

Village of Millbrook Board of Trustees

Wednesday, 02/14/2024 - 6 PM

Millbrook Firehouse, 20 Front Street, Millbrook NY,12545

1. **Roll Call:** Mayor Collopy, Deputy Mayor Doro, Trustee Herzog, Trustee Contino, Trustee Murphy, Fire Department (FD) Chief Boscardin, Matt Rochfort (FD President), Scott Osborn (VRI), OIC Witt, Attorney MacDonald, and Clerk Witt
2. **Open meeting – 6:00 PM with Pledge of Allegiance.**
3. **Administrative Business:**

Minutes Approval: *Motion* made by Trustee Herzog to approve the minutes of November, seconded by Trustee Contino and all were in favor.

Voucher Approval: *Motion* made by Deputy Mayor Doro to accept the Voucher fund totals as presented, seconded by Trustee Herzog and all were in favor (attached).
4. **Department Reports:**
 - a. **Fire & Rescue** – Chief Boscardin Read from attached report. Mayor Collopy had the Board sign the LOSAP documents. The final LOSAP paperwork will be signed by Mayor Collopy once the active member list has been posted for 30 days at the Firehouse.
 - b. **Police** – OIC Witt read from attached monthly report. Mayor Collopy asked OIC Witt and Trustee Contino to bring a plan for the police grant (through Didi Barrett’s office) at the March meeting. Mayor Collopy asked if OIC can generate report of tickets issued by the PD and given to the court that would be considered revenue for the Village. *Motion* made by Deputy Mayor Doro to accept the attached Use of Force policy, seconded by Trustee Contino and all were in favor. Deputy Clerk to post on the Village website. Ongoing project- Lexipol training for updating the police policies.
 - c. **Highway** – PWS Collocola read highlights from the attached monthly report. Resolution 2024-003 to authorize the issuance of \$121,000 Serial Bond for the purchase of the Highway Dump Truck from the Bank of Millbrook (3.5% interest rate)- *roll call vote 5 ayes 0 nays* (attached). SEQR Docs signed by Mayor Collopy (attached).
 - d. **Water & Sewer** – S. Osborn: read from attached monthly reports. Mayor Collopy said he only received four complaints about the addition of the meter fee, but overall, no issues. WWTP Upgrade- RFQ’s: Mayor Collopy said they have received two requests for engineering services for the WWTP Upgrade project. Mayor to reach out to Tighe and Bond Engineering about projected costs of the overall project (Village already has projected costs from Delaware Engineering). The Board to review and decide which firm to go with potentially at the March meeting.
 - e. **Treasurer & Building Dept** – Clerk Witt: read from attached reports. Attorney MacDonald to research if the Village can use the funds in the Thorne Trust account for general Village purposes.

Old Business: Short Term Rental (STR) Code: Resolution LL0022024.4- Enacting Local Law no. 2 of 2024 Amending Chapter 230 of the Village Code Entitled “Zoning” to Establish Rules and Regulations for Short-Term Rentals- Public hearing: *Motion* made by Mayor Collopy to open the public hearing, seconded by Deputy Mayor Doro and all were in favor. Resident Tanya Jackson commented that because the public hearing is on Valentine’s Day, business owners couldn’t make it. She said she feels like residents were heard (with regards to input for this Local Law), but they were not listened to. She is once again asking the Board to consider grandfathering in STR’s that are currently not owner occupied. She pointed out that the Town of Washington’s fee schedule is more comprehensible and asked why the Village can’t follow the same model. Mayor Collopy answered that since we didn’t know how much the whole STR operation is going to be and how much the new hire is going to cost, the Board believes these fees are fair- but may potentially adjust the fees after the first two years. Ms. Jackson asked if the “primary residence” portion of the law is going to be enforced. Mayor Collopy said he is trusting the Code Enforcement Officer and Fire Inspector to make sure the code is being adhered to. Resident Toni Salvato commented she didn’t think there is a need for STR legislation. She said her personal STR has dropped in clients and does not plan to continue her STR- as there is not a lot of interest to come to Millbrook. *Motion* made by Deputy Mayor Doro to close the public

hearing, seconded by Trustee Herzog and all were in favor. *Motion* made by Mayor Collopy to accept Resolution LL0012024.3 (SEQRA docs) and Resolution LL0012024.4 (Enacting Local Law No. 1 of 2024) as presented, seconded by Deputy Mayor Doro- Roll Call Vote 5 Ayes 0 Nays. Local Law No. 2 of 2024 has passed (attached) and Clerk Witt will file with NYS. Mayor Collopy said there will be an announcement sent out when the application will be made available.

Mayor Collopy explained Local Law 3 of 2024 needed to be refiled as there was an error with the amounts submitted to the State. Local Laws 4 and 5 of 2024 need to be refiled with the State due to the date issues.

Resolution No. 2024-008.2 Enacting Local Law No. 3 of 2024 Amending Chapter 207 of the Village Code Entitled "Taxation" to Increase the Real Property Tax Exemption Amounts for Veterans and Senior Citizens

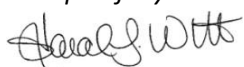
Motion made by Mayor Collopy to open the public hearing, seconded by Deputy Mayor Doro and all were in favor. No public comments. *Motion* made by Mayor Collopy to close this public hearing, seconded by Deputy Mayor Doro and all were in favor. *Motion* to accept Resolution No. 2024-008.2 as presented, seconded by Deputy Mayor Doro- Roll Call Vote 5 Ayes 0 Nays. Local Law No. 3 of 2024 has passed (attached) and Clerk Witt will file with NYS.

Resolution No. LL0042024.1 Enacting Local Law No. 4 of 2024 Amending Chapter 230 of the Village Code Entitled "Zoning" to Add the Requirement that Public Hearings Regarding Land Use Applications be Advertised on Signs Posted on the Property *Motion* made by Mayor Collopy to open the public hearing, seconded by Deputy Mayor Doro and all were in favor. No public comments. *Motion* made by Mayor Collopy to close this public hearing, seconded by Trustee Herzog and all were in favor. *Motion* to accept Resolution No. LL0042024.1 as presented, seconded by Trustee Contino- Roll Call Vote 5 Ayes 0 Nays. Local Law No. 4 of 2024 has passed (attached) and Clerk Witt will file with NYS.

Resolution No. LL0052024.1 Enacting Local Law No. 5 of 2024 Amending Article X of Chapter 230 of the Village Code by Creating a New Section 230-75 Containing Regulations for Outdoor Dining on Village Sidewalks *Motion* made by Mayor Collopy to open the public hearing, seconded by Deputy Mayor Doro and all were in favor. No public comments. *Motion* made by Mayor Collopy to close this public hearing, seconded by Deputy Mayor Doro and all were in favor. *Motion* made by Mayor Collopy to accept Resolution No. LL0052024.1 as presented, seconded by Trustee Contino- Roll Call Vote 5 Ayes 0 Nays. Local Law No. 5 of 2024 has passed (attached) and Clerk Witt will file with NYS.

5. **NDP Ambulance service contract- Mayor Collopy:** Mayor Collopy explained the need for the NDP contract to be extended for another year- in hopes the County will have alternative Countywide solutions within the year. *Motion* made by Mayor Collopy to sign the NDP contract extension, seconded by Trustee Murphy and all were in favor.
6. **Public Comments-** No additional comments.
7. **Board Member Updates**
8. **Executive Session:** *Motion* made by Mayor Collopy to enter into Executive Session at 7:40 PM to discuss personnel matters, seconded by Trustee Contino and all were in favor. *Motion* to re-enter the meeting was made at 8:25 PM by Mayor Collopy, seconded by Trustee Contino and all were in favor. No action taken by the Board.
9. **Next board meeting: Regular Business Meeting- March 13, 2024, at 6 PM- Firehouse.**
10. **Adjournment:** *Motion* to adjourn at 8:30 PM was made by Mayor Collopy seconded by Deputy Mayor Doro and all were in favor.

Respectfully submitted by Village Clerk



Sarah J. Witt

Use of Force

300.1 PURPOSE AND SCOPE

Best Practice MODIFIED

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Executive Law § 840).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Federal

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury. This includes force that, under the circumstances, is readily capable of causing death or serious physical injury (Executive Law § 840).

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

Best Practice

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

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The Village of Millbrook Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

300.2.1 DUTY TO INTERVENE AND REPORT

Federal

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intervene to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

300.2.2 PERSPECTIVE

Best Practice

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Federal

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

Best Practice

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.3.2 USE OF FORCE TO EFFECT AN ARREST

State

A police officer or a peace officer may use reasonable physical force to effect an arrest, prevent escape of a person from custody, or in defense of self or others from imminent physical force (Penal Law § 35.30).

Force shall not be used by an officer to (Executive Law § 840):

- (a) Extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present.
- (b) Coerce a confession from a subject in custody.
- (c) Obtain blood, saliva, urine, or other bodily fluid or cells from an individual for scientific testing in lieu of a court order where required.

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

Federal

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.

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- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.4 PAIN COMPLIANCE TECHNIQUES

Best Practice

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.5 CAROTID CONTROL HOLD

Best Practice

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following (Executive Law § 840):

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.

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- (b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (d) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

300.3.6 STATE RESTRICTIONS ON THE USE OF OTHER RESTRAINTS

State

Any application of pressure to the throat, windpipe, neck, or blocking the mouth or nose of a person in a manner that may hinder breathing or reduce intake of air is prohibited unless deadly physical force is authorized (Exec. Law § 840).

This application is subject to the same guidelines and requirements as a carotid control hold.

300.3.7 USE OF FORCE TO SEIZE EVIDENCE

Best Practice

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration, or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Village of Millbrook Police Department for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

Federal

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify themselves as an officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) An officer may use deadly force to protect themselves or others from what the officer reasonably believes is an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under

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such circumstances, a verbal warning should precede the use of deadly force, where feasible.

However, an officer should not use deadly force against a person whose actions are a threat solely to themselves or property.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Best Practice

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Best Practice

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why the officer believed the use of force was reasonable under the circumstances. The report shall be submitted to the member's supervisor.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law (Executive Law § 840).

See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Best Practice

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

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- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the conducted energy device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 MEDICAL CONSIDERATIONS

Best Practice

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.6.1 ADDITIONAL STATE REQUIREMENTS

State

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An officer should take steps to obtain medical attention for a person who reasonably appears to be mentally ill and is behaving in a manner that is likely to result in serious harm to the person or to others.

Officers should document requests for medical or mental health treatment as well as efforts to arrange for such treatment.

300.7 SUPERVISOR RESPONSIBILITIES

Best Practice

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to (Executive Law § 840):

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports, including any officers present at the incident.
- (f) Review and approve all related reports.
 - 1. Supervisors should require that officers who engaged in the use of force submit the appropriate report.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

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- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.
 - 1. Disciplinary actions will be consistent with any applicable disciplinary guidelines and collective bargaining agreements.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 OFFICER IN CHARGE RESPONSIBILITIES

Best Practice

The Officer in Charge shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.7.2 ADDITIONAL OFFICER IN CHARGE RESPONSIBILITIES

State **MODIFIED**

The Officer in Charge should ensure that the Department provides the information required to meet the use of force reporting requirements for the DCJS (Executive Law § 837-t; 9 NYCRR 6058.3).

300.8 TRAINING

Best Practice

Officers shall receive annual training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

300.8.1 TRAINING REQUIREMENTS

Best Practice **MODIFIED**

Required annual training should include:

- (a) Legal updates.
- (b) De-escalation tactics, including alternatives to force.
- (c) The duty to intervene.
- (d) The duty to request and/or render medical aid.
- (e) Warning shots (see the Firearms Policy).
- (f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).
- (g) Applications of conflict prevention, conflict resolution and negotiation, and any other training required by the Municipal Police Training Council Use of Force Model Policy (Executive Law § 840).

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300.9 POLICY AVAILABILITY

State

This policy shall be readily available to the public upon request and shall be posted on the department website (Executive Law § 840).

300.10 USE OF FORCE REVIEW AND ANALYSIS

Best Practice

MODIFIED

The Chief of Police or designee shall conduct an administrative review and inquiry into the circumstances of all use of force incidents

- (a) The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the involved member at the time shall neither justify nor call into question a member's decision regarding the use of force. The review will result in one of the following recommended findings:
 - 1. The member's actions were within department policy and procedure.
 - 2. The member's actions were in violation of department policy and procedure.
- (b) If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

Additionally, the analysis should separately include, at a minimum:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations._

BOND RESOLUTION 2024-003
DATED FEBRUARY 14, 2024

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$121,000.00 SERIAL
BONDS OF THE VILLAGE OF MILLBROOK, DUTCHESS COUNTY,
NEW YORK, TO PAY THE COSTS OF THE NEW HIGHWAY DUMP TRUCK/SANDER
AND ACCESSORIES

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Village Board of the Village of Millbrook, Dutchess County, New York, as follows:

Section 1. The purchase of a New Highway Dump Truck/Sander and related accessories, being a class of objects or purposes having a period of probable usefulness of fifteen (15) years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, is hereby authorized in and for the Village of Millbrook, Dutchess County, New York.

Section 2. The total maximum estimated cost of the aforesaid object or purpose (New Highway Dump Truck/Sander and related accessories) is \$121,000.00 and the plan for the financing thereof is by the issuance of \$121,000.00 bonds of said Village hereby authorized to be issued therefor pursuant to the Local Finance Law, and the balance payable with current Village funds.

Section 3. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five (5) years.

Section 4. The faith and credit of said Village of Millbrook, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell statutory installment bonds and bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Treasurer, the chief fiscal officer of the Village. Such bonds and notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by the Treasurer, consistent with the provisions of the Local Finance Law and may be executed by the Treasurer of the Village of Millbrook.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provision of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is

commenced within twenty days after the date of such publication,
or

- 3) Such obligations are authorized in violation of the provisions of the
Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of
Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or
are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with
respect to the permanent funding of the object or purpose described herein.

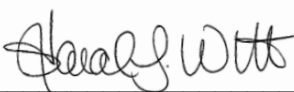
Section 9. This resolution, which takes effect immediately, shall be published in
summary form in The Poughkeepsie Journal, which is hereby designated as the official newspaper
for such purpose, together with a notice of the Village Clerk in substantially the form provided in
Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call,
which resulted as follows:

Mayor Collopy	<u>Aye</u>
Trustee Herzog	<u>Aye</u>
Trustee Contino	<u>Aye</u>
Trustee Doro	<u>Aye</u>
Trustee Murphy	<u>Aye</u>

The resolution was thereupon declared duly adopted.

Adopted: February 14, 2024



Sarah J. Witt, Village Clerk

VILLAGE OF MILLBROOK, DUTCHESS COUNTY, NY

Resolution No: 2024-003.1

February 14, 2024

**Intent to Declare Lead Agency and Determination of Significance in accordance with the State
Environmental Quality Review Act (SEQRA)**

**Statutory Installment Bond to Finance Purchase of New Highway Dump Truck/Sander and
accessories**

Unlisted Action

WHEREAS, the Village Board of Trustees (“Village Board”) has determined that it is necessary to purchase a New Dump Truck/Sander and accessories for the Village Highway Department and in order to finance the purchase it will be necessary to issue a \$121,000 Statutory Installment Bond (“the Project”); and,

WHEREAS, the action of approving new financing for the purchase of a new Highway Dump Truck/Sander and accessories by issuance of a Statutory Installment Bond is an Unlisted Action under the State Environmental Quality Review Act (“SEQRA”); and,

WHEREAS, the Short Environmental Assessment Form (EAF) has been completed by the Village Board; now,

THEREFORE, BE IT RESOLVED:

1. The Village Board shall act as lead agency for the environmental review of the Project.
2. The Village Board finds that the Project will not have a significant adverse impact on the environment for reasons stated in the Notice of Determination of Non-Significance attached and made a part of this resolution and hereby issues a Negative Declaration.
3. The Village Mayor is hereby authorized and directed to sign Part 3 of the SEAF indicating thereon that an Environmental Impact Statement will not be prepared and cause the Notice of Determination of Non-Significance attached to be filed as required by law.
4. This resolution shall take effect immediately.

Motion offered by: Trustee Doro

Motion seconded by: Trustee Herzog

Mayor Collopy Aye

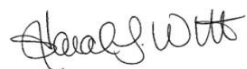
Trustee Herzog Aye

Trustee Contino Aye

Trustee Doro Aye

Trustee Murphy Aye

I certify that the above resolution adopted by the Village of Millbrook Village Board on February 14, 2024 is a true and correct transcript of the original now on file in this office.



Sarah Witt
Village of Millbrook Village Clerk

State Environmental Quality Review (SEQR)

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

This notice is issued pursuant to part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law (SEQR).

The Village of Millbrook Village Board, as lead agency, has determined that the proposed action described below **will not** have a significant adverse impact on the environment and that an Environmental Impact Statement will not be prepared.

DATE: February 14, 2024

NAME OF ACTION: Issuance of Statutory Installment Bond to Finance Purchase of New Highway Dump Truck/Sander and accessories

LOCATION: Village of Millbrook
Dutchess County

SEQR STATUS: Unlisted Action

LEAD AGENCY: Village of Millbrook Village Board

CONTACT PERSON: Tim Collopy, Village Mayor, Village of Millbrook

DESCRIPTION OF ACTION:

Financing Purchase of New Highway Dump Truck/Sander and accessories: The Village Highway Department is in need of a new Dump Truck/Sander to be used in maintenance and snow removal on Village streets.

REASONS SUPPORTING THIS DETERMINATION:

The Village Board has reviewed the Short Environmental Assessment Form (SEAF) and the criteria contained in 6 NYCRR §617.7 and has determined that the Action will not have a significant adverse impact on the environment for the following reasons:

- A. As required by §617.7(a)(2), the Village Board has determined that an Environmental Impact Statement is not required because any identified adverse impacts on the environment will not be significant.
- B. As required by §617.7(b), the Village Board has:
 - 1. Considered the action as defined in subdivisions 617.2(b) and 617.3(g).
 - 2. Reviewed the SEAF, the criteria identified in 617.7(c) and other supporting information to identify relevant areas of environmental concern.
 - 3. Analyzed the identified relevant areas of environmental concern to determine whether the action will have a significant adverse impact.

4. Set forth herein is its written Finding of No Significant Environmental Impact.
- C. The Village Board has compared the impacts reasonably expected to result from the proposed action to the criteria listed in 617.7(c)(1) as indicators of significant adverse impacts:
1. Air quality, ground or surface water quality or quantity, traffic or noise levels, solid waste production, erosion potential, flooding, leaching or drainage problems;
 2. Removal or destruction of large quantities of vegetation or fauna, interference with migration fish or wildlife, impacts to special habitats, impacts to threatened or endangered species, or any other impacts to natural resources;
 3. Impairment of Critical Environmental Areas;
 4. Conflicts with currently adopted community plans and goals;
 5. Impairment of important historical, archeological, or aesthetic resources or community character;
 6. Major change in use or type of energy;
 7. Creation of a human health hazard;
 8. Substantial change in use or intensity of use of land including agricultural land, open space or recreational resources;
 9. Encouraging a population increase;
 10. Creation of a material demand for other actions resulting in above consequences;
 11. Changes in two or more elements of the environment that combined have a substantial adverse impact on the environment;
 12. Two or more related actions undertaken, funded or approved by an agency that combined have a significant effect on the environment.
- D. 617.7(c)(2) – For the purpose of determining significant adverse impacts on the environment of those factors listed above, the long-term, short-term, direct, indirect and cumulative impacts, including simultaneous or subsequent actions, to the extent reasonable, as included in any long-range plan for the action, any action that is a result of the reviewed action or is dependent on the action were reviewed.
- E. 617.7(c)(3) – The significance of any likely consequences was assessed in connection with the setting of the action, the likelihood of occurrence, duration, irreversibility, geographic scope, magnitude and the number of people affected as a consequence of the action.

Based on this review, the Village of Millbrook Village Board has determined that no significant adverse environmental impacts would result from this Action.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information					
Name of Action or Project:					
Project Location (describe, and attach a location map):					
Brief Description of Proposed Action:					
Name of Applicant or Sponsor:			Telephone:		
			E-Mail:		
Address:					
City/PO:			State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?				NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.					
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?				NO	YES
If Yes, list agency(s) name and permit or approval:					
3.a. Total acreage of the site of the proposed action? _____ acres					
b. Total acreage to be physically disturbed? _____ acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres					
4. Check all land uses that occur on, adjoining and near the proposed action.					
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)					
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____					
☐ Parkland					

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES _____ _____	NO	YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO 	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO 	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO 	YES
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____		

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

VILLAGE OF MILLBROOK, DUTCHESS COUNTY, NY

Resolution No: LL0022024.3

February 14, 2024

Intent to Declare Lead Agency and Determination of Significance in accordance with the State Environmental Quality Review Act (SEQRA)

Local Law No. 2 of 2024 Amending Chapter 230 of the Village Code entitled ‘Zoning’ to add a new Sub-Section 230-30(C) Containing Rules and Regulations for Short-Term Rentals

Type I Action

WHEREAS, the Village of Millbrook Village Board (“Village Board”) has determined it is in the best interest of the Village to amend Chapter 230 of the Village Code entitled ‘Zoning’ to add a new Sub-Section 230-30(C) Containing Rules and Regulations for Short-Term Rentals (the “Project”); and

WHEREAS, the action of amending the Chapter 230 of the Village Code to impose new regulations for Short-Term Rentals is an Type I Action under the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Full Environmental Assessment Form (FEAF) has been completed by the Village; and now,

THEREFORE, BE IT RESOLVED:

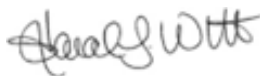
1. The Village Board shall act as lead agency for the environmental review of the Project as there are no other involved agencies.
2. The Village Board finds that the Project will not have a significant adverse impact on the environment for reasons stated in Part 3 of the FEAF and the attached determination of significance.
3. The Village Mayor is hereby authorized and directed to sign Part 3 of the FEAF indicating thereon that an Environmental Impact Statement will not be prepared and that a Negative Declaration is issued.
4. This resolution shall take effect immediately.

Motion offered by: Mayor Collopy

Motion seconded by: Deputy Mayor Doro

Village Mayor Tim Collopy:	Aye__X__	Nay__
Deputy Mayor Peter Doro:	Aye__X__	Nay__
Trustee Michael Herzog:	Aye__X__	Nay__
Trustee Vicky Contino:	Aye__X__	Nay__
Trustee Patrick Murphy:	Aye__X__	Nay__

I certify that the above resolution adopted by the Village of Millbrook Village Board on February 14, 2024 is a true and correct transcript of the original now on file in this office.



Sarah Witt
Village of Millbrook Village Clerk

State Environmental Quality Review (SEQR)

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

This notice is issued pursuant to part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law (SEQR).

The Village of Millbrook Village Board, as lead agency, has determined that the proposed action described below **will not** have a significant adverse effect on the environment and that an Environmental Impact Statement will not be prepared.

DATE: February 14, 2024
NAME OF ACTION: Local Law No. 2 of 2024
LOCATION: Village of Millbrook
Dutchess County
SEQR STATUS: Type I Action
LEAD AGENCY: Village of Millbrook Village Board
CONTACT PERSON: Tim Collopy, Village Mayor, Village of Millbrook

DESCRIPTION OF ACTION:

Amending Chapter 230 of the Village Code Entitled “Zoning” to Establish Rules and Regulations for Short-Term Rentals.

REASONS SUPPORTING THIS DETERMINATION:

The Village Board has reviewed the Full Environmental Assessment Form (FEAF) and the criteria contained in 6 NYCRR §617.7 and has determined that the Action will not have a significant impact on the environment for the following reasons:

- A. As required by §617.7(a)(2), the Village Board has determined that an Environmental Impact Statement is not required because any identified adverse impacts on the environment will not be significant.
- B. As required by §617.7(b), the Village Board has:
 - 1. Considered the action as defined in subdivisions 617.2(b) and 617.3(g).
 - 2. Reviewed the FEAF, the criteria identified in 617.7(c) and other supporting information to identify relevant areas of environmental concern.
 - 3. Analyzed the identified relevant areas of environmental concern to determine whether the action will have a significant adverse impact.
 - 4. Set forth herein is its written Finding of No Significant Environmental Impact.

- C. The Village Board has compared the impacts reasonably expected to result from the proposed action to the criteria listed in 617.7(c)(1) as indicators of significant adverse impacts:
1. Air quality, ground or surface water quality or quantity, traffic or noise levels, solid waste production, erosion potential, flooding, leaching or drainage problems;
 2. Removal or destruction of large quantities of vegetation or fauna, interference with migration fish or wildlife, impacts to special habitats, impacts to threatened or endangered species, or any other impacts to natural resources;
 3. Impairment of Critical Environmental Areas;
 4. Conflicts with currently adopted community plans and goals;
 5. Impairment of important historical, archeological, or aesthetic resources or community character;
 6. Major change in use or type of energy;
 7. Creation of a human health hazard;
 8. Substantial change in use or intensity of use of land including agricultural land, open space or recreational resources;
 9. Encouraging a population increase;
 10. Creation of a material demand for other actions resulting in above consequences;
 11. Changes in two or more elements of the environment that combined have a substantial adverse impact on the environment;
 12. Two or more related actions undertaken, funded or approved by an agency that combined have a significant effect on the environment.
- D. 617.7(c)(2) – For the purpose of determining significant adverse impacts on the environment of those factors listed above, the long-term, short-term, direct, indirect and cumulative impacts, including simultaneous or subsequent actions, to the extent reasonable, as included in any long-range plan for the action, any action that is a result of the reviewed action or is dependent on the action were reviewed.
- E. 617.7(c)(3) – The significance of any likely consequences was assessed in connection with the setting of the action, the likelihood of occurrence, duration, irreversibility, geographic scope, magnitude and the number of people affected as a consequence of the action.

Based on this review, the Village of Millbrook Village Board has determined that no significant adverse environmental impacts would result from this Action.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees ☐ Yes ☐ No		
b. City, Town or Village Planning Board or Commission ☐ Yes ☐ No		
c. City, Town or Village Zoning Board of Appeals ☐ Yes ☐ No		
d. Other local agencies ☐ Yes ☐ No		
e. County agencies ☐ Yes ☐ No		
f. Regional agencies ☐ Yes ☐ No		
g. State agencies ☐ Yes ☐ No		
h. Federal agencies ☐ Yes ☐ No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐ Yes ☐ No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐ Yes ☐ No iii. Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☐ No		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☐ No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☐ No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☐ No

If Yes, identify the plan(s):

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district?	□ Yes □ No
b. Is the use permitted or allowed by a special or conditional use permit?	□ Yes □ No
c. Is a zoning change requested as part of the proposed action? If Yes,	□ Yes □ No
i. What is the proposed new zoning for the site? _____	
C.4. Existing community services.	
a. In what school district is the project site located? _____	
b. What police or other public protection forces serve the project site? _____	
c. Which fire protection and emergency medical services serve the project site? _____	
d. What parks serve the project site? _____ _____	

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? _____	
b. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres	
c. Is the proposed action an expansion of an existing project or use? □ Yes □ No i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision? □ Yes □ No If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____ ii. Is a cluster/conservation layout proposed? □ Yes □ No iii. Number of lots proposed? _____ iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will the proposed action be constructed in multiple phases? □ Yes □ No i. If No, anticipated period of construction: _____ months ii. If Yes: • Total number of phases anticipated _____ • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year • Anticipated completion date of final phase _____ month _____ year • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ 	

f. Does the project include new residential uses? ☐ Yes ☐ No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☐ No If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☐ No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____ • Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____	
iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No If yes, describe. _____ _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? ☐ Yes ☐ No	
ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes ☐ No ☐
 If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No ☐
 If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No ☐
 If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No ☐
 If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No ☐
- Is the project site in the existing district? ☐ Yes ☐ No ☐
- Is expansion of the district needed? ☐ Yes ☐ No ☐
- Do existing lines serve the project site? ☐ Yes ☐ No ☐

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No ☐
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No ☐
 If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No ☐
 If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No ☐
 If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No ☐
- Is the project site in the existing district? ☐ Yes ☐ No ☐
- Is expansion of the district needed? ☐ Yes ☐ No ☐

• Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____	☐ Yes ☐ No ☐ Yes ☐ No	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____ If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	☐ Yes ☐ No	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____ _____		
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____		
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____ If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____ _____ iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____ • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____	☐ Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____		
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____ If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	☐ Yes ☐ No	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____ If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)		☐ Yes ☐ No ☐ Yes ☐ No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☐ No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☐ No If Yes: i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? Yes No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____ vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☐ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____ iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☐ No If yes: i. Provide details including sources, time of day and duration: _____ _____	
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No Describe: _____ _____	
n. Will the proposed action have outdoor lighting? ☐ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____ _____	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No Describe: _____ _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____ _____ _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally, describe the proposed storage facilities: _____ _____	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No If Yes: i. Describe proposed treatment(s): _____ _____ _____	
ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No	
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: _____ _____ • Operation: _____ _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: _____ _____ • Operation: _____ _____	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site			
a. Existing land uses. i. Check all uses that occur on, adjoining and near the project site. ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____ ii. If mix of uses, generally describe: _____ _____			
b. Land uses and coverytypes on the project site.			
Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____	☐ Yes ☐ No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify Facilities: _____ _____	☐ Yes ☐ No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____ _____	☐ Yes ☐ No
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____	☐ Yes ☐ No ☐ Yes ☐ No
iii. Describe any development constraints due to the prior solid waste activities: _____ _____	
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____	☐ Yes ☐ No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes – Spills Incidents database ☐ Yes – Environmental Site Remediation database ☐ Neither database Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ ii. If site has been subject of RCRA corrective activities, describe control measures: _____ _____	☐ Yes ☐ No ☐ Yes ☐ No
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): _____ iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ _____	☐ Yes ☐ No

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No • Explain: _____ _____	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? ☐ Yes ☐ No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ _____ % _____ _____ % _____ _____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>☐ Well Drained: _____ % of site</div> <div rowspan="3" style="vertical-align: middle;">See mapping in Comprehensive Plan</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>☐ Moderately Well Drained: _____ % of site</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>☐ Poorly Drained _____ % of site</div> </div>	
f. Approximate proportion of proposed action site with slopes: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>☐ 0-10%: _____ % of site</div> <div rowspan="3" style="vertical-align: middle;">See mapping in Plan</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>☐ 10-15%: _____ % of site</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>☐ 15% or greater: _____ % of site</div> </div>	
g. Are there any unique geologic features on the project site? ☐ Yes ☐ No If Yes, describe: _____ _____	
h. Surface water features. i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☐ No ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☐ No If Yes to either <i>i</i> or <i>ii</i>, continue. If No, skip to E.2.i. iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☐ No iv. For each identified regulated wetland and waterbody on the project site, provide the following information: • Streams: Name _____ Classification _____ • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name _____ Approximate Size _____ • Wetland No. (if regulated by DEC) _____	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☐ No If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____	
i. Is the project site in a designated Floodway? ☐ Yes ☐ No	
j. Is the project site in the 100-year Floodplain? ☐ Yes ☐ No	
k. Is the project site in the 500-year Floodplain? ☐ Yes ☐ No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☐ No If Yes: i. Name of aquifer: _____	

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? ☐ Yes ☐ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☐ No If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☐ No If Yes: i. Species and listing: _____ _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☐ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☐ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☐ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☐ No If Yes: i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☐ No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☐ No If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☐ No If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☐ No If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____

Full Environmental Assessment Form

Part 2 - Identification of Potential Project Impacts

Project :

Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i> ☐ NO ☐ YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐
h. Other impacts: _____ _____		☐	☐

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☐ NO ☐ YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☐ NO ☐ YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

l. Other impacts: _____ _____		☐	☐
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If “Yes”, answer questions a - h. If “No”, move on to Section 5.</i>			
	☐ NO	☐ YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____ _____		☐	☐

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If “Yes”, answer questions a - g. If “No”, move on to Section 6.</i>			
	☐ NO	☐ YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____ _____		☐	☐
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6. Impacts on Air The proposed action may include a state regulated air emission source. ☐ NO ☐ YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If “Yes”, answer questions a - f. If “No”, move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in “a” through “c”, above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____ _____		☐	☐

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☐ NO ☐ YES <i>If “Yes”, answer questions a - j. If “No”, move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____		☐	☐

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☐ NO ☐ YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		☐ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		☐ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____ _____		☐	☐
If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3: e. i. The proposed action may result in the destruction or alteration of all or part of the site or property. ii. The proposed action may result in the alteration of the property’s setting or integrity. iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3g, E3f E3e, E3f, E3g, E1a, E1b E3e, E3f, E3g, E3h, C2, C3	☐ ☐ ☐	☐ ☐ ☐

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>			
		☐ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____ _____		☐	☐

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>			
		☐ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____ _____		☐	☐

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☐ NO

☐ YES

(See Part 1. D.2.j)

If “Yes”, answer questions a - f. If “No”, go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____ _____		☐	☐

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☐ NO

☐ YES

(See Part 1. D.2.k)

If “Yes”, answer questions a - e. If “No”, go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☐ NO

☐ YES

(See Part 1. D.2.m., n., and o.)

If “Yes”, answer questions a - f. If “No”, go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☐ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If “Yes”, answer questions a - h. If “No”, go to Section 18.</i>			
		☐ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____ _____		☐	☐

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If “Yes”, answer questions a - g. If “No”, proceed to Part 3.</i>			
		☐ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____ _____		☐	☐

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☐ Part 1 ☐ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

☐ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action:

Name of Lead Agency:

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person:

Address:

Telephone Number:

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

RESOLUTION No. LL0022024.4

**Enacting Local Law No. 2 of 2024 Amending Chapter 230 of the Village Code Entitled
“Zoning” to Establish Rules and Regulations for Short-Term Rentals**

At a meeting of the Village Board of Trustees of the Village of Millbrook (“Village Board”), held at the Village Fire House, 20 Front Street, Millbrook, New York on the 14th day of February, 2024, at 6:00 p.m., Village Mayor, Tim Collopy called the meeting to order, and Mayor Collopy, seconded by Trustee Doro, moved the following resolution, to introduce the following local law, to be known as Local Law No. 2 of 2024, entitled “A Local Law Amending Chapter 230 of the Village Code entitled ‘Zoning’ to add a new Sub-Section 230-30(C) Containing Rules and Regulations for Short-Term Rentals” as follows:

WHEREAS, the following Local Law was introduced as Proposed Local Law No. 5 of 2023, by Resolution adopted at a regular meeting of the Village Board held on December 13th, 2023; and

WHEREAS, the Local Law was referred to the Dutchess County Department of Planning and Development as required under New York General Municipal Law §239-m, and the Dutchess County Department of Planning and Development in its response dated November 8, 2023, stated it is a matter of “Local Concern with Comments” without requesting modification or disapproval; and

WHEREAS, a properly noticed public hearing was held before the Village Board during the meeting on January 10th, 2024, and on February 14, 2024, on Proposed Local Law No. 5 of 2023; and

WHEREAS, the Village Board determined the enactment of this Local Law will have no adverse environmental impacts and issued a Negative Declaration pursuant to the New York State Environmental Quality Review Act; and

WHEREAS, the proposed Local Law set forth below is incorporated herein as if recited verbatim, and the Village Board directs that said Local Law be spread across the minutes of this meeting as if it, in fact, had been read verbatim during the meeting; and

NOW THEREFORE, BE IT ENACTED by the Board of Trustees of the Village of Millbrook (“Village Board”) as follows:

Section 1. Legislative intent: Section 230-30 of the Village of Millbrook Village Code entitled “Overnight accommodations” contains regulations for Inns and Bed-and-breakfast establishments but does not include any regulations for short-term rental accommodations such as those commonly advertised on websites such as Airbnb and VRBO. The Village Board has observed that more and more residents of the Village are either currently offering short-term rental accommodations or seeking to offer short-term rental accommodations in their homes. That combined with the need for both short-term and long-term housing in the Village has led the Village Board to determine it is in the best interest of the Village to amend the Village Code to establish regulations for such short-term rental accommodations. The Village Board now, therefore, wishes to amend Chapter 230 of the Village Code entitled “Zoning” to add a new subsection 230-30(C) to Section 230 entitled “Overnight accommodations” to establish rules and regulations for short-term rental accommodations in the Village.

Section 2. Section **230-30** of the Village Code entitled “Overnight accommodations” is hereby amended by adding a new Sub-Subsection 230-30(C) to read as follows.

“C. Short-Term Rentals.

- (1) Purpose. The purpose of this section is to establish a set of regulations applicable to the short-term rental of residential real property in the Village of Millbrook. These regulations are in addition to all other provisions of this Chapter. In the adoption of these standards, the Board of Trustees of the

Village of Millbrook (the “Village Board”) find that short-term rentals (“STRs”) have the potential to be incompatible with surrounding residential uses, especially when several are concentrated in the same area, thereby having the potential for a deleterious effect on the adjacent full-time residents. The Village Board recognizes the benefits of short-term rentals to allow homeowners to supplement their income to defray the cost of housing and to provide lodging for visitors to the Village. The Board of Trustees also find that STRs have the potential to have a detrimental effect on affordable housing and economic diversity in the Village, by removing dwelling units from the long term rental market and driving up demand for the limited remaining housing supply. This can result in fewer available units and increased prices or rents for those units that are available. Special regulation of these STR uses is necessary to ensure that they will be compatible with surrounding residential uses, protect the health, safety and welfare of Village residents and will not act to harm and alter the neighborhoods they are located within.

(2) Definitions.

- a. Short-Term Rental - A single-family dwelling or two-family dwelling or portion thereof, or an accessory apartment, offered for rent or lease, for an occupancy of fewer than thirty-one (31) consecutive days, the rates for which include lodging only, and no other commercial services are offered. A qualifying property is limited to the applicant's Primary Residence. The term “short-term rental” does not include Bed and Breakfast, Group Home, Hotel/Conference Center, or Inn, as regulated by the Village of Millbrook Zoning Code.
- b. Hosted Short-Term Rental – A Short-Term Rental where the owner is present on the property overnight during the period when guests are on-site for the short-term rental.
- c. Non-Hosted Short-Term Rental – A Short-Term Rental where the owner is not present on the property during the period when guests are on-site for the short-term rental.

- d. Primary Residence – the domicile and principal dwelling that a person inhabits and resides in for at least six (6) months and one (1) day out of the year. If title to the property is not held in the name of a natural person, then the following shall apply: if the property is held in the name of a trust, the person that inhabits the residence must be one of the grantors or a beneficiary of the trust who has the right to reside in the dwelling on the property under the terms of the trust; if the property is held by an entity other than a trust (corporation, limited liability company, partnership, etc.), the resident must be a majority owner of the entity.
- e. Primary Resident – a natural person(s) who is the main occupant or occupants of the property containing the Short-Term Rental.
- f. Agent – Person designated by host to act on host’s behalf in the absence of the host.
- g. Host – the person who owns the property in the Village being offered for Short-Term Rental.

(3) Presumption of Dwelling Unit as Short-Term Rental Property.

- a. The presence of the following shall create a presumption that all or a part of the property is being used as a Short-Term Rental:
 - 1. All or part of the property is offered for lease on a short- term rental website, including but not limited to Airbnb and VRBO, for a rental period of less than thirty-one (31) days; and/ or
 - 2. All or a part of the property is offered for lease for a period of thirty-one (31) days or less through any form of advertising.
- b. The foregoing presumptions may be rebutted by documentary evidence presented to the Village Code Enforcement Officer (“CEO”) sufficient to show that the premises is not operated as a Short-Term Rental.

(4) All Short-Term Rental Permit and application fees shall be listed in the Village’s Master Fee Schedule. These may be changed from time to time by resolution of the

Village Board of Trustees.

- (5) A short-term rental shall only be allowed subject to an application for a Permit issued by the CEO, renewable on a biennial basis, and in compliance with the following standards:
- a. Permits issued for short-term rentals shall be limited to a maximum of fifteen (15) within the Village on an annual basis. Applications will be accepted on a first-come, first serve basis until fifteen (15) permits are issued. Subsequent applications will be placed on a waitlist. If and when there are fewer than fifteen (15) Permits, the waitlist will be utilized starting with the application that has been on the waitlist the longest amount of time.
 - b. Permits shall be issued to a specific Primary Resident and are not transferrable or assignable. A Primary Resident is not eligible to possess more than one STR Permit. The term of a Permit shall be two (2) years.
 - c. The property shall be designed, maintained, and operated to preserve and complement the residential appearance of the site and the existing character of the surrounding area. There shall be no change permitted to the residential character of the outside appearance of the building.
 - d. The Host, for Hosted STRs, or, the Hosts' Agent as listed on the Permit for Non-Hosted STRs, must be available at all times to respond in person, on site, within one (1) hour of notification to any issues that may arise regarding the condition, safety, operation, or conduct of guests of the STR. The contact information for the Host and/or Host's Agent shall be provided to the Village via the Short-Term Rental Application at time of submission, and the Permit holder shall update this contact information as needed during the term of the Permit to ensure it is accurate and up to date.
 - e. There shall be no more than six occupants as lodgers of the STR at any given time, with a maximum of two occupants per bedroom, or if not on municipal water or sewer, the maximum capacity shall be determined by the septic capacity established by the Department of Health, not to exceed two

occupants per bedroom. Maximum occupancy does not include children under five (5) years of age.

- f. The guest bedrooms of the STR shall be limited to the principal dwelling or one accessory building on the property, but never both. Any guest bedroom in an accessory building shall have access to sanitary facilities within that accessory building approved by the applicable authority.
- g. The owner shall collect and preserve registration records for a minimum of three (3) years.
- h. Parking shall be consistent with Section 230-16 and the Table set forth in Section J.(1) of Section 230-16 of the Village Code. Any required additional parking shall not be allowed in front of the principal dwelling by expanding use of an existing driveway.
- i. A copy of the Permit must be prominently displayed within the interior of the STR during the duration of its validity. The availability of the STR to the public shall not be advertised on the premises. The Village Permit number must be included in the listing.
- j. An annual satisfactory inspection from the CEO is mandatory prior to issuance of a Permit. The owner shall arrange for and schedule such inspection directly with the CEO and give reasonable access for inspections to be conducted to ensure compliance with the provisions of the Village of Millbrook Code, the NYS Uniform Fire Protection and Building Code and Life Safety Code.
- k. All STR guests are subject to the provisions of Section 230-14 of the Village Code, the Performance Standards, and of the enforcement provisions of Section 230-60. The Host or Agent is responsible for informing each guest of these provisions.
- l. The STR property must comply with and meet all applicable NYS Uniform Building Codes.

- m. There shall be one working smoke detector in each sleeping room and one additional smoke detector on each floor. Carbon monoxide detectors shall be installed as required by the New York State Uniform Fire Prevention and Building Code.
- n. There shall be a five (5) pound ABC fire extinguisher on each floor and in the kitchen. Fire extinguishers shall be inspected prior to a renter occupying the property and no less than monthly by the Permit holder(s) to ensure each contains a full charge. A record of the date inspected initialed by the Permit holder shall be maintained and made available to the CEO upon request.
- o. The house number shall be displayed both at the road and on the dwelling unit so that the house number is clearly visible from both road and the driveway.
- p. Electrical systems shall be in good operating condition, labeled, unobstructed and shall be visible for the CEO during inspections. Any defects found shall be corrected prior to Permit issuance. A current boiler or furnace service report, including a record of the date inspected, initialed by the Permit holder, shall be maintained and made available to the CEO upon request.
- q. Insurance standards- all STR Permit holders must provide Evidence of Property Hazard Insurance and a Certificate of Liability Insurance indicating the premises is rated for Short-Term Rental and maintain such insurance throughout the term of the Short-term Rental Permit. The amounts for the insurance coverage shall be set by the Village Board as part of the Village fee schedule(s).
- r. Waste removal provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with covers at all times to prevent leakage, spilling, or odors, and placed where they are not clearly visible from the road except at approximate pickup time.

- s. STR guests and STR Permit holders must have a written rental contract, which includes the following:
 - 1. Maximum property occupancy;
 - 2. Maximum on-site parking provided; and
 - 3. Good Neighbor Statement stating:
 - 4. STR guests must be considerate of the residents in neighboring homes.
 - 5. STR guests are requested to observe quiet hours from 10:00 p.m. to 8:00 a.m.;
 - 6. All STR guests will be subject to New York Penal Law § 240.20 or any successor statute regarding disorderly conduct;
 - 7. Littering is illegal.
- t. Compliance and Penalties.
 - 1. Violations of this Section or of any Short-Term Rental Permit issued pursuant to this Section shall be subject to enforcement and penalties prescribed in this Section and Article VII of this Chapter.
 - 2. If the Code Enforcement Officer either witnesses or receives a written complaint of an alleged violation of this Section or a violation of the conditions of any Short-Term Rental Permit issued pursuant to this Section, the CEO shall properly record such complaint and immediately investigate the report thereon. If the Code Enforcement Officer determines there is a violation of this Section, the owners shall be notified in writing by both first class mail and certified mail, return receipt requested of said violations and the CEO may take any or all of the following actions:
 - a) Impose additional conditions to the existing Short-Term Rental

Permit.

- b) Suspend the Short-Term Rental Permit. The Notice of Suspension shall be provided to the property owner and a copy filed with the Village Clerk.
- c) Require corrective action that remedies the violation(s). The corrective action must be completed and approved within 30 days of Notice from the Code Enforcement Officer or the owner risks revocation of the Short-Term Rental Permit.
- d) Issue a court appearance ticket for violation of a Village law.
- e) Revoke the STR Permit. Should a Permit be revoked, all owners of the property on which the STR exists are prohibited from obtaining an STR Permit on the property for a period of one (1) year after the date of revocation. The Code Enforcement Officer shall send Notices of Revocation to the property owners and shall file a copy with the Town Clerk.
- f) A property owner found not to be in compliance with any section of this law will be subject to a monetary civil fine in accordance with the schedule below, in addition to any and all applicable remedies and penalties found in Section 230-60 of the Village Code that do not conflict with this section.
 - i. A one thousand-dollar (\$1,000.00) fine will be assessed for the first offense.
 - ii. A two thousand-dollar (\$2,000.00) fine will be assessed for the second offense, if it occurs within a year of the first offense.
 - iii. A third violation within a year of the first offense will result in the revocation of the Permit.
- u. At the time of passage of this law, applicants operating a Short-Term Rental that is not the applicant's Primary Residence will be given a two-year grace

period to meet this requirement (all other Permit requirements must still be met before an applicant will be approved and a Permit issued).

v. Renewal of Permit.

1. Permits will automatically expire after a two (2) year term but may be renewed prior to expiration for a subsequent two (2) year term by Permit-holders in good standing.
2. Renewal Permits will be granted for an additional 2-year term if the following conditions are met:
 - a) Application for renewal of the Short-Term Rental Permit shall be made no less than thirty (30) nor more than forty-five (45) days prior to expiration of the current Permit and be accompanied by the renewal fee.
 - b) At the time of application for renewal, the owner or designated agent must present the previous Permit for Short-Term Rental.
 - c) The property must undergo a new inspection performed by the CEO.
 - d) Any violations must be remedied prior to renewal of a Permit for Short-Term Rental.

w. Grounds for Suspension or Revocation of Permit.

1. The Code Enforcement Officer may immediately suspend a Short-Term Rental Permit based on any of the following grounds:
 - a) Applicant has falsified or failed to provide information in the application for a permit or the application for Permit renewal.
 - b) Applicant failed to meet or comply with any of the requirements of this Chapter.
 - c) Applicant is in violation of any provision of the Code of the Village of Millbrook.

- d) Applicant has been found guilty by a court of law of a violation of any provision of the Penal Code of the State of New York, which violation occurred at the property on which the STR exists, or is related to the occupancy of the STR.
 - e) Any conduct on the property on which the STR exists, which disturbs the health, safety, peace or comfort of the neighborhood or which otherwise creates a public nuisance.
 - f) Removal or disrepair of any safety devices such as, but not limited to, smoke and carbon monoxide detectors, fire extinguishers and egresses.
- x. Appeals and Hearings. The property owner is entitled to appeal the Code Enforcement Officer's determination to the Zoning Board of Appeals in accordance with Section 230-69 of the Village Code when a property owner's application for a Short-Term Rental Permit or a Short-Term Rental Permit Renewal is denied or a Short-Term Rental Permit is revoked. A Notice of Appeal shall be filed with the Village Clerk and the Zoning Board of Appeals within 60 days of the Code Enforcement Officer's filing of the denial or revocation with the Village Clerk."

Section 3. Severability. Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section 4. All other ordinances or local laws of the Village of Millbrook which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law full force and effect during its effective period.

Section 5. Numbering for codification. It is the intention of the Village of Millbrook Board of Trustees and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Village of Millbrook; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such

rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 6. This Local Law shall take effect as of the date of filing with the New York Secretary of State.

The foregoing resolution was duly put to a vote which resulted as follows:

Mayor Collopy	Aye
Trustee Herzog	Aye
Trustee Contino	Aye
Trustee Doro	Aye
Trustee Murphy	Aye

DATED: Millbrook, New York
February 14, 2024



SARAH J. WITT, VILLAGE CLERK
Village of Millbrook

RESOLUTION No. 2024-008.2

**Enacting Local Law No. 3 of 2024 Amending Chapter 207 of the Village Code Entitled
“Taxation” to Increase the Real Property Tax Exemption Amounts for Veterans and
Senior Citizens**

At a meeting of the Village Board of Trustees of the Village of Millbrook (“Village Board”), held at the Village Fire House, 20 Front Street, Millbrook, New York on the 14th day of February, 2024, at 6:00 p.m., Village Mayor, Tim Collopy called the meeting to order, and Mayor Collopy, seconded by Trustee Doro, moved the following resolution, to enact the following local law, to be known as Local Law No. 3 of 2024, entitled “A Local Law Amending Chapter 207 of the Village Code entitled ‘Taxation’ to Increase the Real Property Tax Exemptions Available for Veterans and Senior Citizens in the Village” as follows:

WHEREAS, the following Local Law was introduced as Proposed Local Law No. 3 of 2023, by Resolution adopted at a regular meeting of the Village Board held on August 9th, 2023; and

WHEREAS, a properly noticed public hearing was held before the Village Board during the meeting on September 20th, 2023, on Local Law No. 3 of 2023; and

WHEREAS, the Village Board determined the enactment of this Local Law is a Type II Action pursuant to the New York State Environmental Quality Review Act, as it is considered routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment, and is therefore exempt from environmental review; and

BE IT ENACTED by the Board of Trustees of the Village of Millbrook (“Village Board”) as follows:

Section 1. Legislative intent: Article II and Article III of Chapter 207 of the Village Code entitled “Taxation” have not been updated in several years. As a result, the Village Board has determined that the exemptions from real property taxation available to military Veterans and Senior Citizens in the Village of Millbrook have not kept pace with inflation and the increase in real property values over the years. In addition, the real property tax exemptions available to those two (2) groups in the Village are much less than those the neighboring municipalities currently provide. For example, the failure to increase the maximum income amount for eligibility for the Senior Citizens exemption in line with the increase in inflation over the years, has rendered some senior citizens who have only modest incomes in the Village ineligible to receive the exemption. As a result, the Village Board has determined it is in the best interest of the Village to correct this inequity and increase the exemption amounts available to Veterans and Senior Citizens to keep such exemption amounts in line with current economic conditions and comparable to neighboring municipalities.

Section 2. Chapter 207 of the Village Code entitled “Taxation” is hereby amended by repealing the existing Section 207-2 of Article II entitled “Purpose” and replacing it with the following language.

“§ 207-2 Purpose.

The purpose of this article is to increase the maximum veterans exemption allowable pursuant to § 458-a of the Real Property Tax Law of the State of New York.”

Section 3. Chapter 207 of the Village Code entitled “Taxation” is hereby amended by repealing the existing Section 207-3 of Article II entitled “Reduction of Exemption” and replacing it with the following language.

“§ 207-3 Increase in maximum exemption allowable (To be applicable to the **2024 Assessment Roll only** and Real Property Taxes based thereon).

Pursuant to the provisions of Subdivision 2(d) of § 458-a of the Real Property Tax Law of the State of New York, the maximum veterans exemption from real property taxes allowable pursuant to § 458-a of the Real Property Tax Law is established as follows:

- A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of \$18,000 or the product of \$18,000 multiplied by the latest state equalization rate for the Village of Millbrook.
- B. In addition to the exemption provided by Subsection A of this section, where the veteran served in a combat theater or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property also shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of \$12,000 or the product of \$12,000 multiplied by the latest state equalization rate for the Village of Millbrook.
- C. In addition to the exemptions provided by Subsections A and B of this section, where the veteran received a compensation rating from the United States Veteran's Administration or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the veteran's disability rating; provided, however that such exemption shall not exceed the lesser of \$60,000 or the product of \$60,000 multiplied by the latest state equalization rate for the Village of Millbrook. For purposes of this subsection, where a person who served in the active military, naval or air service during a period of war died in service of a service-connected disability, such person shall be deemed to have been assigned a compensation rating of 100%.

§ 207-3 **Increase in maximum exemption allowable** (Applicable to the **2025 and all subsequent Assessment Rolls** and Village Real Property Taxes Based Thereon).

Pursuant to the provisions of Subdivision 2(d) of § 458-a of the Real Property Tax Law of the State of New York, the maximum veterans exemption from real property taxes allowable pursuant to § 458-a of the Real Property Tax Law is established as follows:

- A.** Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of \$27,000 or the product of \$27,000 multiplied by the latest state equalization rate for the Village of Millbrook.
- B.** In addition to the exemption provided by Subsection **A** of this section, where the veteran served in a combat theater or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property also shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of \$18,000 or the product of \$18,000 multiplied by the latest state equalization rate for the Village of Millbrook.
- C.** In addition to the exemptions provided by Subsections **A** and **B** of this section, where the veteran received a compensation rating from the United States Veteran's Administration or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the veteran's disability rating; provided, however that such exemption shall not exceed the lesser of \$90,000 or the product of \$90,000 multiplied by the latest state equalization rate for the Village of Millbrook. For purposes of this subsection, where a person who served in the active military, naval or air service during a period of war died in service of a service-connected disability, such person shall be deemed to have been assigned a compensation rating of 100%."

Section 4. Chapter 207 of the Village Code entitled "Taxation" is hereby amended by repealing the existing Article III "Senior Citizens Exemption" and replacing it with the following language.

"Article III Senior Citizens Exemption

§207-4 Exemption Authorized

Real property owned by one or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by a married couple or by siblings, one of

whom is sixty-five (65) years of age or over, or real property owned by one or more persons, some of whom qualify under this section and the others of whom qualify under section four hundred fifty-nine-c of the New York Real Property Tax Law, shall be exempt from taxation by the Village of Millbrook to the extent of fifty (50) per centum of the assessed valuation thereof pursuant to Subdivision 1 of §467 of the New York Real Property Tax Law; and

Further, pursuant to Subdivision 1 and Subdivision 3 of §467 of the New York Real Property Tax Law, the Village of Millbrook hereby elects to increase the maximum income eligibility level for the granting of such partial exemption from Real Property taxation as follows:

(To be applicable to the 2024 Assessment Roll only and Village Real Property Taxes based thereon).

If the Adjusted Gross Income ("AGI") for federal income tax purposes is	Percentage of Assessed Value Exempt from Real Property Taxation
Less than \$24,500	50%
Greater than \$32,900	0.00%

The percentage of Assessed Value Exempt from Real Property Taxation where AGI is between \$24,500 and \$32,900 shall be as set forth in subsections (b)(1), (b)(2) and (b)(3) of Subdivision 1 of §467 of the New York Real Property Tax Law.

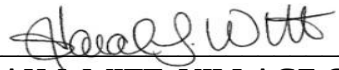
(To be Applicable to the 2025 and all subsequent Assessment Rolls and Village Real Property Taxes Based Thereon).

If the Adjusted Gross Income ("AGI") for federal income tax purposes is	Percentage of Assessed Value Exempt from Real Property Taxation
Less than \$29,000	50%
Greater than \$37,400	0.00%

The percentage of Assessed Value Exempt from Real Property Taxation where AGI is between \$29,000 and \$37,400 shall be as set forth in subsections (b)(1), (b)(2) and (b)(3) of Subdivision 1 of §467 of the New York Real Property Tax Law. ”

Section 5. This local law shall take effect as of the date of filing with the New York Secretary of State.

DATED: Millbrook, New York
February 14, 2024



SARAH J. WITT, VILLAGE CLERK

The foregoing resolution was duly put to a vote which resulted as follows:

Mayor Collopy	Aye
Trustee Herzog	Aye
Trustee Contino	Aye
Trustee Doro	Aye
Trustee Murphy	Aye

DATED: Millbrook, New York
February 14, 2024



SARAH J. WITT, VILLAGE CLERK
Village of Millbrook

RESOLUTION No. LL0042024.1

Enacting Local Law No. 4 of 2024 Amending Chapter 230 of the Village Code Entitled “Zoning” to Add the Requirement that Public Hearings Regarding Land Use Applications be Advertised on Signs Posted on the Property

At a meeting of the Village Board of Trustees of the Village of Millbrook (“Village Board”), held at the Village Fire House, 20 Front Street, Millbrook, New York on the 14th day of February, 2024, at 6:00 p.m., Village Mayor, Tim Collopy called the meeting to order, and Mayor Collopy, seconded by Trustee Herzog, moved the following resolution, to enact the following local law, to be known as Local Law No. 4 of 2024, entitled “A Local Law Amending Sections 230-43, 230-44 and 230-62 of the Village Code to add the requirement that Public Hearings for land use applications be advertised by posting a sign on the property subject of the application in addition to all other Public Hearing Notice requirements” as follows:

WHEREAS, the following Local Law was introduced as Proposed Local Law No. 4 of 2024, by Resolution adopted at a regular meeting of the Village Board held on October 12th, 2022; and

WHEREAS, a properly noticed public hearing was held before the Village Board during the meeting on November 9, 2022, on Local Law No. 2 of 2022; and

WHEREAS, the Village Board determined the enactment of this Local Law will have no adverse environmental impacts and issued a Negative Declaration pursuant to the New York State Environmental Quality Review Act; and

NOW THEREFORE, BE IT ENACTED by the Board of Trustees of the Village of Millbrook (“Village Board”) as follows:

Section 1. Legislative intent: The Village Zoning Law, set forth in Chapter 230 of the Village Code, contains Notice requirements for Public Hearings on certain land use applications before the Town Planning Board and Zoning Board of Appeals. Those Notice requirements currently include publication in the official newspaper of the Village and direct mailings to neighbors within

a certain distance of the property that is the subject of the Public Hearing. The Village Board has determined that public awareness of Public Hearings regarding land use applications would be increased if, in addition to the existing Notice requirements, there was an additional requirement to post a sign on the property that is the subject of the Public Hearing providing Notice of the Public Hearing. The Village Board believes it to be in the best interests of the Village and its residents, to amend Sections 230-43, 230-44 and 230-62 of the Village Code, to include the requirement that applicants on all land use applications before the Town Planning Board and Zoning Board of Appeals be required to post any Notice of Public Hearing on Signs placed on the property subject to the land use application.

Section 2. Section 230-43 of the Village Code entitled “Special permit procedure” is hereby amended by repealing Subsection 230-43(D) and replacing that Subsection with the following language.

“D. Application and referral. Application for a special permit shall be made, in writing, to the Planning Board. The Planning Board shall fix a time within 62 days from the day an application for special permit is made for a public hearing. Public notice shall be given by publication in the newspaper of such hearing at least five days prior to the date of public hearing. The secretary of the Planning Board will record in the minutes of the hearing the names of any of the abutting property owners who qualify under terms of § 230-44D, who object to the granting of the special permit and the reasons why, such information is to be given consideration in arriving at a permit decision. In addition, the Applicant shall post a Sign on the property which is the subject of the application, at the Applicant’s own cost, containing the Notice of Public Hearing at least ten (10) days prior to the date of the Public Hearing. The Planning Board shall determine the number, size and placement of the Sign to be posted on the property which shall be in compliance with the requirements of Section 230-20 of the Village Code. An affidavit of posting shall be filed with the secretary of the Planning Board at least five (5) days before the Public Hearing. Reposting of such Sign shall not be required for adjourned dates. An Applicant shall not be deemed to have violated the requirement to maintain the Notice Sign if the Sign is removed or destroyed by an unrelated party or natural force and replaced within a reasonable period of time. The Sign required herein shall be removed within five (5) days of the close of the Public Hearing. The Planning Board is authorized to develop and revise from time to time policies and procedures regarding the size of Notice Signs, the font size of the lettering appearing thereon, as well as the level of detail announced in the Notice Sign in order to best serve the needs of the Planning Board and the public.

Within 62 days of said hearing, the Planning Board shall approve, approve with modifications or disapprove the special permit. The decision of the Planning Board shall be filed in the office of the Village Clerk within five business days after such decision is rendered, and a copy thereof shall be mailed to the applicant. No building permit shall be issued for special uses until the provision of § 230-43 have been met.”

Section 3. Section 230-44 of the Village Code entitled “Site plan procedure” is hereby amended by repealing Subsection 230-44(D) and replacing that Subsection with the following language.

“D. Public hearing and action by Planning Board.

- (1) The Planning Board shall notify, by certified mail, all adjacent property owners of the date, time, place and subject of the public hearing at which the site plan will be reviewed. Such notice shall not be required for adjourned dates. The records of the Receiver of Taxes of the Village of Millbrook shall be deemed conclusive as to ownership, and the notice shall be deemed complete when deposited in a properly addressed postpaid envelope in the United States Mail. In addition, the Applicant shall post a Sign on the property which is the subject of the application, at the Applicant’s own cost, containing the Notice of Public Hearing at least ten (10) days prior to the date of the Public Hearing. The Planning Board shall determine the number, size and placement of the Sign to be posted on the property which shall be in compliance with the requirements of Section 230-20 of the Village Code. An affidavit of posting shall be filed with the secretary of the Planning Board at least five (5) days before the Public Hearing. Reposting of such Sign shall not be required for adjourned dates. An Applicant shall not be deemed to have violated the requirement to maintain the Notice Sign if the Sign is removed or destroyed by an unrelated party or natural force and replaced within a reasonable period of time. The Sign required herein shall be removed within five (5) days of the close of the Public Hearing. The Planning Board is authorized to develop and revise from time to time policies and procedures regarding the size of Notice Signs, the font size of the lettering appearing thereon, as well as the level of detail announced in the Notice Sign in order to best serve the needs of the Planning Board and the public.
- (2) Within 62 days of the date of the adjournment of public meeting, the Planning Board shall act to approve, approve with modifications or disapprove the proposed site plan. A copy of the Planning Board's decision shall be filed in the offices of the Village Clerk and with the Zoning Enforcement Officer, and a copy thereof shall be mailed to the applicant.

- (3)** Within 60 days of the date of approval or approval with modifications, the applicant shall present to the Planning Board a corrected final site plan in reproducible form, including any modification required by the Planning Board as a condition of its approval. Upon verification by the Planning Board that the plan complies with the requirements of the Planning Board, the plan shall be endorsed by the Planning Board Chairperson and properly filed with the Zoning Enforcement Officer, the Planning Board and the Village Clerk.”

Section 4. Section 230-62 of the Village Code entitled “Public hearings and notice” is hereby repealed in its entirety and that Section replaced with the following language.

“§ 230-62 Public hearings and notice.

The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof by the publication in the official paper of a notice of such hearing as provided by the Village Law. In addition, the Applicant shall post a Sign on the property which is the subject of the application, at the Applicant’s own cost, containing the Notice of Public Hearing at least ten (10) days prior to the date of the Public Hearing. The Zoning Board of Appeals shall determine the number, size and placement of the Sign to be posted on the property which shall be in compliance with the requirements of Section 230-20 of the Village Code. An affidavit of posting shall be filed with the secretary of the Zoning Board of Appeals at least five (5) days before the Public Hearing. Reposting of such Sign shall not be required for adjourned dates. An Applicant shall not be deemed to have violated the requirement to maintain the Notice Sign if the Sign is removed or destroyed by an unrelated party or natural force and replaced within a reasonable period of time. The Sign required herein shall be removed within five (5) days of the close of the Public Hearing. The Zoning Board of Appeals is authorized to develop and revise from time to time policies and procedures regarding the size of Notice Signs, the font size of the lettering appearing thereon, as well as the level of detail announced in the Notice Sign in order to best serve the needs of the Zoning Board of Appeals and the public.

- A.** Notice to interested parties. In case of any appeal, all interested parties as designated in the Village Law shall be notified as provided therein.
- B.** Adjournment of hearing. Upon the day for hearing any application or appeal, the Zoning Board of Appeals may adjourn the hearing for a reasonable period for the purpose of causing such further notice as it deems proper to be served

upon such other property owners as it decides may be interested in said application or appeal.

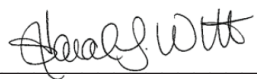
- C. Required interval for hearing on applications and appeals after denial. Whenever the Board, after hearing all the evidence presented upon an application or appeal, under the provision of this chapter, denies the same, the Zoning Board of Appeals shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, his or her successor or assignee for a period of one year, except and unless the Zoning Board of Appeals shall find and determine from the information supplied by the request for a rehearing that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Board of Appeals and adopted by the unanimous vote of the members present, but not less than a majority of all members.”

Section 5. This local law shall take effect as of the date of filing with the New York Secretary of State.

The foregoing resolution was duly put to a vote which resulted as follows:

Mayor Collopy	Aye
Trustee Herzog	Aye
Trustee Contino	Aye
Trustee Murphy	Aye
Trustee Doro	Aye

DATED: Millbrook, New York
February 14, 2024



SARAH J. WITT, VILLAGE CLERK
Village of Millbrook

RESOLUTION No. LL0052024.1

**Enacting Local Law No. 5 of 2024 Amending Article X of Chapter 230 of the Village Code
by Creating a New Section 230-75 Containing Regulations for Outdoor Dining on Village
Sidewalks**

At a meeting of the Village Board of Trustees of the Village of Millbrook (“Village Board”), held at the Village Fire House, 20 Front Street, Millbrook, New York on the 14th day of February, 2024, at 6:00 p.m., Village Mayor, Tim Collopy called the meeting to order, and Mayor Collopy, seconded by Trustee Contino, moved the following resolution, to enact the following local law, to be known as Local Law No. 5 of 2024, entitled “A Local Law Amending Article X of Chapter 230 of the Village Code to Establish a New Section 230-75 Setting Forth the Rules and Regulations to apply to Outdoor Dining on Village sidewalks” as follows:

WHEREAS, the following Local Law was introduced as Proposed Local Law No. 3 of 2022, by Resolution adopted at a regular meeting of the Village Board held on October 12th, 2022; and

WHEREAS, a properly noticed public hearing was held before the Village Board during the meeting on November 9, 2022, on Local Law No. 3 of 2022; and

WHEREAS, the Village Board determined the enactment of this Local Law will have no adverse environmental impacts and issued a Negative Declaration pursuant to the New York State Environmental Quality Review Act; and

BE IT ENACTED by the Board of Trustees of the Village of Millbrook as follows:

Section 1. Legislative intent: The novel coronavirus (Covid-19) pandemic has been a public health emergency throughout the United States, and the world, since early in 2020. Several local businesses, in particular restaurants, have suffered tremendously since that time as a result of the executive orders prohibiting public gatherings and requiring social distancing as well as the staff shortages as a result of employees becoming infected with the disease or having to quarantine as

the result of exposure. The Village Board is aware that some restaurants do not have the ability to offer outdoor dining on premises and that in some cases the adjacent public sidewalk is the only available space to offer outdoor dining. The Village Board has determined it is in the best interest of the Village and its residents to allow restaurants located in the Village to provide outdoor dining on the adjacent Village sidewalk and to impose regulations to ensure the safety, attractiveness, and convenience of such Village sidewalks is maintained for diners and pedestrians.

Section 2. Article X of Chapter 230 of the Village Code entitled “Zoning” is hereby amended by adding a New Section 230-75 to contain the following language.

“§230-75 Outdoor Dining on adjacent Village Sidewalks.

A. Definitions.

FOOD ESTABLISHMENT

Any establishment which serves made-to-order food or beverages for dine-in, takeout, or delivery. Food establishments shall include, but are not limited to, restaurants, cafes, delicatessens, fast-food establishments and food establishments within grocery stores.

OUTDOOR DINING AREA

A Village sidewalk space utilized for outdoor dining by the adjacent Food Establishment pursuant to an Outdoor Dining Area permit.

PERSON

Any individual person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including public agencies and municipal corporations.

B. No Person operating a Food Establishment shall establish, operate or expand an Outdoor Dining Area on a Village sidewalk except upon the granting of an Outdoor Dining Area Permit by the Village of Millbrook Building Inspector. This Section shall only permit Outdoor Dining on Village Sidewalks. The use of any streets or roads within the Village for Outdoor Dining shall be prohibited.

C. The Outdoor Dining Area shall not require land use approvals such as site plan, special permit, subdivision, variances or any other discretionary review or approval by any board within the Village.

D. All applications for an Outdoor Dining Area Permit shall be on a form provided by the Village Building Department and shall contain the following information:

- (1) The name and address of the applicant.
- (2) The name and address of the Food Establishment.
- (3) Approval from the New York State Liquor Authority to serve alcohol in the Outdoor Dining Area, if the Food Establishment will be serving alcohol in the Outdoor Dining Area.
- (4) Insurance certificates, in compliance with the requirements set forth in subparagraph F below.
- (5) A drawing or photograph showing the proposed layout of the Outdoor Dining Area.
- (6) A statement describing the proposed use of the Outdoor Dining Area, including days and hours of intended operation and proposed capacity.
- (7) If a tenant is seeking an Outdoor Dining Area permit, the tenant/application shall include written authorization from the property owner.
- (8) The Application Fee in the amount determined each year by resolution of the Village Board.

DI. All Outdoor Dining Area permits shall be subject to the following terms and conditions:

- (1) The Outdoor Dining Area shall not be used for any purpose other than for the approved dining use. No outdoor cooking or preparation of alcoholic beverages of any type is permitted in the Outdoor Dining Area.
- (2) The Outdoor Dining Area shall comply with any and all state and local health, fire, building, sanitation and maintenance codes applicable.
- (3) Sidewalk clearances must be sufficient to ensure a straight pedestrian path free of obstructions along the entire length of the public sidewalk. There must be a minimum clear path of at least thirty (30) inches wide for the pedestrian path.
- (4) Obstructions to entryways, emergency exits, fire hydrants, and any other public utility are prohibited. Entrances to the sidewalk dining area must maintain a minimum thirty (30) inch wide access way from the public sidewalk to building entryway.
- (5) No permanent structures may be affixed to the sidewalk used for the Outdoor Dining Area.
- (6) The number and location of all chairs, tables, benches, umbrellas, heaters, and planters in the Outdoor Dining Area are subject to approval by the Building Inspector, in accordance with all applicable New York State, Dutchess County and Village of Millbrook laws and codes and Americans with Disabilities Act requirements.
- (7) Tables and chairs shall be constructed of durable materials such as metal.

- (8) The Outdoor Dining Area shall at all times be kept free and clear of garbage, litter, refuse, rubbish and debris.
- (9) Any exterior lighting shall not unreasonably illuminate beyond the boundaries of the Outdoor Dining Area.
- (10) The applicant shall be responsible for any damage caused to any sidewalk or public property as a result of the Outdoor Dining operations.
- (11) The operator of the Food Establishment shall procure the appropriate approval from the State Liquor Authority if the food establishment intends to serve alcoholic beverages in the Outdoor Dining Area and shall comply with all other laws, regulations and guidelines concerning the serving of alcoholic beverages. All alcoholic beverages to be served in the Outdoor Dining Area shall be prepared within the existing Food Establishment, and alcoholic drinks shall only be served to patrons seated at tables.
- (12) Upon the expiration or earlier termination of the Outdoor Dining Area Permit, the applicant shall restore the Outdoor Dining Area to the same condition it was in prior to the applicant's use of the Outdoor Dining Area.
- (13) The Building Inspector may impose any reasonable conditions on the approval of an Outdoor Dining Area Permit related to the Outdoor Dining Area's size, location, impact on available parking, pedestrian safety, noise, and the public health, safety and welfare.
- (14) All outdoor dining operations shall comply with any applicable United States Centers for Disease Control, New York State or Dutchess County guidance, rule, regulation or law concerning required measures to minimize the spread of COVID-19.
- (15) Outdoor Dining shall only be allowed between April 1st and December 1st.
- (16) Modification. The Building Inspector may modify an Outdoor Dining Area Permit at any time and for any reason.
- (17) Revocation. The Building Inspector shall have the authority to revoke or suspend a Permit for any of the following grounds:
 - (a) The permit was issued in error, or issued in whole or in part as a result of a false, untrue, or misleading statement on the permit application or other document submitted for filing.
 - (b) Use of the property for an Outdoor Dining Area creates a hazard, public nuisance, threat to public safety, or other condition which negatively impacts the use and/or enjoyment of surrounding properties, or threatens the peace and good order, or quality of life in the surrounding community.
 - (c) Failure of the applicant to comply with any provision of this Section or any other applicable law or regulation or term or condition of the Permit.
 - (d) The determination of the Village Board by Resolution to suspend Outdoor Dining on Village sidewalks pursuant to subparagraph H below.

F. Insurance requirements for use of Outdoor Dining Area.

- (1) No Outdoor Dining Area Permit shall be issued by the Village Building Inspector until the applicant provides satisfactory evidence of the following types of coverage and limits of liability:
 - (a) Statutory workers' compensation and employers' liability policy, with policy limits equal to New York State requirements.
 - (b) General liability coverage with limits of insurance of not less than \$1,000,000 for each occurrence and \$2,000,000 annual aggregate.
 - (c) The Village of Millbrook and its agents, officers, volunteers, directors and employees shall be named as additional insureds and included in a waiver of subrogation endorsement.
 - (e) The applicant shall maintain these insurance requirements for itself and all additional insureds for the duration of the Outdoor Dining operations.
 - (f) The applicant's policy must be primary and noncontributory to any insurance the Village of Millbrook maintains.
 - (g) Certificates of insurance shall provide that thirty (30) days' written notice prior to cancellation or modification be given to the Village of Millbrook. Policies that lapse and/or expire during the term of the Outdoor Dining Area Permit shall be recertified and received by the Village of Millbrook no fewer than 30 days prior to cancellation or renewal.

G. Indemnification. As a condition of accepting the Outdoor Dining Area Permit, the applicant agrees to indemnify and save harmless the Village of Millbrook, its officers, agents, attorneys and employees, from and against any claim of loss, liability or damage by any person arising as a result of the applicant's operation of the Outdoor Dining Area.

H. Suspension by Village Board. The Village Board shall have the authority to suspend Outdoor Dining on Village sidewalks at any time by resolution. Upon adoption of such a resolution of the Village Board, the Village Building Inspector shall immediately revoke all Outdoor Dining Area Permits issued in accordance with subparagraph E.(19) above.

I. Reservation of rights by Village. Neither the adoption of this Section nor the granting of any Permit pursuant hereto shall be construed as a waiver of any right, privilege or immunity of the Village of Millbrook concerning its public easement over the streets and sidewalks, or of any requirement of law concerning the liability of the Village of Millbrook with respect to streets and sidewalks, whether expressed or implied.

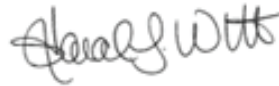
J. Enforcement. A violation of any provision of this Section shall be subject to the enforcement provisions set forth in Article VII of the Village Code.”

Section 3. This local law shall take effect as of the date of filing with the New York Secretary of State.

The foregoing resolution was duly put to a vote which resulted as follows:

Mayor Collopy	Aye
Trustee Herzog	Aye
Trustee Contino	Aye
Trustee Murphy	Aye
Trustee Doro	Aye

DATED: Millbrook, New York
February 14, 2024



SARAH J. WITT, VILLAGE CLERK
Village of Millbrook