420.00           |
| FENCE/WALL                   | 1          | \$75.00            |
| GAS/PROPANE                  | 6          | \$450.00           |
| GENERATOR PERMIT             | 3          | \$225.00           |
| HVAC                         | 6          | \$525.00           |
| MG                           | 5          | \$375.00           |
| MI                           | 1          | \$75.00            |
| OIL TANK                     | 4          | \$350.00           |
| OPERATING PERMIT             | 1          | \$100.00           |
| PERM                         | 8          | \$1,053.00         |
| PL                           | 6          | \$540.00           |
| RE                           | 2          | \$150.00           |
| RU                           | 1          | \$125.00           |
| SEARC                        | 20         | \$3,000.00         |
| SI                           | 1          | \$150.00           |
| SOLAR PANELS                 | 2          | \$820.00           |
| TREE                         | 1          | \$75.00            |
| WELL                         | 1          | \$75.00            |
| WETADM                       | 3          | \$150.00           |
| WETL                         | 3          | \$300.00           |
| WT/S                         | 4          | \$400.00           |
| <b>Total Fees Collected:</b> | <b>105</b> | <b>\$12,047.00</b> |
| <b>Cash</b>                  | <b>5</b>   | <b>\$330.00</b>    |
| <b>Check</b>                 | <b>99</b>  | <b>\$11,617.00</b> |
| <b>Money Order</b>           | <b>1</b>   | <b>\$100.00</b>    |

9/1/2020

8A

To: Town Board  
From: Frank DiMarco, Parks and Recreation Director  
Subject: Parks and Recreation Refunds  
Date: Sept 1, 2020

|                                                                |                                                         |
|----------------------------------------------------------------|---------------------------------------------------------|
| Joanne Wagner<br>18 Nob Hill<br>Putnam Valley, NY 10579        | \$40.00<br>Sports<br>Yoga program didn't run            |
| Ligia Cordon<br>24 Sunset Hill Road<br>Putnam Valley, NY 10579 | \$30.00<br>Sports<br>Movie in the park refund- 2 cars   |
| Katy Morley<br>17 Sassinoro Drive.<br>Putnam Valley NY 10579   | \$466.00<br>PVCC<br>Refund for Sept. 2020 school year   |
| Kristen Killian<br>16 Gilbert Lane<br>Putnam Valley NY 10579   | \$704.10<br>PVCC<br>Refund for Sept. 2020 school year   |
| Annette Dadamo<br>15 Holly St<br>Putnam Valley NY 10579        | \$627.30<br>PVCC<br>Refund for Sept. 2020 school year   |
| Elisa Babilonia<br>5 Greenhaven Rd<br>Putnam Valley NY 10579   | \$1,093.30<br>PVCC<br>Refund for Sept. 2020 school year |
| Kristin Brown<br>338 Lake Drive<br>Lake Peekskill NY 10537     | \$40.00<br>PVCC<br>Refund for Sept. 2020 school year    |
| Mavel Licon<br>47 Lockwood Road<br>Cortlandt Manor NY 10567    | \$40.00<br>PVCC<br>Refund for Sept. 2020 school year    |
| Debra Peterson<br>14 Briar Court<br>Putnam Valley NY 10579     | \$482.10<br>PVCC<br>Refund for Sept. 2020 school year   |

|                                                                  |                                                        |
|------------------------------------------------------------------|--------------------------------------------------------|
| Julie Slavin-Pezzola<br>6 Cindy Lane<br>Putnam Valley NY 10579   | \$40.00<br>PVCC<br>Refund for Sept. 2020 school year   |
| Lori Pittman-Lennox<br>20 Seneca Road<br>Putnam Valley NY 10579  | \$66.00<br>PVCC<br>Refund for Sept. 2020 school year   |
| Maria Mazzella<br>28 Edinburgh Drive<br>Peekskill, NY 10566      | \$72.00<br>Programs<br>Defensive Driving refund for 2  |
| Margaret Dirubba<br>436 Trump Park<br>Shrub Oak, NY 10588        | \$144.00<br>Programs<br>Defensive Driving refund for 4 |
| Catherine Cahill<br>5 Barger Street<br>Cortlandt Manor, NY 10567 | \$36.00<br>Programs<br>Defensive Driving refund        |
| Lisa Gona<br>P O Box 183<br>Putnam Valley, NY 10579              | \$36.00<br>Programs<br>Defensive Driving refund        |
| Vera Hanrahan<br>4 Tinker Hill<br>Putnam Valley, NY 10579        | 36.00<br>Programs<br>Defensive Driving refund          |



8B

To: Town Board  
From: Frank DiMarco, Parks and Recreation  
Subject: Personnel  
Date: September 9, 2020

Please approve the following additions/changes to personnel.

1. Kristine Cabreja, PV Children's Center @ \$12.30 hr.

9A

Lawrence Cobb  
Road  
Highway Superintendent  
Putnam Valley, NY 10579

265 Oscawana Lake

Joseph K. Hertelendy  
3333 phone  
General Foreman

(845) 526-

(845) 526-4729 fax

Margaret Bradley  
Senior Typist  
LCOBB@PUTNAMVALLEY.COM

E-mail address:

Joann Carroll  
Part-time Clerk  
Monday - Friday

Hours of operation:  
7:00 AM - 3:30 PM

Town of Putnam Valley Highway Department

September 3, 2020

MEMORANDUM

TO: Samuel Oliverio  
Members of the Town Board

FROM: Larry Cobb

RE: Seasonal laborers

Please appoint Angelo Milano of 36 Dartmouth Rd. Putnam Valley, NY 10579 and John Burlingham 130 Pudding St. Putnam Valley, NY 10579 as a seasonal laborers at the rate of \$14.00 per hour with no benefits, on an as needed basis for Lake Peekskill Improvement District and the Highway department.

Sincerely  
Larry Cobb

**MEMORANDUM**

**To: Putnam Valley Town Board**

**From: Carol Pasalides**

**Re: JCAP Grant**

**Attached for your approval is an estimate in the amount of \$1,650 for new carpeting for the Court Clerk's office which will be submitted to the Office of Justice Court Support for a JCAP grant upon your approval.**

# ESTIMATE



**Putnam Valley Town Hall**  
265 Oscawana Lake Road  
Putnam Valley, NY 10579  
(845) 526-3050

## SCC Flooring Corp

47 Brookland Farms Road  
Poughkeepsie, NY 12601

Phone: (914) 843-9747

Email: [sccflooring@optimum.net](mailto:sccflooring@optimum.net)

Fax: (845) 849-2324

Web: [www.sfloors.wix.com/superiorfloors](http://www.sfloors.wix.com/superiorfloors)

Estimate #

000489

Date

09/08/2020

## Description

**Total**

Court Office

\$1,650.00

Move 3- desks / 5- file cabinets  
Rip up existing carpet (cut / tape put to curb)  
Supply MHK carpet choice of color  
Supply 6 ft door transitions  
Supply 24 ft 4" beige wall base  
Delivery / Installation of all materials

**Subtotal**

\$1,650.00

**Total**

**\$1,650.00**