



TOWN OF PUTNAM VALLEY

Town Board Work Session

July 10th, 2024

Town Hall

5 PM

~~~~~

### Pledge of Allegiance

1. Vote on Moratorium on Battery Storage Units
2. Vote on Proposed Law on Ground Mount Commercial Solar Energy Systems
3. Vote on Repealing Local Law related to Incentive Zoning
4. Vote on Proposed Towing Law
5. Planning: Approve Release of Erosion & Sediment Control Bond & Driveway Bond
6. Authorize Public Hearing for Financing of Roaring Brook Lakes Dam
7. Approve Patricia Citarella Fund for Scholarships for Summer Day Camp
8. Daily Fee Report: Summary June 1, 2024 – June 30, 2024

TOWN OF PUTNAM VALLEY  
TOWN BOARD WORK SESSION  
JULY 10, 2024

**TOWN OF PUTNAM VALLEY**  
**TOWN BOARD WORK SESSION**  
**WEDNESDAY, JULY 10, 2024**  
**5:00 PM**

**PRESENT:**

Supervisor Annabi  
Councilman Luongo  
Councilman Russo  
Councilwoman Howard

**ALSO PRESENT:** Town Clerk Kathy Diomede  
Town Counsel Sarah Ryan

**ABSENT:** Councilwoman Tompkins

Recitation of the Pledge of Allegiance by Supervisor Annabi.

Supervisor Annabi asked for a moment of silence to remember all those we have lost and for those fighting abroad for us.

**AMENDMENTS TO THE AGENDA**

Presented by Supervisor Annabi

**RESOLUTION #24-262**

Presented by Supervisor Annabi

**RESOLVED**, that the Town Board **ADD/REMOVE** the following to/from the agenda:

**REMOVE #6** – Authorize Public Hearing for Financing of Roaring Brook Lakes Dam

**ADD:** an Executive Session at the end of the meeting to discuss an Attorney/Client Issue with no further business afterward.

Seconded by Councilman Luongo, unanimously carried.

Supervisor Annabi said that in today's agenda we are voting on all the Public Hearings regarding these local laws. They all closed at 4 PM yesterday. We received no emails regarding the first law about the Moratorium on the Battery Storage Units, nor did the Town Clerk. All comments that came in at the Public Hearings are public records.

TOWN OF PUTNAM VALLEY  
TOWN BOARD WORK SESSION  
JULY 10, 2024

**VOTE ON MORATORIUM ON BATTERY STORAGE UNITS**

Presented by Councilwoman Howard

**RESOLUTION #R24-263**

**RESOLUTION ADOPTING LOCAL LAW NO. 3 OF 2024 ENTITLED “A MORATORIUM RELATING TO APPLICATIONS FOR LARGE-SCALE BATTERY ENERGY STORAGE SYSTEMS AND LARGE-SCALE WIND ENERGY CONVERSION SYSTEMS”**

WHEREAS, a local law was introduced to be known as Local Law No. 3 of 2024, entitled “A MORATORIUM RELATING TO APPLICATIONS FOR LARGE-SCALE BATTERY ENERGY STORAGE SYSTEMS AND LARGE-SCALE WIND ENERGY CONVERSION SYSTEMS;” and

WHEREAS, a public hearing in relation to said local law was held on June 19, 2024; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, the Town Board classified this action as a Type II Action for purposes of the State Environmental Quality Review Act (SEQRA), requiring no further environmental review; and

WHEREAS, the said local law has been on the desks of the members of the Town Board of the Town of Putnam Valley for at least seven (7) days, exclusive of Sunday.

NOW, THEREFORE, BE IT RESOLVED, that the local law annexed hereto is hereby enacted; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate that it contains the correct text of the enactment of this local law.

Dated: July 10, 2024

Moved: Councilwoman Howard

Seconded: Supervisor Annabi

Motion passes: Ayes 4 Nays 0

TOWN OF PUTNAM VALLEY  
TOWN BOARD WORK SESSION  
JULY 10, 2024

|                       | AYE       | NAY       | ABSENT    |
|-----------------------|-----------|-----------|-----------|
| PRESENT/ABSENT        | <u>X</u>  | <u>  </u> | <u>  </u> |
| Councilwoman Howard   |           |           |           |
| PRESENT/ABSENT        | <u>  </u> | <u>  </u> | <u>X</u>  |
| Councilwoman Tompkins |           |           |           |
| PRESENT/ABSENT        | <u>X</u>  | <u>  </u> | <u>  </u> |
| Councilman Russo      |           |           |           |
| PRESENT/ABSENT        | <u>X</u>  | <u>  </u> | <u>  </u> |
| Councilman Luongo     |           |           |           |
| PRESENT/ABSENT        | <u>X</u>  | <u>  </u> | <u>  </u> |
| Supervisor Annabi     |           |           |           |

Kathy Diomedé  
KATHY DIOMEDE, TOWN CLERK

## **TOWN OF PUTNAM VALLEY LOCAL LAW NO. 3 of 2024**

### **A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE MORATORIUM PROHIBITING LARGE SCALE BATTERY ENERGY STORAGE SYSTEM INSTALLATIONS, AND LARGE-SCALE WIND ENERGY CONVERSION SYSTEMS WITHIN THE TOWN OF PUTNAM VALLEY**

Be it enacted by the Town Board of the Town of Putnam Valley as follows:

#### **SECTION 1. TITLE**

This Local Law shall be known as the “Moratorium on and Prohibition of 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 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 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 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 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 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 Battery Energy Storage System Installation(s)** -Any installation of a rechargeable energy storage system having an aggregate energy capacity of 600kWh or more, 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, farm operation or business on site and having an aggregate energy capacity of less than 600kWh 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 undertaken by individual landowners, householders or farmers for their own personal use or the use of a business owned by them.

### 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 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 Battery Energy Storage System Installations, and Large-Scale Wind Energy Conversion Systems, as defined above.
- C. The prohibitions set forth above in Clauses A. and B. of this Section 4. are not intended, and shall not be construed, to prevent or prohibit the use and development of Battery Energy Storage System Installations and Wind Energy Conversion Systems designed and constructed with capacity sufficient only for personal or individual use on or about any residence or place of business, or any farm operation,

so long as such use does not produce energy for the purpose of resale to or by any third party. The term "resale to or by any third party" as used immediately above shall not be construed to include any individual or business that directs such produced energy back into the public grid solely to off-set their own energy consumption.

- D. This 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.
- E. 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 Battery Energy Storage System Installations, and Large-Scale Wind Energy Conversion Systems within the Town of Putnam Valley.
- F. 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 prime agricultural soils, 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 upon aesthetic resources of the community.

- D. Compatibility of the proposed application with the recommendations of any administrative body charged with such review by the Town of Putnam Valley.
- E. The written opinion of the Town of Putnam Valley Planning Board and the Town of Putnam Valley Code Enforcement Officer that such application may be 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 the 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 property(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.

TOWN OF PUTNAM VALLEY  
TOWN BOARD WORK SESSION  
JULY 10, 2024

**VOTE ON PROPOSED LAW ON GROUND MOUNT COMMERCIAL SOLAR ENERGY SYSTEMS**

Presented by Councilman Russo

**RESOLUTION #R24-264**

**RESOLUTION ADOPTING LOCAL LAW NO. 4 OF 2024 ENTITLED “A LOCAL LAW AMENDING THE TOWN OF PUTNAM VALLEY ZONING LAW RELATING TO GROUND MOUNT COMMERCIAL SOLAR ENERGY SYSTEMS”**

WHEREAS, a local law was introduced to be known as Local Law No. 4 of 2024, entitled “A LOCAL LAW AMENDING THE TOWN OF PUTNAM VALLEY ZONING LAW RELATING TO GROUND MOUNT COMMERCIAL SOLAR ENERGY SYSTEMS,” and

WHEREAS, a public hearing in relation to said local law was held on June 19, 2024; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, the Town Board classified this action as a Type I Action for purposes of the State Environmental Quality Review Act (SEQRA) and prepared a Full Environmental Assessment Form (FEAF) to review potential environmental impacts of the local law amendment; and

WHEREAS, the Town Board, in its role as Lead Agency, determines that the proposed local law amendment will not result in a significant environmental impact; and

WHEREAS, the said local law has been on the desks of the members of the Town Board of the Town of Putnam Valley for at least seven (7) days, exclusive of Sunday.

NOW, THEREFORE, BE IT RESOLVED, that the local law annexed hereto is hereby enacted; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate that it contains the correct text of the enactment of this local law.

Dated: July 10, 2024

Moved: Councilman Russo

Seconded: Councilwoman Howard

Motion passes: Ayes 4 Nays 0

TOWN OF PUTNAM VALLEY  
TOWN BOARD WORK SESSION  
JULY 10, 2024

| PRESENT/ABSENT        |  | AYE           | NAY           | ABSENT        |
|-----------------------|--|---------------|---------------|---------------|
| Councilwoman Howard   |  | <u>X</u>      | <u>      </u> | <u>      </u> |
| Councilwoman Tompkins |  | <u>      </u> | <u>      </u> | <u>X</u>      |
| Councilman Russo      |  | <u>X</u>      | <u>      </u> | <u>      </u> |
| Councilman Luongo     |  | <u>X</u>      | <u>      </u> | <u>      </u> |
| Supervisor Annabi     |  | <u>X</u>      | <u>      </u> | <u>      </u> |

  
KATHY DIOMEDE, TOWN CLERK

Supervisor Annabi said the Public Hearing regarding the proposed law on Ground Mount Commercial Solar Energy Systems closed yesterday, July 9<sup>th</sup> at 4 PM. We did not receive any emails of public comments nor did the Town Clerk.

**A Local Law Amending the Town of Putnam Valley Zoning Law Relating to Ground Mount Commercial Solar Energy Systems**

BE IT ENACTED, by the Town Board of the Town of Putnam Valley, Putnam County, New York, as follows:

**Part 1. Title**

This Local Law shall be known as the “A Local Law Amending the Town of Putnam Valley Zoning Law Relating to Ground Mount Commercial Solar Energy Systems.”

**Part 2. Enactment**

This Local Law is adopted and enacted pursuant to the authority and power granted by §10 of the Municipal Home Rule Law of the State of New York.

**Part 3. Amendment of the Zoning Law**

The Town of Putnam Valley Zoning Law is amended as follows:

*Replace*

Section 165-111(D) “Solar Energy Systems”: Commercial solar energy systems. Due to the potential negative impacts to neighborhood character and to other environmental resources from commercial activity related to energy generation, supply and transmission in residential zones, commercial solar energy systems are strictly prohibited in all residential and CD and PD Zoning Districts in the Town. Ground mount commercial solar energy systems shall not be permitted in any zoning district or area of the town with the exception of installations constructed above existing or approved impervious surfaces or remediated contaminated sites as defined by the New York State Department of Environmental Conservation (NYSDEC). A commercial solar energy system shall be permitted only as a special permit use in Commercial Zoning Districts. Commercial Building-Integrated Photovoltaic Systems shall be subject to the following requirements (in addition to the requirements for a special permit application and site plan review).

**Part 4. Severability**

The invalidity of any part or provision (e.g., word, section, clause, paragraph, sentence) of this Local Law shall not affect the validity of any other part of this Law which can be given effect in the absence of the invalid part or provision.

**Part 6. Supersession**

This Local Law is intended to supersede any provisions of the Town Law, the laws of the Town of Putnam Valley, and the New York State General Municipal Law which are inconsistent with the provisions of this Local Law.

**Part 7. Effective Date**

This Local Law shall take effect immediately upon the filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, and specifically, Article 3, Section 27 of the New York State Municipal Home Rule Law.

TOWN OF PUTNAM VALLEY  
TOWN BOARD WORK SESSION  
JULY 10, 2024

**VOTE ON REPEALING LOCAL LAW RELATED TO INCENTIVE ZONING**

Presented by Supervisor Annabi

**RESOLUTION #R24-265**

**RESOLUTION ADOPTING LOCAL LAW NO. 5 OF 2024 ENTITLED “A LOCAL LAW REPEALING ARTICLE XXIII OF THE TOWN OF PUTNAM VALLEY TOWN CODE RELATING TO INCENTIVE ZONING”**

WHEREAS, a local law was introduced to be known as Local Law No. 5 of 2024, entitled “A LOCAL LAW REPEALING ARTICLE XXIII OF THE TOWN OF PUTNAM VALLEY TOWN CODE RELATING TO INCENTIVE ZONING;” and

WHEREAS, a public hearing in relation to said local law was held on June 19, 2024; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, the Town Board classified this action as a Type II Action for purposes of the State Environmental Quality Review Act (SEQRA), requiring no further environmental review; and

WHEREAS, the said local law has been on the desks of the members of the Town Board of the Town of Putnam Valley for at least seven (7) days, exclusive of Sunday.

NOW, THEREFORE, BE IT RESOLVED, that the local law annexed hereto is hereby enacted; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate that it contains the correct text of the enactment of this local law.

Dated: July 10, 2024

Moved: Supervisor Annabi

Seconded: Councilwoman Howard

Motion passes: Ayes 4 Nays 0

TOWN OF PUTNAM VALLEY  
TOWN BOARD WORK SESSION  
JULY 10, 2024

| PRESENT/ABSENT | Councilwoman Howard   | AYE      | NAY | ABSENT   |
|----------------|-----------------------|----------|-----|----------|
| PRESENT/ABSENT | Councilwoman Tompkins | <u>X</u> | —   | <u>X</u> |
| PRESENT/ABSENT | Councilman Russo      | <u>X</u> | —   | —        |
| PRESENT/ABSENT | Councilman Luongo     | <u>X</u> | —   | —        |
| PRESENT/ABSENT | Supervisor Annabi     | <u>X</u> | —   | —        |

  
KATHY DIOMEDES, TOWN CLERK

Supervisor Annabi said we did not receive any emails of public comments on Repealing Local Law Related to Incentive Zoning as of July 9<sup>th</sup> at 4 PM, nor did the Town Clerk.

**Town of Putnam Valley Local Law No. 5 of 2024**

**A Local Law Repealing Article XXIII of the Town of Putnam Valley Town Code Relating to Incentive Zoning**

BE IT ENACTED, by the Town Board of the Town of Putnam Valley, Putnam County, New York, as follows:

**Part 1. Title**

This Local Law shall be known as the “A Local Law Repealing Article XXIII of the Town of Putnam Valley Town Code Relating to Incentive Zoning.”

**Part 2. Purpose**

The purpose of this local law is to repeal Local Law #9 of 2010, which authorized the Town Board to grant incentives to the private sector engaged in the land development process.

**Part 3. Enactment**

This Local Law is adopted and enacted pursuant to the authority and power granted by §10 of the Municipal Home Rule Law of the State of New York.

**Part 4. Amendment of the Town Code**

The Town of Putnam Valley Code Article XXIII, §§165-103 through 110 is amended as follows:

*Repealed in its entirety.*

**Part 5. Severability**

The invalidity of any part or provision (e.g., word, section, clause, paragraph, sentence) of this Local Law shall not affect the validity of any other part of this Law which can be given effect in the absence of the invalid part or provision.

**Part 6. Effective Date**

This Local Law shall take effect immediately upon the filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, and specifically, Article 3, Section 27 of the New York State Municipal Home Rule Law.

TOWN OF PUTNAM VALLEY  
TOWN BOARD WORK SESSION  
JULY 10, 2024

---

**VOTE ON PROPOSED TOWING LAW**

Presented by Councilman Luongo

**RESOLUTION #R24-266**

**RESOLUTION ADOPTING LOCAL LAW NO. 6 OF 2024 ENTITLED “TOWING LIST”**

WHEREAS, a local law was introduced to be known as Local Law No. 6 of 2024, entitled “TOWING LIST;” and

WHEREAS, a public hearing in relation to said local law was held on June 19, 2024; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, the Town Board classified this action as a Type II Action for purposes of the State Environmental Quality Review Act (SEQRA), requiring no further environmental review; and

WHEREAS, the said local law has been on the desks of the members of the Town Board of the Town of Putnam Valley for at least seven (7) days, exclusive of Sunday.

NOW, THEREFORE, BE IT RESOLVED, that the local law annexed hereto is hereby enacted; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate that it contains the correct text of the enactment of this local law.

Dated: July 10, 2024

Moved: Councilman Luongo

Seconded: Councilman Russo

Motion passes: Ayes 4 Nays 0

TOWN OF PUTNAM VALLEY  
TOWN BOARD WORK SESSION  
JULY 10, 2024

|                | AYE       | NAY       | ABSENT    |
|----------------|-----------|-----------|-----------|
| PRESENT/ABSENT | <u>X</u>  | <u>  </u> | <u>  </u> |
| PRESENT/ABSENT | <u>  </u> | <u>  </u> | <u>X</u>  |
| PRESENT/ABSENT | <u>X</u>  | <u>  </u> | <u>  </u> |
| PRESENT/ABSENT | <u>X</u>  | <u>  </u> | <u>  </u> |
| PRESENT/ABSENT | <u>X</u>  | <u>  </u> | <u>  </u> |

Councilwoman Howard  
Councilwoman Tompkins  
Councilman Russo  
Councilman Luongo  
Supervisor Annabi

  
KATHY DIOMEDE, TOWN CLERK

Supervisor Annabi said we are voting today on the Proposed Towing Law. We have not received any emails of public comments as of July 9<sup>th</sup> at 4 PM, nor has the Town Clerk.

## **CHAPTER 121**

### **TOWING LIST**

#### **§120-1. Declaration of purpose.**

It is hereby declared and found that it is of vital importance to the traveling public that disabled vehicles be removed from the highways as promptly as possible; that delay in removal results in traffic congestion and may cause additional accidents; that the towing of disabled motor vehicles from the highways of the Town of Putnam Valley is a matter affecting the public interest and consequently should be subject to supervision and administrative control for the purpose of safeguarding the public against traffic problems and confusion at the scene of accidents, fraud and excessive rates and similar abuses. To serve these ends, the Town Board establishes a towing list to be made available for use by responding police agencies.

#### **§120-2. Establishment of policy**

- A. It is the intent of the Town Board of the Town of Putnam Valley to establish a fair and uniform policy for towing of vehicles from accident scenes consistent with statutory and decisional law. The following issues have been taken into consideration in the development of this policy:
  1. The needs of the public.
  2. The needs of the towing industry
  3. The needs of responding police agencies.
- B. Towing companies participating in the Town towing program must demonstrate that they can give prompt, safe and professional service.
- C. This chapter also establishes appropriate administrative procedures to deal with those companies who do not meet the standards set forth herein.

#### **§120-3. Criteria for tow companies.**

The Town Board requires that any towing company which applies for a position on the Town towing list must meet the following standards:

- A. All towing companies must maintain minimum insurance coverage as follows and must provide evidence of such insurance (except as to worker's compensation) in the name of the listed towing company naming the Town of Putnam Valley as additional insured:
  - (1) Light duty:
    - (a) General auto liability: \$1,000,000 each occurrence, which may be met through excess or umbrella coverage.
    - (b) On-hook direct primary: \$100,000 each occurrence.

- (c) Garage keepers liability: \$400,000 each occurrence.
- (d) Workers' compensation: NYS requirements.
- (2) Heavy duty:
  - (a) General auto liability: \$2,000,000 each occurrence, which may be met through excess or umbrella coverage.
  - (b) On-hook direct primary: \$500,000 each occurrence.
  - (c) Garage keepers liability: \$1,000,000 each occurrence.
  - (d) Workers' compensation: NYS requirements.
- B. All towing companies in the form of a limited liability partnership, limited liability company, corporation or other form of organization must provide evidence of good standing with the NYS Department of State to confirm that the listed company is the same as the one identified in the license and insurance and to avoid duplication of listings.
  - (1) Each towing company, including any DBA or assumed name under which they appear, may submit only one application for the list.
  - (2) Each application must include the company's USDOT and/or NYSDOT number.
- C. All towing companies must maintain a valid inspection and registration for each of their tow vehicles. The companies must provide the following to the Town of Putnam Valley:
  - (1) A list of all tow vehicles to be used within the Town.
  - (2) A list of all drivers who will be operating said vehicles, with driver's license ID numbers.
- D. All towing companies must own, lease or sublease either a lighted, fenced and locked or indoor locked vehicle storage facility in which to store towed vehicles out of public access. Such storage facility shall be in compliance with applicable zoning and building code requirements and shall be located within the municipal boundaries of the Town of Putnam Valley.
  - (1) All records required by this chapter must be maintained at said location.
  - (2) All towing companies shall have staff at the vehicle storage facility to provide for vehicle redemption at least between the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday.
  - (3) An inventory list for the cars on site shall be maintained.
- E. All towing companies must maintain adequate equipment to perform the required towing tasks. Each driver shall maintain a valid operator's license for the class of vehicle being driven to and from the tow scene.

- (1) Towing companies must have the following equipment:
  - (a) All trucks and equipment will adhere to all applicable NYSDOT and USDOT regulations.
  - (b) Each truck is to be equipped with:
    - [1] A broom.
    - [2] A shovel.
    - [3] Speedi dry or equivalent oil-absorbent product.
  - (2) All towing companies must have their vehicles marked in compliance with NYSDOT and/or USDOT regulations. (See 17 NYCRR § 820.1 and 49 CFR Part 390.)
  - (3) Towing companies must have at least one tow truck with a gross vehicle weight of 10,000 pounds or one flat bed with a gross vehicle weight of 15,000 pounds.
- F. All towing companies must comply with the twenty-minute response time to the scene of the tow after receiving the request for service. The twenty minutes runs from the initial call from the responding police agency to the tow company, regardless of whether voice contact is made.
- G. All towing companies must make their facilities and equipment available for scheduled inspections on two weeks' notice. These inspections will be made to ensure that each company maintains the required Department of Motor Vehicles (DMV) registration, vehicle registrations, vehicle inspections and vehicle insurance. The Town reserves the right to conduct inspections at any time of any tow trucks, insurance documentation and operator's license used by any company on the list.
- H. Towing companies on the list must apply for and receive a sticker from the Town of Putnam Valley, which must be displayed on the tow vehicle by all companies on the list.
- I. All tow truck drivers must maintain a valid license with the necessary and required tow endorsement, and proper classification for the vehicle being driven to and from the scene with proper endorsement, e.g., air brake if applicable. For the heavy duty list each tow truck driver must maintain a valid CDL - A license and any additional required endorsements for the vehicle being towed including tankers, hazardous materials, doubles and triples, etc.
- J. The towing company shall remove any debris at the scene from the vehicle being towed, including glass. Debris shall not include hazardous materials which require manifested disposal pursuant to DEC guidelines.

**§120-4. Application process.**

- A. All applications (initial and renewal) to be placed on the tow list shall be submitted in writing to the Town of Putnam Valley, on forms provided by the Town Clerk.

B. Applications shall contain the following information:

- (1) Application fee and/or renewal fee, in the amounts established from time to time by resolution of the Town Board;
- (2) A description of the vehicles owned by the towing company, including manufacturer, model and model year and the DOT registration number;
- (3) Proof of the required insurance;
- (4) Place and location of the storage yard and contact phone number, including after-hours contact information.

C. Grounds for rejecting an application, whether original or renewal, is:

- (1) Material false statements or misrepresentations;
- (2) Conviction of a felony in connection with the operation of a motor vehicle of any tow truck operator;
- (3) Conviction of a felony in connection with the operation of a towing business of the company's owner or principal;
- (4) Conviction of a felony involving fraud or corruption of the company's owner or principal;
- (5) Failure to meet the criteria outlined in § 120-3.

D. Tow companies are under a continued duty to consistently maintain and meet the requirements outlined in § 120-4 (B) and (C). They are under an affirmative duty to report any changes in status, specifically as they pertain to § 120-4 (B) and (C). To the extent a company falls out of compliance with said requirements, the company must report the same to the Town Clerk within 10 days of discovery of the failure to meet the requirements.

**§120-5. Procedure for suspension from tow list.**

A. A tow truck operator may be suspended from the tow list for the following reasons:

- (1) Failure to respond to three calls within a three-week period, absent reasonable cause;
- (2) Lapse of registration of tow vehicles;
- (3) Lapse of inspection sticker; or
- (4) Lapse of required insurance coverage.

B. Notice of suspension may be served either personally or by overnight delivery at the tow operator's place of business as set forth on the application. Suspension without notice shall not be enforceable.

C. In the event of suspension, tow truck operator may appeal the suspension and/or removal to

the Town Board within 20 days thereafter.

- D. Upon the determination that the tow truck operator failed to respond to three calls within a three-week period, absent reasonable cause, may result in suspension from the tow list for a period of up to four weeks.
- E. In the event of lapse of registration, insurance coverage, inspection sticker or loss of license, the company shall be immediately suspended and the suspension shall continue until the requirements are brought into compliance or otherwise cured.
- F. To the extent a company suspended from the list, and the list has 6 companies on it at the time of suspension, the company's position will not be filled until latter of when the twenty-day appeal period has run or the appeal has been dismissed.
- G. A company suspended due to a lapse of registration, insurance coverage, inspection sticker or loss of license may present evidence that the defect has been cured within the twenty-day window and, if the Board determines the defect has been cured, the Board shall reinstate the company.

#### **§120-6. Annual inspections.**

- A. The Town shall conduct annual inspections of the towing companies' facilities as identified on the application.
- B. Such inspection shall be scheduled at least two weeks in advance with a notice in writing served by facsimile, email or personal delivery.
- C. Inspections shall verify:
  - (1) If the company is a repair shop or body shop, that it has a valid DMV registration for such shop;
  - (2) For each towing vehicle, a valid registration, a valid inspection sticker and valid insurance coverage;
  - (3) Determine the adequacy of the storage area used by the company.
- D. The results of these inspections shall be in writing and placed on file in the tow truck operator's file maintained by the Town Clerk.
- E. Reinspection shall occur within two weeks to insure that any noted deficiencies have been corrected; follow-up inspections shall also be placed on file as stated above.
- F. Within 45 days of the scheduled inspection, the inspector shall submit a memorandum to the Town Board listing all facilities inspected, the results of the inspection and any reinspection.

#### **§120-7. Operational guidelines.**

- A. Towing companies are expected to:
  - (1) Be available 24 hours a day, seven days a week

- (2) ~~Be~~ willing to respond to any type of tow call, whether it be a collision, disabled vehicle, impound, etc.

Formatted: Font: 11 pt

- B. Vehicle owners or representatives must be able to retrieve their vehicles Monday through Friday during normal business hours. The towing company may charge up to \$50 for an after-hours release at the vehicle owner's request.
- C. Towing companies must provide one permanent day and/or night phone number. Absent mitigating circumstances, towing companies will not contact the Town and/or responding police agencies and attempt to leave phone numbers of on-call tow truck operators.
- D. Towing companies and their personnel must comply with all applicable rules and regulations of Federal Motor Carrier Safety Law as well as the New York State Vehicle and Traffic Law and the Town of Putnam Valley Code.
- E. Towing companies must comply with General Business Law §§ 399-x and 399-xx requirements as they pertain to forms of payment that must be accepted by tow companies.

#### **§120-8. Rates and charges.**

- A. Towing companies shall maintain records of all charges for tows dispatched pursuant to this chapter and such records shall be available for review by the Town upon request.
- B. The Town Board shall establish by resolution a schedule of maximum rates and charges permitted to be charged by towing companies for tows dispatched pursuant to this chapter, subject to annual review. Charges in excess of such authorized rates are prohibited and constitute grounds for removal pursuant to §§120-9 and 120-10.

#### **§120-9. Prohibited acts.**

- A. No tow truck operator or company shall respond to the scene of any motor vehicle accident within the Town of Putnam Valley unless a specific request for the services of such tow truck operator has been requested by the person in charge of a disabled vehicle, a police officer or other emergency personnel. It shall be an affirmative defense that the tow truck operator was justified in arriving at the scene of the motor vehicle accident when he or she was not specifically requested to be there when his or her presence was required as an emergency measure to avoid an imminent public or private injury.
- B. No tow truck operator or company shall charge fees in excess of the maximum authorized rates set by Town Board resolution, pursuant to § 120-8 (B).
- C. All tow truck operators and companies must comply with all rules outlined in this local law. Violation of any provision of this local law may be deemed a punishable offense.
- D. All tow companies must comply with their affirmative duty to report their own noncompliance at outlined in §120-4 (D), to the extent they knew or should have known of the noncompliance.

#### **§120-10. Penalties for offenses outlined in §120-9.**

The penalties will be set from time to time by Town Board resolution.

TOWN OF PUTNAM VALLEY  
TOWN BOARD WORK SESSION  
JULY 10, 2024

---

**APPROVE RELEASE OF EROSION & SEDIMENT CONTROL BOND & DRIVEWAY BOND**

Presented by Councilman Russo

**RESOLUTION #R24-267**

**RESOLVED**, that the Town Board release both the Erosion & Sediment Control Bond of \$2,500.00 and the Cash Bond for Driveway of \$18,750.00, totaling \$21,250.00 as according to the Town Consultants requirements have been met and this portion of the project has been completed.

Seconded by Supervisor Annabi, unanimously carried.

TOWN OF PUTNAM VALLEY  
265 OSCAWANA LAKE ROAD  
PUTNAM VALLEY, NY 10579

VOUCHER  
( Raymond Price )  
27 IEMA DRIVE  
( Putnam Valley, NY 10579 )

\*Claimant's name and address

TERMS:

Dates Description of materials or services Quantity Unit Price Amount

|         |                                         |  |  |           |
|---------|-----------------------------------------|--|--|-----------|
| 6/26/24 | Release Erosion & Sediment Control Band |  |  | 2,500.00  |
|         | Release Cash Band                       |  |  | 18,750.00 |
|         | TYPE 1317-1-20                          |  |  |           |
|         | Project is complete                     |  |  |           |
|         | CO WAS ISSUED                           |  |  |           |
| Total   |                                         |  |  | 21,250.00 |

6/26/24 Michelle Barbak certify that the above account in the amount of \$21,250.00 is true and correct, that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

6/26/24 [Signature] title

DEPARTMENT APPROVAL

The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.

Approval for Payment  
This claim is approved and ordered paid from the appropriations indicated above.

6/26/2024 [Signature] date Authorized Official

date Auditing Board

TOWN OF PUTNAM VALLEY  
TOWN BOARD WORK SESSION  
JULY 10, 2024

**APPROVE PATRICIA CITARELLA FUND FOR SCHOLARSHIPS FOR SUMMER  
DAY CAMP**

Presented by Councilwoman Howard

Supervisor Annabi asked for a second for discussion:

Supervisor Annabi said Pat was a grandma who was part of our Parks and Rec family for decades. Her family was also a big part of everything that occurred in our Parks and Rec family. Pat always felt love for the children of Putnam Valley, so that her daughters wanting to do this for Pat is very moving for everyone by keeping her name alive. Supervisor Annabi personally thanked them for doing this.

**RESOLUTION #R24-268**

**RESOLVED**, that the Town Board accept the request of the Citarella family to receive donations on behalf of Patricia Citarella and create a summer day camp scholarship fund for children/families in need, in memory of Pat's dedication to, and love of, caring for children.

Seconded by Councilman Luongo, unanimously carried.

TOWN OF PUTNAM VALLEY  
TOWN BOARD WORK SESSION  
JULY 10, 2024

DAILY FEE REPORT: SUMMARY JUNE 1, 2024 – JUNE 30, 2024

Presented by Councilman Luongo

RESOLUTION #R24-269

**Town of Putnam Valley**

M5 Standard Fee Report Paid Only  
From 06/01/2024 To 06/30/2024

| Committee Type       |  |  |             |
|----------------------|--|--|-------------|
| ADDITION/ALTERATION  |  |  |             |
| ADDITIONAL FEE       |  |  |             |
| CW                   |  |  | \$10,175.00 |
| DECK                 |  |  | \$50.00     |
| ELECTRI APP/ANY ELEC |  |  | \$300.00    |
| ELECTRIC APP/SWIS    |  |  | \$2,106.00  |
| GAS/PROPANE          |  |  | \$160.00    |
| GENERATOR PERMIT     |  |  | \$560.00    |
| HVAC                 |  |  | \$675.00    |
| MG                   |  |  | \$150.00    |
| MI                   |  |  | \$375.00    |
| OIL TANK             |  |  | \$150.00    |
| PERMIT FEE           |  |  | \$1,025.00  |
| PL                   |  |  | \$750.00    |
| RENEWAL              |  |  | \$540.00    |
| RU                   |  |  | \$2,502.00  |
| SEARCH               |  |  | \$500.00    |
| TENT                 |  |  | \$2,000.00  |
| WETADM               |  |  | \$100.00    |
| WETL                 |  |  | \$100.00    |
| WTS                  |  |  | \$200.00    |
|                      |  |  | \$560.00    |

TOWN OF PUTNAM VALLEY  
TOWN BOARD WORK SESSION  
JULY 10, 2024

FEE TYPES

|                            |                                                  |
|----------------------------|--------------------------------------------------|
| ADDITION/ALTERATION        | Permits for Additions/Alterations                |
| BLASTING                   | Permits to Blast                                 |
| CW                         | Commence Work Permit                             |
| CREDIT CARD FEE            | Credit Card Fee charged for usage of credit card |
| DEM/R                      | Demolition/Residential                           |
| ELECTRIC APP/NY ELECTRICAL | Electric application/NY Electrical               |
| ELECTRIC APP/SWISS         | Electric application/Swiss                       |
| FENCE/WALL                 | Permit for Fence/Wall                            |
| GAS/PROPANE                | Permit for Propane Gas Installation              |
| GENERATOR PERMIT           | Generator Installation                           |
| HVAC                       | Heating, Vent., A/C Permit                       |
| IN GROUND POOL             | Permit for In Ground Pool                        |
| MG                         | Minor Grading Permit                             |
| MI                         | Miscellaneous Building Permit                    |
| OPERATING PERMIT           | Operating Permits /Commercial                    |
| PERM                       | Building Permits                                 |
| PERNC                      | New Construction Permits                         |
| PL                         | Plumbing Permits                                 |
| RE                         | Renewal Building Permits                         |
| RHCS                       | Rock Hammer Crush Shatter Rock Permit            |
| RU                         | Spec. Use Renewal                                |
| SEARC                      | Municipal Search                                 |
| TENT                       | Tent Permit                                      |
| TREE                       | Tree Permit                                      |
| WETADM                     | Wetland Administrative Fee                       |
| WETL                       | Wetland Permit Application Fee                   |
| WT/S                       | Wetland Screening                                |

Seconded by Councilman Russo, unanimously carried.

TOWN OF PUTNAM VALLEY  
TOWN BOARD WORK SESSION  
JULY 10, 2024

---

Supervisor Annabi moved to go into Executive Session to discuss an Attorney/Client Issue with no further business afterward.

Seconded by Councilman Luongo, unanimously carried.

Supervisor Annabi made a motion to close the meeting at 5:20 PM.

Seconded by Councilman Luongo, unanimously carried.

Respectfully submitted,

A handwritten signature in cursive script, reading "Kathy Diomedede".

Kathy Diomedede  
Town Clerk  
July 10, 2024