

Weekly Town Board
September 25, 2013

The Town Board held their Weekly Meeting on the above date at 8:41 p.m. at the Town Hall, 238 Main Street, Cold Spring, New York.

PRESENT:

Richard Shea	Supervisor
Betty Budney	Councilwoman
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
David Merandy	Councilman

AGENDA

1. Resolutions adopting Local Laws as follows:

- SEQRA – Type II for all Local Laws (*only one necessary for all*)

RESOLUTION #127-2013

The following Resolution was presented by Councilman Merandy, seconded by Councilwoman Montgomery and unanimously carried;

WHEREAS, the Town of Philipstown has reviewed the package of six amendments to the Town Code, more fully described in Attachment A. (Attached)

NOW, THEREFORE, BE IT RESOLVED, that this action is a Type II Action, as defined under NYCRR Part 617.13d, 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 Environmental Conservation Law.

- *Authorize Supervisor Shea to sign short EAF. Negative Declaration.*

RESOLUTION #128-2013

The following Resolution was presented by Councilwoman Budney, seconded by Councilman Van Tassel and unanimously carried;

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the Short Environmental Assessment Form in connection with the six amendments to the Town Code as described in Attachment A.

- Chapter 175, "Zoning," to implement the re-designation of the Town's Conservation Advisory Council as a Conservation Board. (**Roll Call Vote**)

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RESOLUTION #129-2013

The following Resolution was presented by Councilwoman Budney, seconded by Councilwoman Montgomery;

WHEREAS, the Town Board has considered the adoption of Local Law No. 1 of the year 2013 entitled: A Local Law to amend certain chapters of the Code of the Town of Philipstown in order to fully implement changes in Chapter 175, "Zoning," and to implement the re-designation of the Town's Conservation Advisory Council as a Conservation Board.

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

NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby adopt Local Law No. 1 of the year 2013 entitled:, A Local Law to amend certain chapters of the Code of the Town of Philipstown in order to fully implement changes in Chapter 175, "Zoning," and to implement the re-designation of the Town's Conservation Advisory Council as a Conservation Board. which said local law shall be effective upon publication, posting and filing in the office of the Secretary of State in Albany.

The vote on the foregoing resolution was as follows:

ROLL CALL VOTE

Supervisor Shea	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	AYE
Councilman Van Tassel	AYE
Councilman Merandy	AYE

The resolution was thereupon declared duly adopted.

- Chapter 159 entitled "Timber Harvesting and Forest Management," in order to implement the Town's Natural Resource and Open Space Plan.

RESOLUTION #130-2013

The following Resolution was presented by Councilwoman Montgomery, seconded by Councilman Van Tassel;

WHEREAS, the Town Board has considered the adoption of Local Law No. 2 of the year 2013 entitled: A Local Law to amend Chapter 159 of the Code of the Town of Philipstown, entitled, "Timber Harvesting and Forest Management," in order to implement the Town's Natural Resource and Open Space Plan and it's re-designation of the Town's Conservation Advisory Council as a Conservation Board.

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

NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby adopt Local Law No. 2 of the year 2013 entitled: A Local Law to amend Chapter 159 of the Code of the Town of Philipstown, entitled, "Timber Harvesting and Forest Management," in order to implement the Town's Natural Resource and Open Space Plan and it's re-designation of the Town's Conservation Advisory Council as a Conservation Board which said local law shall be effective upon publication, posting and filing in the office of the Secretary of State in Albany.

ROLL CALL VOTE

Supervisor Shea	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	AYE
Councilman Van Tassel	AYE
Councilman Merandy	AYE

The resolution was thereupon declared duly adopted.

- Chapter 93, "Freshwater Wetlands and Watercourses" to fully implement changes in Chapter 175, "Zoning," the re-designation of the Town Conservation Advisory Council as a Conservation Board and to bring Chapter 93 into consistency with other sections of the Town Code and Comprehensive Plan. *(Roll Call Vote)*

RESOLUTION #131-2013

The following Resolution was presented by Councilwoman Montgomery, seconded by Councilman Merandy:

WHEREAS, the Town Board has considered the adoption of Local Law No. 3 of the year 2013 entitled: A Local Law to amend Chapter 93, "Freshwater Wetlands and Watercourses," of the Code of the Town of Philipstown in order to fully implement changes in chapter 175, "Zoning," to implement the re-designation of the Town's Conservation Advisory Council as a Conservation Board, and to bring Chapter 93 into consistency with other sections of the Town Code and the Comprehensive Plan, and

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

NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby adopt Local Law No. 3 of the year 2008 entitled:, A Local Law to amend

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Chapter 93, "Freshwater Wetlands and Watercourses," of the Code of the Town of Philipstown in order to fully implement changes in chapter 175, "Zoning," to implement the re-designation of the Town's Conservation Advisory Council as a Conservation Board, and to bring Chapter 93 into consistency with other sections of the Town Code and the Comprehensive Plan which said local law shall be effective upon publication, posting and filing in the office of the Secretary of State in Albany.

ROLL CALL VOTE

Supervisor Shea	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	AYE
Councilman Van Tassel	AYE
Councilman Merandy	AYE

The resolution was thereupon declared duly adopted.

- Chapter 112, "Land Development," in order to require maintenance agreements for Open Development Area Subdivisions accessed by shared rights-of-way. (*Roll Call Vote*)

RESOLUTION #132-2013

The following Resolution was presented by Councilman Van Tassel, seconded by Councilwoman Budney;

WHEREAS, the Town Board has considered the adoption of Local Law No. 4 of the year 2013 entitled: A Local Law to amend Chapter 112 of the Code of the Town of Philipstown, entitled "Land Development," in order to require maintenance agreements for Open Development Area Subdivisions accessed by shared rights-of way, and

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

NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby adopt Local Law No. 4 of the year 2013 entitled: A Local Law to amend Chapter 112 of the Code of the Town of Philipstown, entitled "Land Development," in order to require maintenance agreements for Open Development Area Subdivisions accessed by shared rights-of way, which said local law shall be effective upon publication, posting and filing in the office of the Secretary of State in Albany.

ROLL CALL VOTE

Supervisor Shea	AYE
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Councilwoman Budney	AYE
Councilwoman Montgomery	AYE
Councilman Van Tassel	AYE
Councilman Merandy	AYE

The resolution was thereupon declared duly adopted.

- Chapter 175, "Zoning," in order to make clarifications and technical corrections.

RESOLUTION #133-2013

The following Resolution was presented by Councilwoman Budney, seconded by Councilman Van Tassel and unanimously carried;

RESOLVED, that the Town Board hereby tables adopting Chapter 175, "Zoning," in order to make clarifications and technical correction.

- Chapter 104, Adding a New Chapter in Relation to the Sale, Application and Disposal of Waste Associated with Natural Gas Exploration and Extraction Activities. *(Roll Call Vote)*

RESOLUTION #134-2013

The following Resolution was presented by Councilwoman Budney, seconded by Councilwoman Montgomery;

WHEREAS, the Town Board has considered the adoption of Local Law No. 5 of the year 2013 entitled: A Local Law adding a New Chapter 104 to the Philipstown Town Code in Relation to the Sale, Application and Disposal of Waste Associated with Natural Gas Exploration and Extraction Activities, and

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

NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby adopt Local Law No. 5 of the year 2013 entitled: A Local Law adding a New Chapter 104 to the Philipstown Town Code in Relation to the Sale, Application and Disposal of Waste Associated with Natural Gas Exploration and Extraction Activities,, which said local law shall be effective upon publication, posting and filing in the office of the Secretary of State in Albany.

ROLL CALL VOTE

Supervisor Shea	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	AYE
Councilman Van Tassel	AYE
Councilman Merandy	AYE

The resolution was thereupon declared duly adopted.

2. Resolution revoking the Bond and completing the work on Hudson Way with regard to Michele Thorpe Holubar. (Property located off of Route 301)

Supervisor Shea addressed this matter as Item #1. Supervisor Shea explained that the Town has been waiting for the owner of the subdivision to complete the project. He noted that the town has been in court over this matter for 17 months, with no results. He reported that the town has a bond, which if the town revokes, the town will be responsible for completing the road.

Discussion continued at length between the Town Board and a resident of Hudson Way. Councilman Merandy inquired as to whether or not the bond amount would cover the costs. It was then determined that additional language be added to the resolution stating that if the Town elects to revoke the Bond and complete the work to the extent the funds in the bond will cover the cost of completing the work.

RESOLUTION #135-2013

The following Resolution was presented by Councilman Van Tassel, seconded by Councilman Merandy and unanimously carried;

RESOLVED, that the Town Board hereby tables acting on the revocation of the Bond in the matter of Philipstown v. Holubar until additional language is added to proposed Resolution.

3. Resolution introducing a proposed Local Law entitled: “ A Local Law establishing a six (6) month moratorium on applications for Major Wind Energy Conversion Systems within the Town of Philipstown.”

RESOLUTION #136-2013

The following Resolution was presented Councilman Merandy, seconded by Councilwoman Montgomery;

WHEREAS, the Town Board of the Town of Philipstown is considering enacting amendments and updates to the Town Code’s provisions regarding regulations for Major Wind Energy Conversion Systems, and

WHEREAS, the Town Board is also considering enacting a moratorium on applications for Major Wind Energy Conversion Systems while it prepares and deliberates on the proposed amendments and updates to the Town Code, and

WHEREAS, the Town Board has a local law before it entitled: “A Local Law establishing a six (6) month moratorium on the submission and processing of

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applications for Major Wind Energy Conversion Systems within the Town of Philipstown,” a copy of which is annexed hereto,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movement of this resolution does hereby introduce the proposed local law establishing a six month moratorium on applications for Major Wind Energy Conversion Systems within the Town of Philipstown, and
2. That the proposed local law be forwarded to the Putnam County Department of Planning and the Philipstown Planning Board for review and report.

ROLL CALL VOTE

Supervisor Shea	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	AYE
Councilman Van Tassel	AYE
Councilman Merandy	AYE

The resolution was thereupon declared duly adopted.

4. Resolution introducing a revision to “A Local Law to amend Chapter 175, “Zoning,” of the Code of the Town of Philipstown in order to make clarifications and technical corrections by adding a new Section 5 to the Local Law.

Supervisor Shea introduced an amendment to the local law entitled “A Law Amending the Town Code of the Town of Philipstown to make clarifications and technical corrections to Chapter 175” to clarify one provision relating to replacement of existing mobile homes. This clarification explicitly states what was implicitly understood to be the intent of zoning law when it was originally adopted. The amendment adds a new Section 5 to the local law and renumbers all succeeding sections accordingly. The new Section 5 of the local law reads as follows:

5. Section 175-44 of the Town Code of the Town of Philipstown is hereby amended by inserting a new subsection F, after subsection E that reads as follows:

F. Existing mobile homes in any location may be replaced by newer mobile homes in the same location.

Supervisor Shea asked if there was any comment from the Board on this amendment. Hearing none, he called for a vote on the amendment

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RESOLUTION #137-2013

The following Resolution was presented by Councilman Van Tassel, seconded by Councilman Merandy and unanimously carried;

RESOLVED, that the Town Board hereby approves the amendment to a local law to amend Chapter 175, "Zoning," of the Code of the Town of Philipstown in order to make clarifications and technical corrections by adding a new Section 5 to the Local Law as described above.

ROLL CALL VOTE

Supervisor Shea	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	AYE
Councilman Van Tassel	AYE
Councilman Merandy	AYE

The resolution was thereupon declared duly adopted.

Mary Finger reported to the Town Board that there is funding available from NYSERDA for revising Comprehensive Plans and thought that the town should pursue any funding.

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilwoman Budney and unanimously carried to close the Weekly Meeting at 9:17 p.m.

Respectfully submitted by,

Tina M. Merando, Town Clerk