

Public Hearing – Local Law “Cold War Veterans Exemption”

March 21, 2018 7:00 p.m. Town Hall

Local Law to amend the Code by repealing and re-enacting Chapter 156: Article VIII entitled “Cold War Veterans Exemption” to remove the ten-year limitation thereon.

IMMEDIATELY FOLLOWING

Hearing for the appeal of Homeland Tower, LLC from the decision of the Town Conservation Board to deny the application of Homeland Tower, LLC and New York SMSA Limited partnership d/b/a Verizon Wireless for a wetlands permit sought in connection with an application for a Special Use Permit.

Special Town Board Meeting

AGENDA

- 1. Sequa Resolution declaring that the proposed Local Law will not have a significant effect on the environment.**
- 2. Resolution adopting Local Law #1-2018 entitled “Cold War Veterans Exemption” effective March 1, 2018.**
- 3. Any other business that may come before the Town Board.**
- 4. Adjournment.**

**TOWN OF PHILIPSTOWN
PUBLIC HEARING NOTICE**

NOTICE is hereby given that the Town Board of the Town of Philipstown will conduct a Public Hearing on March 21, 2018 at 7:00 p.m. at the Town Hall, 238 Main Street, Cold Spring, New York to hear comments for/against a proposed Local Law to amend the Code by repealing and re-enacting Chapter 156: Article VIII entitled "Cold War Veterans Exemption" to remove the ten-year limitation thereon.

A copy of the proposed Local Law is on file in the Town Clerk's office where it may be examined during regular business hours. All persons interested will be heard at the time, date and place specified above.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF PHILIPSTOWN

Tina M. Merando
Town Clerk

DATED: March 14, 2018
Cold Spring, New York

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Philipstown

Local Law No. 1 of the year 2018

A local law to amend the Town Code by repealing and re-enacting Chapter 156: Article VIII entitled
(Insert Title)
"Cold War Veterans Exemption" to remove the ten-year limitation thereon.

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Philipstown

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**TOWN OF PHILIPSTOWN
LOCAL LAW NO. __ OF THE YEAR 2018**

A local law to amend the Town Code by repealing and re-enacting Chapter 156: Article VIII entitled "Cold War Veterans Exemption" to remove the ten-year limitation thereon.

Be it enacted by the Town Board of the Town of Philipstown as follows:

Section 1. Purpose:

In 2008, the Town of Philipstown adopted a local law providing for tax exemptions for Cold War Veterans as authorized by New York State Real Property Tax Law Section 458-b, which contains maximum exemption duration of 10 years for a qualified owner. The purpose of this local law is to amend the Town Code to extend the tax exemptions for Cold War Veterans indefinitely as was recently authorized by New York State Real Property Tax Law §458-b.

Section 2. Municipal Home Rule Law.

This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York and Article 16 of the Town Law of the State of New York. To the extent the provisions of this local law are in conflict with Town Law, the Town Board hereby asserts its intention to supersede Town Law pursuant to the Municipal Home Rule Law. Further, this Local Law is adopted in conformance with the Town's Comprehensive Plan.

Section 3. Amendment of Code:

The Town of Philipstown Town Code is hereby amended to repeal and re-enact Chapter 156, Article VIII, entitled "Cold War Veterans Exemption" to read as follows:

"Article VIII: Cold War Veterans Exemption

§ 156-29 Authority.

This article is adopted pursuant to the authority of Real Property Tax Law, §458-b, as added by Chapter 290 of the Laws of 2017.

§ 156-30 Definitions.

The terms used in this article shall have the same meaning as such terms are used in Real Property Tax Law § 458-b.

§ 156-31 Amount and Duration of Exemption.

A. Qualifying residential real property owned by a Cold War veteran shall be exempt from taxation to the extent of 15% of the assessed value not exceeding \$12,000 or the product of \$12,000 multiplied by latest state equalization rate, whichever is less.

B. In addition to the exemption provided by Subsection A of this section, a Cold War veteran having a disability rating shall also be eligible for the additional exemption which shall be computed by multiplying the assessed value by 50% of the disability rating not exceeding \$40,000 or the product of \$40,000 multiplied by the latest state equalization rate, whichever is less.

C. A qualified residential real property owned by a Cold War Veteran shall be exempt from taxation as provided herein for as long as the property and owner remain qualified, and there shall be no time limitation on the exemption.

Section 4. Severability:

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

Section 5. Effective Date:

This local law will take effect immediately upon filing in the Office of the Secretary of State in Albany.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ 1 _____ of 20¹⁸ of the (County)(City)(Town)(Village) of Town of Philipstown was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*~~

3. (Final adoption by referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*~~

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____¹ above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: _____

(Seal)

RESOLUTION

The following Resolution was presented by _____, seconded by _____;

WHEREAS, the Town Board of the Town of Philipstown has given due consideration to adoption of a Local Law to amend the Code of the Town of Philipstown, by repealing and re-enacting Chapter 156: Article VIII entitled “Cold War Veterans Exemption” to remove the ten-year limitation thereon; and

WHEREAS, this action is a routine or continuing agency administration and management action that does not include new programs or major re-ordering of priorities;

NOW, THEREFORE, BE IT RESOLVED, that this action is a Type II Action, as defined under 6NYCRR Part 617.5 (c), which is an action or class of actions which have been classified by the State of New York to not have a significant effect on the environment and thus do not require environmental impact statements or other determination or procedures under Part 617 of the NYCRR.

RESOLUTION ADOPTING LOCAL LAW NO. 1 OF 2018

WHEREAS, heretofore the Town Board has considered the adoption of Local Law No. 1 of the year 2018, and

WHEREAS, following due notice the Town Board held a public hearing on the proposed local law,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board does hereby adopt Local Law No. 1 of the year 2018, which said local law shall be effective upon publication, posting and filing in the Office of the Secretary of State in Albany, and

_____ presented the foregoing resolution which was seconded by _____,

The vote on the foregoing resolution was as follows

Nancy Montgomery, Councilwoman, voting _____

John VanTassel, Councilman, voting _____

Robert Flaherty, Councilman, voting _____

Michael Leonard, Councilman, voting _____

Richard Shea, Supervisor, voting _____

Philipstown's Conservation Board/Natural Resource Review Officer
Appeal of Denial

TO: Tina M. Merando
Town of Philipstown
238 Main Street
P.O. Box 155
Cold Spring, NY 10516

DATE of DENIAL: 1/22/2018; received 2/13/2018 Tax Map # 38.-3-24.21

Applicants Name: Homeland Towers, LLC and New York SMSA Limited Partnership d/b/a Verizon Wireless

Address of Proposed Project: 50 Vineyard Road
Philipstown, NY

Representative of Applicant: Robert D. Gaudio, Esq.

Mailing Address Snyder & Snyder, LLP
94 White Plains Road, Tarrytown, NY 10591

Telephone # (914) 333-0700

Email: rgaudio@snyderlaw.net

NOTICE: YOU HAVE THE RIGHT TO APPEAL A DENIAL OF THIS APPLICATION TO THE HEAD OF THE AGENCY.

TOWN BOARD – TOWN OF PHILIPSTOWN – 238 MAIN ST, COLD SPRING, NY

WHO MUST FULLY EXPLAIN THE REASON FOR SUCH DENIAL IN WRITING WITHIN SEVEN DAYS OF RECEIPT OF AN APPEAL.

HOMELAND TOWERS, LLC AND NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS

I HEREBY APPEAL: By: [Signature]
Signature

2/13/2018
Date

Robert D. Gaudio as counsel

RECEIVED
2/13/18

CC: TB

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Philipstown, Putnam County, New York will conduct a **HEARING** on Wednesday, March 21, 2018 at 7:15 p.m., Prevailing Time at the Town Hall, 238 Main Street, Cold Spring, New York 10516.

The purpose of the Hearing is to hear the appeal of Homeland Tower, LLC from the decision of the Town Conservation Board to Deny the application of Homeland Tower, LLC and New York SMSA Limited Partnership d/b/a Verizon Wireless for a wetlands permit sought in connection with an application for.

A special use permit to erect a wireless telecommunication service facility consisting of a 180-foot monopole with antennas, together with related equipment at the base thereof within a multi-carrier equipment compound. The property at issue is located at 50 Vineyard Road, Cold Spring, New York in an OC zoning district.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF PHILIPSTOWN**

Tina M. Merando
Town Clerk

Dated: March 14, 2018