



TOWN OF PUTNAM VALLEY

Town Board Work Session

January 13th, 2021

ZOOM

5 PM

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### **Pledge of Allegiance**

Meeting called to Order

Supervisor's Comments

1. Resolved to hold the 4 Public Hearings on 1/20/2021 via ZOOM
2. Building Dept – Civil Penalty
3. Discussion: Parkland entrance off Marsh Hill Road
4. Districts
  - A. Appoint Lake Peekskill Egg Adler for 2021
  - B. Appoint Roaring Brook Lake Egg Adler for 2021
  - C. Appoint Barger Pond Egg Adler for 2021
  - D. Authorize volunteers of Lake Peekskill to participate in C-slap program
  - E. Appoint snow plow driver for Roaring Brook Lake
5. Assessor
  - A. Refund
6. Audit of Monthly Bills

### **Adjournment**

**Next Town Board Meeting: Wednesday, January 21<sup>st</sup>, 2021, 6PM, ZOOM**

Resolved to postpone the 4 public hearings originally scheduled for 1/6/2021 to 1/20/2021.

1. Noise Ordinance
2. Political Signage
3. Community Choice Aggregate
4. Comcast

2

RICHARD QUAGLIETTA  
Code Enforcement Officer

PATRICIA A. SMITH  
Deputy Zoning Inspector

DOREEN C. PIACENTE  
Sr. Clerk to the Building Dept

MICHELLE STEPHENS  
Clerk to the Building Dept.

TOWN HALL

265 Oscawana Lake Road  
Putnam Valley, New York  
10579

Tel: 845 526-2377  
Fax: 845 526-8806

## TOWN OF PUTNAM VALLEY BUILDING & ZONING DEPARTMENT

TM#62.17-3-49  
10 Rose Street

12/21/2020

The building department received s complaint that there was a pool being erected on 10 Rose Street. Both Rich and Fred went to the residence. A stop work order was issued on June 19, 2020. Since the covid virus restrictions were still in effect, the Cottrells were allowed to continue to install the pool only and to stop the building of the deck.so that the pool could be used during the summer. The deck needed prof. drawings under the NYS building code. A variance was required for both the pool and deck. Mr. Cottrell continued to construct the deck even after a stop work order was issued. The building department on two additional occasions stopped by and he was told not to continuc. He even worked on it a few days prior to the zoning board meeting. As to the time frame for the variance, the zoning board heard the cases as they received the application. The Cottrells were granted a variance dated 11/19/2020 which states a civil penalty must be set under Putnam Valley Town Code 165-91D(4) which is attached. Penalties are set by the Town Board.

Thank You  
Richard Quaglietta  
Putnam Valley Building Inspector



3

12/29/2020

Google Earth



Marsh Hill Rd  
Palisades Valley, NY 105  
41.34°N, 73.87°W

100m

CAMERA: 35° N, 41° 20' 37" N, 73° 51' 49" W 100 m

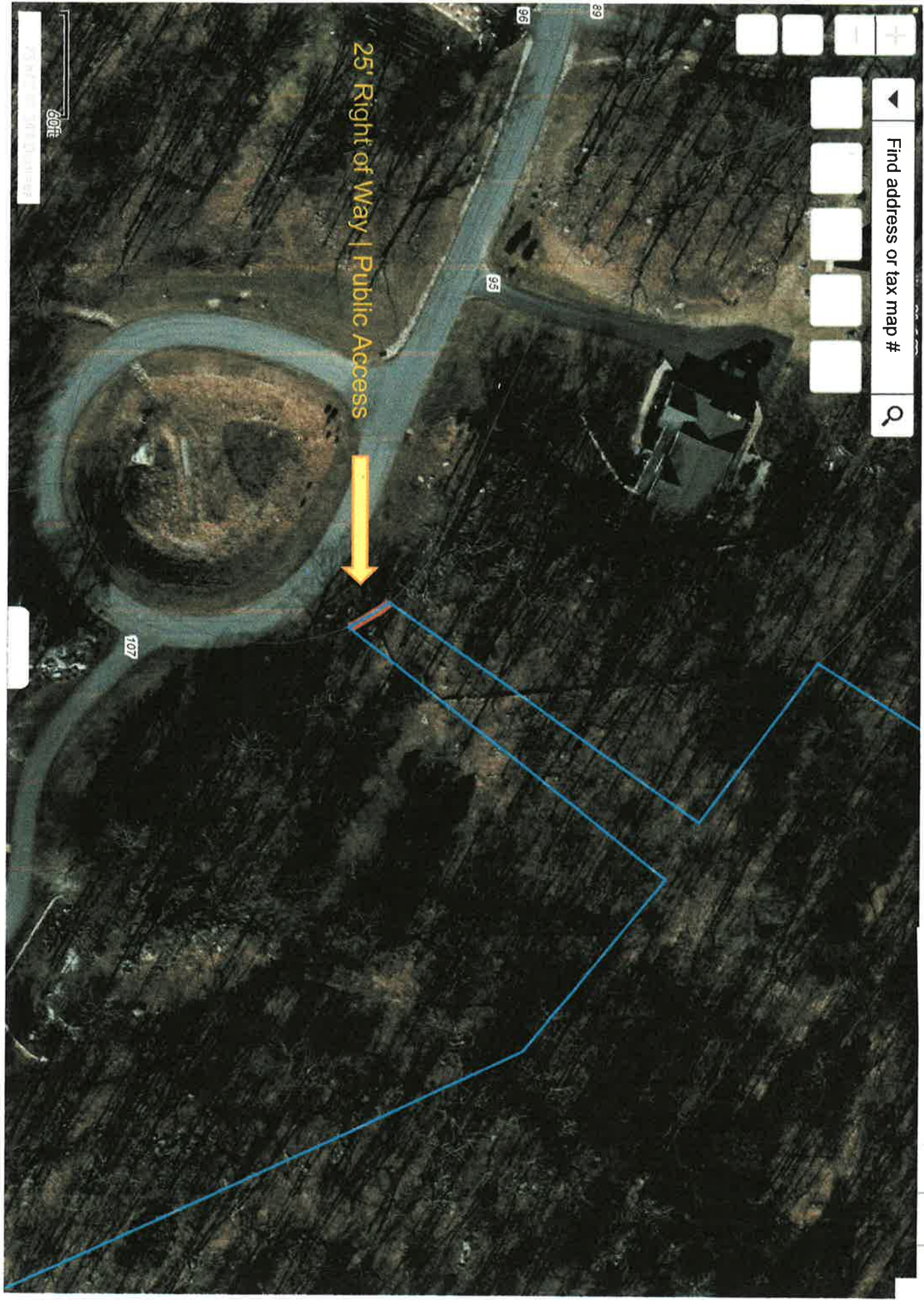


Parcel ...

Find address or tax map #



Map navigation controls including zoom in (+), zoom out (-), and a series of six square buttons for additional map functions.



25' Right of Way | Public Access



60ft

Parcel ID: ...

84.-1-72

4A

# Memorandum

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**To:** TOWN BOARD MEMBERS  
**From:** JUDY TRAVIS  
**Date:** 1/4/2021  
**Re:** LAKE PEEKSKILL EGG ADDLER

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I formally request that the Town Board appoint Friedel Muller-Landau as egg addler for Lake Peekskill for the year 2021 at a salary of \$200.00



4B

# Memorandum

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**To:** TOWN BOARD MEMBERS  
**From:** JUDY TRAVIS  
**Date:** 1/4/2021  
**Re:** ROARING BROOK LAKE EGG ADDLER

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I formally request that the Town Board appoint Friedel Muller-Landau as egg addler for the Roaring Brook Lake Park District for the year 2021 at a salary of \$300.00



4C

# Memorandum

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**To:** TOWN BOARD MEMBERS  
**From:** JUDY TRAVIS  
**Date:** 1/4/2021  
**Re:** BARGER POND EGG ADDLER

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I formally request that the Town Board appoint Friedel Muller-Landau as egg addler for Barger Pond for the year 2021 at a salary of \$200.00





4D

# Memorandum

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**To:** TOWN BOARD MEMBERS  
**From:** JUDY TRAVIS – DISTRICT CLERK  
**Date:** 1/5/2021  
**Re:** Lake Peekskill C-SLAP PROGRAM

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I formally request that the Town Board approve the expenditure of \$420.00 for volunteers in the Lake Peekskill to participate in the New York Federation of Lakes C-slap program (Citizens Statewide Assessment program) for 2021.

\$370.00 is the fee for the Cslap participation and \$50.00 is the NYSFOLA membership fee.



4E

# Memorandum

To: TOWN BOARD MEMBERS  
From: JUDY TRAVIS – DISTRICT CLERK  
Date: 11/17/20  
Re: RBL – PLOWING OF FIRE LANES 2019

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I formally request that the Town Board appoint Robert Chesnut to plow the five fire lanes surrounding Roaring Brook Lake in the year 2021 as listed below.

The fees for minor storms up to 6 inches of snow are \$180.00 and \$320.00 for major storms of more than 6 inches of snow.

The fire lanes are –

- Dam access road
- Shore Lane
- Moon Beach
- North Beach
- Spur Beach



R J Chesnut  
Construction Co  
72 Oakridge Dr, Putnam Valley, NY 10579  
845-667-0504  
RJChesnutcc@gmail.com  
November 2020

RECEIVED  
2020  
2020

BY: 

Judy Travis  
District administrator, Town of Putnam Valley  
265 Oscawanna Lake Rd  
Putnam Valley, NY 10579

Please see below for our proposal to clear the access points around Roaring Brook Lake. As in the past, minor storms are up to 6 inches snow, and major storms are in excess of that.

As you can see, we are holding the price for these services the same as last year.

SNOW REMOVAL \$180.00\_ for minor storms \$320.00\_ for major storms  
The normal minimum threshold for plowing is 3 inches. Based on driveway conditions and access requirements, plowing or access sand may be used to maintain safe conditions. Minor storms are up to 6 inches accumulated, major storms are in excess of 6 inches.

As discussed, provide limited or emergency access only  
 Clear entire driveway  
 Clear mailbox  Hand shovel to door

Additional services as itemized. As in past years, this includes the five emergency fire lanes around Roaring Brook Lake. Specifically, Dam access road, Spur Beach, Moon Beach, North Beach, and Shore Lane.

Feel free to call or email if you have any questions or requirements have changed.

By signing below, I authorize the above work to be completed,  
(please provide all phone numbers, billing address, and email also)

5A

To: Town Board, Sherry Howard  
From: Sheryl Luongo, Assessor  
Date: January 4, 2021  
Re: Small Claims Assessment Review

Please see proposed Resolution below:

Resolved that the Putnam Valley Town Board hereby refund \$30.00 to Petitioner, Kenneth Glass, 174 West Shore Drive, tax map number 62.10-1-34, for a 2020 Small Claims Assessment Review case pursuant to a Decision of Hearing Officer, Erin Noelle Guven, Esq., copy attached.

Respectfully submitted

SHERYL LUONGO  
Assessor

**DECISION OF HEARING OFFICER**

Prepare in triplicate. Complete within 30 days of date of hearing. Send one copy to the petitioner's representative or the petitioner if not represented, one copy to the individual representing the assessing jurisdiction, and the original and one copy to the assessment review clerk.

Date hearing held  Date decision submitted to clerk  Date settled

**PART I - CASE IDENTIFICATION**

Supreme Court, County of:  Assessment Review Filing #  Calendar #

Name of owner or owners:

Address:

City/State/Zip Code:

Assessing Unit:

Tax Map#  Section:  Block:  Lot:

**PART II - DECISION**

DISPOSITION - Check 1, 2, 3, 4 or 5

1.  Disqualified (check appropriate box below)
  - a.  More than three family
  - b.  Not owner-occupied
  - c.  Property not used exclusively for residential purposes
  - d.  Cooperative
  - e.  Condominium, other than a condominium designated as Class I in Nassau County or as a "homestead" in an approved assessing unit
  - f.  Did not file with Board of Assessment Review
  - g.  Did not file within 30 days of filing of final roll
  - h.  Other, state reasons

**NOTICE OF DISQUALIFICATION AND RIGHT TO JUDICIAL REVIEW**

If one or more of the reasons set forth in numbers 1a through 1h (above) is checked, this petition did not qualify for review under the Small Claims Assessment Review Program pursuant to Section 730 of the Real Property Tax Law. Pursuant to Section 733 of the Real Property Tax Law, you may seek judicial review of the disqualification of this petition within 30 days of receipt of this notice.

|                                                                               |                  | FINAL ASSESSMENT ROLL                     | CLAIMED ASSESSMENT                        | DECISION BY HEARING OFFICER |
|-------------------------------------------------------------------------------|------------------|-------------------------------------------|-------------------------------------------|-----------------------------|
| 2. <input type="checkbox"/> Unequal Assessment                                | Total Assessment | <input type="text" value="\$387,300.00"/> | <input type="text" value="\$321,000.00"/> | <input type="text"/>        |
| 3. <input checked="" type="checkbox"/> Excessive Assessment                   | Exempt Amount    | <input type="text"/>                      | <input type="text"/>                      | <input type="text"/>        |
| 4. <input type="checkbox"/> No Change in Assessment                           | Taxable          | <input type="text"/>                      | <input type="text"/>                      | <input type="text"/>        |
| 5. <input type="checkbox"/> Settled pursuant to an agreement of both parties. |                  | <input type="text"/>                      | <input type="text"/>                      | <input type="text"/>        |

**COSTS**

AWARD OF COSTS (Check if applicable)

Costs of \$30.00 are awarded to the petitioner, to be paid by the assessing unit.

**Note to Hearing Officer:** If the decision reduces the assessment by 50 percent or more of the claimed reduction in assessment, you **MUST** award costs of \$30.00. If the decision reduces the assessment by less than 50 percent of the claimed reduction in assessment, you **MAY** award costs of up to \$30.00.

**NOTICE OF REQUIRED ACTION BY ASSESSING AND TAXING JURISDICTIONS**

This decision grants your petition in whole or in part. The assessment will be changed, if possible, before the levy of taxes, or a refund of taxes will be made within 90 days of the date of this decision. Attached is a list of the name(s) of the person(s) or department(s) in this county responsible for taking this action. Compare the names of the taxing jurisdictions listed in PART III of your petition with the name(s) listed in the attachment to determine the appropriate person(s) or department(s) to be contacted, if the need arises.

State below, the findings of fact concerning the assessment, and the basis for your decision.

Petitioner filed for a Small Claims Assessment Review (SCAR) seeking reduction in the assessment of the subject property from \$387,300 to \$321,000.00 based on the allegation of excessive assessment.

The town of Putnam Valley assesses property at 100 percent of full market value. "It is well settled that 'the purchase price set in the course of an arm's length transaction of recent vintage, if not explained away as abnormal in any fashion, is evidence of the "highest rank" to determine the true value of the property at that time'" Lovett v Assessor of Town of Islip, 298 AD2d 521, 521 . Additionally, full market value may also be established through a professional appraisal or comparable sales of similar properties (see, eg, FMC Corp. [Peroxygen Chems. Div.] v Unmack, 92 NY2d 179,189 [1998]). A petitioner has the burden to prove that an assessment is excessive and the assessment is presumed to be correct in the absence of credible and substantial evidence (see Matter of Lauer v Board of Assessors, 51 AD3d, 926,927 [2008]).

The subject property, 174 West Shore Drive, is a 1480 square foot contemporary style home sitting on .34 acres of land. The house has three bedrooms, three bathrooms, and most notably, is situated lakefront on Oscawana Lake. In support of his allegation that the assessment on the subject is excessive, petitioner submits three comparable sales to demonstrate his contention that the full market value of the property is \$321,000. The three properties are all located on the same lake as the subject and sold respectively for \$313,000.00 (adjusted to \$331,770) on December 17, 2018, \$298,000.00 (adjusted to \$329,600) on June 6, 2018 and \$251,000.00 (adjusted to \$302,880.00). The town argues that petitioners first two comparable properties, although both on Lake Oscawana, are not lakefront, although both properties have access to dock rights on the lake. There is no factual dispute as to the fact that petitioner's third comparable property is situated on Lake Oscawana, although it is noted that the sale occurred two years prior to the valuation date on July 1, 2019.

SEE ATTACHED

Name and Address of Hearing Officer

Erin Noelle Guven, Esq.

Supreme Court, Putnam County

20 County Center, Carmel, NY 10512


Signature:



In opposition, the town presented seven comparable sales. Petitioner objected to the town's second through fourth comparable sales, as they are all nearly four miles away from the subject and not on the same lake. The town that those properties are all lakefront, as is the subject, and argued that in her experience, the lakes are similar. The town further argued that it is more appropriate to compare lakefront homes, even if on different lakes and emphasized the value of a lakefront property.

When deciding in a SCAR matter, the hearing officer must weigh the evidence and provide "a rational basis" for the decision (see *Matter of McNamara v Board of Assessors of the Town of Smithtown*, 272 AD 2d 617 [Sup. Ct. 2000]). During the hearing, both the town and petitioner demonstrated experience and knowledgeability and presented competent arguments for the differences in their appraisals. Taking into consideration all the testimony and documentary evidence, including petitioner's credible testimony regarding comparing properties in different neighborhoods on a different lake, the record supports a reduction of the assessment to \$354,400.00.

11/30/20

  
Erin Noelle Govey