

TOWN OF SOUTHEAST
1360 Route 22, Brewster, New York 10509
Thursday, February 20, 2020
WORK SESSION / REGULAR MEETING 7:00 P.M.

Pledge of Allegiance

Notation of Exits

Turn Off/Put on Vibrate - All Electronic Devices

Present: Supervisor Tony Hay
Councilman John Lord
Councilman Eric Larca
Councilman John O'Connor
Councilman Edwin Alvarez

Also: Town Clerk Michele Stancati
Town Attorney Willis H. Stephens Jr.

And: 15 Persons

PUBLIC HEARING

PLI, LLC, Stateline Retail Center - Site Plan, Special Permit and Wetland Permit

Supervisor Hay made a motion to open the Public Hearing and Councilman Larca seconded. All in favor.

Jeff Contelmo from Insite Engineering, representing Stateline Retail Center, reminded the Board that this project was approved for a Site Plan and Special Permit by the Town Board several years ago. It's composed of about 184,000 square feet of retail and commercial use. We are pleased to be here with our first real user of the center which is Restaurant Depot, occupying the western end of the site, with a 57,500 ft Retail Establishment. The company is a purveyor of food and food supply equipment and related items for restaurants, deli's, pizza shops, non for profits on a membership basis. They have 135 stores in 35 states, the closest ones being in Newburg, Waterbury and New Rochelle. They don't deliver. They are like the Home Depot, to a contractor. This has been tweaked to accommodate their program. There will be 195 parking spaces and it has stormwater, septic and well improvements. The only difference with the one approved years ago is now the DOT wants a different arrangement with our intersections with Route 6. They asked us to flip our main entrance with our secondary entrance. Our main entrance was previously on the east end and now it's on the west end. It will align with a relocated Farrington Road. The DOT sent a letter and gave conceptual approval. It will include a new left turn lane and provisions for a future signal there as determined by the DOT. We're here before you for a Site Plan, Special Permit and Wetland Permit approval. We're also before the Planning Board for a subdivision and they will be acting as lead agency for SEQRA.

Supervisor Hay asked if the State DOT recommended to close any of the dividers along Route 6. Mr. Contelmo stated that they are interested how they are left throughout our frontage, because in their words, it seemed like it was done in a random fashion and it promotes people to cut across in certain sections. They will be asking us to close them where they don't make sense. Supervisor Hay asked if they know how many and Mr. Contelmo stated one at the entrance and maybe one or two more.

Ms. Fanizzi asked if there are other tenants yet and Mr. Contelmo stated not yet. Also, what portion is left for open space, and Mr. Contelmo stated is it the same as what was previously approved. Ms. Fanizzi asked why do you need another Wetland Permit? Mr. Contelmo stated because the configuration changed a little. There is no wetland impact but there is buffer impact.

Ashley Ley, Town Planner, just reiterated that the project is in front of the Planning Board, similar to what it was before, staying in the footprint, just the layout has changed. The Planning Board will be declaring lead agency and have a public hearing on Monday night on this project. NY State DOT did give their approval.

Councilman Lord asked if there were supposed to be berms in the front between the development and Route 6? Mr. Contelmo stated that there were some stormwater basins backed by a stone wall with some landscaping and screening envisioned with that. Maybe that's what you're thinking. Councilman Lord said yes, but is this something this Board needs to be aware of?

Ms. Ley stated that one of the big changes is the procedure on how this project is being processed. When the original project was approved, the Planning Board had site plan and wetland approval and only the special permit approval went to the Town Board. The local law was changed and that's why were before the Town Board now. So yes, it is within the Town Boards approval. This is a good time to raise those concerns. Councilman Lord stated he would want the berms consistent in front, not just for this project. Mr. Contelmo stated that the original plan has them through the central sections and we could continue to have it throughout the eastern and central section. We don't need those walls on the western side but it doesn't mean we can't continue with it.

Supervisor Hay made a motion to close the Public Hearing and Councilman Alvarez seconded. All in favor.

Amend Chapter 18-26 Town of Southeast Code of Ethics and Financial Disclosure Law

Supervisor Hay made a motion to open the Public Hearing and Councilman Alvarez seconded. All in favor.

Supervisor Hay stated that the reason for this Public Hearing is to remove the IDA from the Town employees section of the Code, which he read, that are required to fill out a Financial Disclosure Form. They're agency is no longer in existence.

There was no public comment.

There was no Town Board comment.

Councilman Alvarez made a motion to close the Public Hearing and Councilman Larca seconded. All in favor.

Amend Chapter 103, Article 11, Section 103-8 Permit Fees

Supervisor Hay explained that the Town has a Food Vendor law that ran the calendar year and will now be changed to annually for 12 consecutive months for \$500. The six- month permit will run 6 consecutive months for \$250. The start date will be determined by the vendor. (Veterans are exempt from the fees.)

There was no Public Comment.

There was no Town Board Comment.

Councilman Alvarez made a motion to close the Public Hearing and Councilman O'Connor seconded. All in favor.

WORK SESSION

Nothing at this time.

REGULAR MEETING

Supervisor Hay made a motion to open the Regular Meeting and waive the reading of the Correspondence. Councilman Lord seconded. All in favor.

CORRESPONDENCE

Correspondence Received

1. Putnam Humane Society (PHS) to Supervisor Hay Re: PHS Contract
2. Resident to Supervisor Hay Re: Resume-Planning Board
3. Willis Stephens, Town Attorney (TA) to International Brotherhood of Teamsters Local 456 Re: Proposed Collective Bargaining Agreement Amendment
4. NYS DOT to TB Re: Information I 84-I 684 Corridor Study 1
5. Nathan L. Jacobson to Tom LaPerch, PB Re: Commercial Campus at Fields Corner Final Impact Statement Review
6. Board of Elections Putnam County to Supervisor Hay Re: Request for TOSE Courtroom Use- Presidential Primary Election
7. Office of the State Comptroller to TOSE Re: Justice Court Fund
8. Acord Ins. to TOSE Re: Clearheart Construction Company Inc.
9. Comcast to TOSE Re: Xfintiy TV Updates
10. Committee for Putnam County Human Rights Commission to TOSE Re: Proposal for a Putnam County Human Rights Commission
11. Rotary Club of Brewster New York to Town Board (TB) Re: Brewster Rotary Club 75th Anniversary Celebration

12. Residents to Supervisor Hay Re: Use of ATV's on Maple Wood Drive
13. Town of Kent to TOSE Re: Public Hearing-Local Law Temporary Moratorium Prohibiting Mining in the Town of Kent
14. James Nixon, Southeast Museum to Willis Stephens, Town Attorney Re: Old Town Hall-Window Restoration
15. Insite Engineering to TOSE Planning Board & TB Re: Stateline Retail Center/Restaurant Depot
16. TOSE PB to Public Re: Notice of Public Hearing-Application for Site Plan, Conditional Use Permit, Wetland Permit & Subdivision
17. Byron Giron to TC Re: Renewal of Liquor License-Kelly's
18. Richard Levien to TOSE Re: WB New York LLC Approved Parking Facility Offering Memorandum
19. Pesetsky & Bookman, PC to TC Re: Renewal of Liquor License-Root 22 Restaurant & Bar LLC
20. Sarah Antonacci, DASNY to Supervisor Hay Re: State & Municipal Facilities Program Construction of a Water Distribution Plant
21. Resident to TOSE Re: Pile of Garbage-262 Tonetta Lake Rd.
22. William Carlin, PC Commissioner of Finance to Supervisor Hay Re: Extension of Real Property Taxes
23. TOSE to Public Re: Southeast Town Board Public Hearing Notice-Parkland Alienation
24. Carmel Resident to Planning Board & Supervisor Hay Re: Centennial Golf Course Parking Lot
25. James Bryan Bacon Esq. to Supervisor Hay Re: Alienation of Pugsley Road Property in Exchange for Starr Ridge Road Property
26. Acord Ins. to TOSE Re: RCN Telecom Services, LLC
27. East Hudson Watershed Corporation to TOSE Re: Invoice Highway O&M
28. Keane & Beane, PC to TB, TA & Planning Board Re: Proposed Alienation of Town Owned Property on Pugsley Road in Exchange for Privately Owned Property on Starr Ridge Road
29. Ashley Ley, AKRF to TOSE Planning Board Re Commercial Campus at Fields Corner-FEIS Review
30. NYS Dept. of Taxation & Finance Office of Real Property Tax Services to Supervisor Hay Re: Notice of Tentative Telecommunications Ceiling
31. NYS Dept. of Public Service to Supervisor Hay & TOSE Re: NYSEG Outages in TOSE
32. Southeast Planning Board Notice of Public Hearing Re: Alfacor, Northwood Tree Care, ProSwing, Stateline Retail/Restaurant Depot, & 577 North Main
33. Resident to Supervisor Hay & TB Re: Parkland Alienation
34. McGrath & Co. to TOSE & Richard O'Rourke, Esq. Re: 273 Starr Ridge Road/ProSwing-Appraisal
35. NYS DOT to Thomas LaPerch, Planning Board Re: New SEQR Review-Route 6/202 Stateline Retail Center
36. Barbara Beshears to Supervisor Hay Re: Real Property Appraisal-301 Milltown Rd.
37. H. Dorkin to TB Re: Parkland Alienation/Land Swap (Open Space)
38. C. Ingraham to TB Re: Parkland Alienation/Land Swap (Open Space)
39. L. Kaddatz to TB Re: Parkland Alienation/Land Swap (Open Space)
40. J. Bacon to TB Re: Parkland Alienation/Land Swap (Open Space)
41. J. Cypher to TB Re: Parkland Alienation/Land Swap (Open Space)
42. L. Aurello to TB Re: Parkland Alienation/Land Swap (Open Space)
43. C. Capuano to TB Re: Parkland Alienation/Land Swap (Open Space)
44. K. Dorkin to TB Re: Parkland Alienation/Land Swap (Open Space)

45. R. O'Rourke to TB Re: Parkland Alienation/Land Swap (Open Space)
46. A. Fanizzi to TB Re: Parkland Alienation/Land Swap (Open Space)
47. S. Woodgate to TB Re: Parkland Alienation/Land Swap (Open Space)
48. B. Schwartz to TB Re: Parkland Alienation/Land Swap (Open Space)
49. R. Feuerman to TB Re: Parkland Alienation/Land Swap (Open Space)
50. D. Dillon to TB Re: Parkland Alienation/Land Swap (Open Space)

FOILS

- Peter Bonanno to Bldg. Dept. Re: Vacant Massage Envy Space
- Mikiko Suozzi to Bldg. Dept. Re: All Building Records-681 Rt. 312
- Gina Scham to Bldg. Dept. Re: All Building Records-1292 NY Rte. 22
- Vera Karaqi to Bldg. Dept. Re: All Building Records-5 Oak Road
- Robert Vrabel to Bldg. Dept. Re: Information on Starr Ridge Road Subdivision
- Patricia Dalesio to Bldg. Dept. Re: All Building Records-703 E Main Street
- Cynthia Haas to Bldg. Dept. Re: All Building Records-10 Locust Drive
- Peter Levy to Bldg. Dept. Re: All Building Records-90 Harvest Lane
- Valerie Leichter to Bldg. Dept. Re: All Building Records-41 Lincoln Road
- Lisa Tremblay to Bldg. Dept. Re: All Building Records-64 Panorama Drive
- Steven Mulligan to Bldg. Dept. Re: Approved Parking Lot, Plans, Drawings & Location and Number of Handicap Spaces-30 Milan Road
- Tom McKenna to Bldg. Dept. Re: All Building Records-120 Peaceable Hill Road
- Anna Mantovi to Bldg. Dept. Re: All Building Records-5 Oak Road
- Nelson Colon to Bldg. Dept. Re: Name & Address-300 Rt. 22
- Pedro Montos to Bldg. Dept. Re: Old Survey Records-33 & 325 Turk Hill Road
- Lisa McDermott to Bldg. Dept. Re: All Building Records & Zoning-83 Peaceable Hill Rd.
- Nancy Alvarado to Bldg. Dept. Re: All Building Records-5 Oak Rd. & 230 Peaceable Hill Rd.
- Valerie Collins to Bldg. Dept., Planning Dept. & Fire Dept. Re: All Building Records, Owner History, UST/AST Permits, Spill Incidents, & Environmental Condition of Property-2 International Blvd.
- Dawn Gambichler to Bldg. Dept. Re: All Building Records-302 Doansburg Rd.
- Todd Armbrusteo to Bldg. Dept. Re: Survey-8 Shalin Lane
- Larry Zacks to Bldg. Dept. Re: All Building Records-202 Apple Tree Lane
- Kristen Haefner to Bldg. Dept. Re: Subdivision Survey Lakeview Manor for 19 Locust Drive
- Lauren Camerino to Bldg. Dept. Re: All Building Records-29 Settlers Hill Rd.
- Milton Hyatt to Bldg. Dept. Re: All Building Records-16 Crosby Ave.
- Luis Diaz to Bldg. Dept. Re: All Building Records-265 Peaceable Hill Rd.
- Randall J. Calano to Bldg. Dept. Re: All Building Records-25 Husted Rd.
- Nancy Green to Bldg. Dept. Re: All Building Records-69 Deans Corner Road
- Eric Seymour to Bldg. Dept. Re: All Building Records-2 Bridge Lane
- Walter Sadowiski to Bldg. Dept. Re: All Building Records-69 Deans Corner Road
- Christine Ricci to Bldg. Dept. Re: All Building Records-44 Blackberry Drive
- Felicia Sloka to Bldg. Dept. Re: All Building Records-44 Blackberry Drive
- Joseph Canale to Bldg. Dept. Re: All Building Records-21 Old Doansburg Lane
- Michael Sheil to Bldg. Dept. Re: All Building Records-128 Blackberry Drive
- Gary Slutsky to Bldg. Dept. Re: All Building Records-310 Dingle Ridge Road

- Christine MacDonald to Bldg. Dept. Re: All Building Records-45 Fairview Road
- Nancy Green to Bldg. Dept. Re: All Building Records-502 Essex Ct.
- Christine MacDonald to Bldg. Dept. Re: All Building Records-2 Coyote Ct.
- Sharon Sheil & Helena Gerri to Bldg. Dept. Re: All Building Records-15 Tea House Lane
- Hanora Lopez to Bldg. Dept. Re: Fencing-189 Brewster Hill Road
- Krista Brady to Bldg. Dept. Re: All Building Records-22 Seven Oaks Lane
- Nancy Green to Bldg. Dept. Re: All Building Records-130 Pumphouse Rd.
- Ann Fanizzi to TC & Planning Board Re: Documents on Proposal to Alienate 166 on Pugsley Road, Resolution on Open Space, Site Plans, Alienation, Proposed Use, Environmental Impact Study, & All Correspondence of Proposal
- Tony Kola to Bldg. Dept. Re: All Building Records-188 Joes Hill Road
- Andres Gil to TC & Bldg. Dept Re: C of O's on File-64 Panorama Drive
- Aimee Orłowski to Bldg. Dept. Re: All Building Records-105 Ashbury Way
- Scott Peder to TC & Planning Dept. Re: DOT Letters & Permits for Stateline Retail Center-3871 Danbury Rd.
- Kevin Green to Bldg. Dept. Re: All Building Records-207 Eagles Ridge Rd.
- Giovanna Pennella to Bldg. Dept. Re: All Building Records-31 Mt. Ebo Rd. North
- Judith Terlizzi to Bldg. Dept. Re: Application for Site Plan, Conditional Use Permit, Wetland Permit & Subdivision
- John Piazza to Bldg. Dept. Re: All Building Records-35 Pleasant Drive
- Lauren Camerino to Bldg. Dept. Re: All Building Records-1 North Road
- Luis Diaz to Bldg. Dept. Re: All Building Records-2597 Carmel Ave.
- Lisa Tremblay to Bldg. Dept. Re: All Building Records-63 Tonetta Lake Way
- Alexandria Hercules to Bldg. Dept. Re: All Building Records-42 Hubbard Way
- Michael Sheil to Bldg. Dept. Re: All Building Records-308 Brewster Hill Rd
- Michael Sheil to Bldg. Dept. Re: All Building Records-68 Lakeview Drive
- Dawn Gambichler to Bldg. Dept. Re: All Building Records-161 Peaceable Hill Rd
- Evan Foole to Bldg. Dept. Re: Surveys/As Built Surveys-1 Pine Tree Lane
- Evan Foole to Bldg. Dept. Re: Surveys/As Built Surveys-7 Pine Tree Lane
- Evan Foole to Bldg. Dept. Re: Surveys/As Built Surveys-475 Brewster Hill Rd
- Gjon Karaqi to Bldg. Dept. Re: All Building Records-2555 Carmel Ave.
- Jimmy Ramirez to Bldg. Dept. Re: All Building Records-86 North Brewster Rd.
- Karina Jurew to Bldg. Dept. Re: All Building Records-176 Turk Hill Rd.
- Edmond Scelia to Bldg Dept. Re: All Building Records-302 Doansburg Rd
- Ryan Pegnim to Bldg. Dept. Re: Building Dept. Violations-120 Peaceable Hill Rd.
- Katherine Mygan to Bldg. Dept. Re: Building & Zoning Dept. Records-2580 Carmel Ave.
- Glen Dube to Bldg. Dept. & PB Re: Rental Permit & Floor Plan-185 John Simpson Rd.
- Marcie Nolletti to Bldg. Dept. Re: All Building Records-13 Pine Rd.
- Dawn Gambichler to Bldg. Dept. Re: All Building Records-2 Sherwood Rd.
- Gavin Reilly to Bldg. Dept. Re: All Building Records-86 North Brewster Road
- Ann Fanizzi to TC Re: Financial Analysis ProSwing
- Kevin Callahan to Bldg. Dept. Re: All Building Plans-31 Mt. Ebo Rd.
- Krista Brady to Bldg. Dept. Re: Survey of Property-22 Seven Oaks Lane
- Bobbi Zacchi to Bldg. Dept. Re: All Building Records-4 Plum Tree Lane

- Fred Bomba to Bldg. Dept. Re: Old Southeast Church & School House
- Ann Fanizzi to TC Re: Copy of Bond & Other Documents \$5 Million Approved by Voters 2005, 166 Acres Preserved as Open Space & All Info & Action RE: Cessation of Bond by Town
- William Reilly to Bldg. Dept. All Building Records-139 Carriage Hill Rd
- Heather Buckhout to Bldg. Dept. Re: All Building Records-16 Meola Drive, Carmel NY
- Claudia Jiswa to Bldg. Dept. Re: All Building Records-483 North Salem Road
- Richard Maren to Bldg. Dept. Re: All Building Plans-160 & 164 Simpson Road
- Vito Ruanamento to Bldg. Dept. Re: All Building Records-5 Middlebranch Lane
- Peter Cirillo to Bldg. Dept. Re: All Open Permits & Copy of Original Bldg. Plans-188 Joes Hill Rd.
- Monica Murphy to Bldg. Dept. Re: All Building Records-701 Essex Court

Emails

1. Resident(s) to Planning Board (PB) & Town Board (TB) Re: Concerns Regarding Campus at Fields Corner
2. Town Clerk (TC) to Patterson TC Re: Games of Chance Application
3. NYS Building Standards and Codes to M. Levine, Bldg. Dept. Supervisor Hay, & Michele Stancati (TC) Re: Annual Report of Code Enforcement Activities for the TOSE
4. Tom Fenton to Supervisor Hay, Highway Superintendent Burdick, & Levon Bedrosian, Special Districts Re: Paukner-Blackberry Sewer Bond Release
5. M. Montgomery to TC Re: Plea by Mail
6. TOSE ARB Member to Supervisor Hay Re: Reappointment/Resignation Chair of ARB
7. NYS DOT to Supervisor Hay Re: Right on Red Arrow Brewster Village Rt. 22/6
8. Supervisor Hay to Richard Anderson, President Brewster Little League Re: Reimbursement of 2019 Clay Costs
9. Matt Kierstead, Milestone Heritage Counseling to Supervisor Hay Re: Southeast Centennial Pictures Use for Maybrook Trailway
10. Robert Gosselink to Levon Bedrosian & TOSE Re: Garbage & Recycling
11. Resident to Supervisor Hay & TB Re: Issues and Concerns in Southeast
12. Mary Beth Sullivan to TC Re: Code Supplement Estimate
13. Gina Loprinzo to TC Re: Library Trustees
14. Kevin Nigey to TB & M. Levine, Bldg. Dept. Re: 49 Scenic Ridge Drive Storm Basin
15. NYS DOT to Supervisor Hay & TB Re: Route 312 & Caremount Medical No Left Hand Turn Sign
16. Laurie Bell, Assessor to TB, TA, TC & Victoria Desidero Re: Resignation of Member Board of Assessment Review
17. Keane & Beane to TOSE, TB, Planning Board & Supervisor Hay Re: Proposed Alienation of Property (Pugsley Road) in Exchange for Private Property on Starr Ridge Road
18. Resident to TC Re: 189 Brewster Hill Road Fence Inquiry
19. Richard O'Rourke, Attorney to TOSE, TB, Ashley Ley & ProSwing Re: Proposed Alienation of Property (Pugsley Rd.) in Exchange for Private Property on Starr Ridge Road, Full Environmental Assessment Form
20. TC to Garden Homes Re: TOSE Alarm Permits
21. TC to Keane & Beane Attorneys at Law Re: Resolutions for Open Space/Pugsley Road
22. Willis Stephens, TA to Legals At Putnam Press Re: Public Hearing Notice ZBA

23. Supervisor Hay to J. Delgado Re: Special Meeting-PO Request
24. Highway Superintendent M. Burdick to Lance MacMillan, NYS DOT Re: Intersection Rt. 22 & Sodom Road
25. Resident to Supervisor Hay, TB & Highway Dept. Re: Septic Concerns-10 Andrea Drive
26. Chubb Insurance to Supervisor Hay Re: Hydrant-150 Deans Corner Road
27. TC, Village of Brewster to TC TOSE Re: Water Bill
28. Bldg. Dept. to TC Re: Information from Bldg. Dept. & Planning Dept.-2 International Blvd.
29. Town of North Salem to TOSE Re: Public Hearing-Local Law Amending Certain Codes
30. TC to Victoria Desidero & Andrew Shephard Re: TOSE Municipality MS4
31. Robert Cullen to TB Re: Illegal Sign
32. Fred Bomba to TB & Supervisor Hay Re: WBH Capital Campaign
33. Driver to TC Re: Speeding Ticket Inquiry
34. Driver to TC Re: Violation
35. J. Cote to TC Re: Marriage/Genealogical Request
36. B. Moeller to Cathy Chiudina Re: Castle Park Tennis Courts
37. Jeff Brooks to Supervisor Hay Re: Tree Branch on Wire to House-162 Starr Ridge Road

Correspondence Sent

1. TOSE to Property Owner Re: NOV/OTR-361 Route 312
2. TOSE to Property Owner Re: NOV/OTR-63 Fairview Rd.
3. Supervisor Hay to NYS DMV Re: Reappointment of Willis H. Stephens as Town Attorney
4. TOSE to Property Owner Re: NOV/OTR-91 North Brewster Rd.
5. TOSE to Property Owner Re: NOV/OTR-88 Sunset Drive
6. TOSE to Property Owner Re: NOV/OTR-37 Elmwood Drive
7. TOSE to Property Owner Re: NOV/OTR-116 Sodom Road
8. TOSE to Property Owner Re: NOV/OTR-81 Maplewood Drive
9. Supervisor Hay to Putnam County Legal Aid Society Re: Letter of Appreciation & Recognition-
Legal Aid Attorney
10. TOSE to Property Owner Re: NOV/OTR-790 Route 22
11. TOSE to Property Owner Re: NOV/OTR-22 South Drive
12. TOSE to Property Owner Re: NOV/OTR-1625 Rt. 22
13. TOSE to Property Owner Re: NOV/OTR-29 Hickory Drive
14. TOSE to Federal National Associates Re: NOV/OTR-53 Crosby Ave.
15. TOSE to Property Owner Re: NOV/OTR-74 Sodom Road
16. TOSE to Property Owner Re: NOV/OTR-798 Route 22
17. TOSE to NYS DOT Re: No Left Turn Signage-CareMount Medical-185 NY-312
18. TOSE to MaryEllen Odell Re: Completion of MOU-TOSE & Feehan Building Corp.
19. TOSE to Property Owner Re: NOV/OTR-22 Tulip Drive
20. TOSE to Property Owner Re: NOV/OTR-22 Tulip Drive
21. TOSE to Property Owner Re: NOV/OTR-16 Dingle Ridge Rd.
22. TOSE to Property Owner Re: NOV/OTR-262 Tonetta Lake Rd.
23. TOSE to Property Owner Re: NOV/OTR-22 Guinea Road
24. TOSE to Property Owner Re: NOV/OTR-213 North Brewster Rd

APPROVAL OF VOUCHERS

Supervisor Hay made a motion to approve the Vouchers in the amount of \$2,664,318.58. Councilman Alvarez seconded. All in favor.

MEETINGS

Supervisor Hay made a motion to set the meeting dates to be held at 1360 Route 22, Brewster, New York at 7:00 P.M. unless otherwise noted. Councilman Alvarez seconded. All in favor.

Thursday, March 5, 2020 – Work Session / Regular Meeting

Thursday, March 19, 2020 – Work Session / Regular Meeting

RESOLUTION No. 11 /2020 DETERMINATION OF NO ENVIRONMENTAL IMPACT WITH RESPECT TO HOME RULE REQUEST FOR ALIENATION OF PARKLAND

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Larca

WHEREAS, the Town Board of the Town of Southeast, Putnam County, New York (respectively, the “Town Board” and the “Town”) is considering the swap of certain Town-owned property located on Pugsley Road which is currently designated “open space” land for a parcel of property located on Starr Ridge Road which would be designated and dedicated as public open space; and

WHEREAS, before the Town Board may actively pursue the swap of designated open space property for other lands to be designated open space, the Town Board must seek and obtain the approval of the New York State Legislature *via* a Home Rule Request for Approval of Alienation of Parkland; and

WHEREAS, the Town Board held a duly noticed public hearing on February 13, 2020, to receive public comment in favor of and against the proposal to seek approval for the alienation of public open space property and invited written comments to be submitted after the close of the public hearing; and

WHEREAS, the Town Board has determined that the Project is a Type I action pursuant to the regulations promulgated pursuant to the State Environmental Quality Review Act (“SEQR”); and

WHEREAS, the Town Board has evaluated whether the proposed alienation of open space land in exchange for the dedication of other open space land may have a potential significant adverse environmental impact and, in connection with such evaluation, has prepared the State Environmental Quality Review Notice of Determination of Non-Significance, a copy of which is annexed hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED that:

(1) The Town Board determines that the application to the New York State Legislature seeking permission for the Alienation of Parkland is a Type I SEQR action.

(2) The Town Board determines, as more fully set forth in the attached State Environmental Quality Review Notice of Determination of Non-Significance, dated February 20, 2020, attached hereto and made a part hereof, and after due consideration of all documents, materials and public testimony, both oral and written, and after consideration of whether the proposed alienation of designated open space may result in a significant adverse impact on the environment, that no potential significant adverse impacts have been identified, and that there will be no adverse impact on historical resources.

This resolution was prepared in accordance with Article 8 of the Environmental Conservation Law.

ON A ROLL CALL VOTE:

Councilman Alvarez voting Aye
Councilman Larca voting Aye
Councilman Lord voting Nay
Councilman O'Connor voting Aye
Supervisor Hay voting Aye

VOTE: carried by a vote of 4 in favor, 1 against; 0 abstained.

SEQR

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Date: February 20, 2020

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Southeast Town Board as lead agency has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Alienation of Town Owned Parkland on Pugsley Road

SEQR Status: Type 1 T

Unlisted £

Conditioned Negative Declaration: £ Yes

T No

Description of Action:

The Town Board of the Town of Southeast (the "Town Board") proposes to trade 82.1 acres of public parkland located on Pugsley Road in the Town of Southeast to Proswing Sports Realty, Inc. ("Proswing") in exchange for 94.9 acres of property owned by Proswing located on Starr Ridge Road in the Town of Southeast.

Proswing contemplates future recreational development, as permitted by the Zoning Code of the Town of Southeast, on the Pugsley Road parcel. However, given the uncertainty of ownership, no specific development plans are set forth at this time. The Town of Southeast intends to acquire the Starr Ridge Road parcel for dedicated open space and parkland. Any future development on either parcel is speculative, has independent utility from the alienation of parkland and land transfer actions, and would be subject to compliance with the State Environmental Quality Review Act ("SEQRA").

The Town Board believes the Pugsley Road property, which is owned by the Town and is designated for open space, will serve a greater public benefit if it were owned and developed for recreational use by a private project sponsor.

Any conveyance of the Pugsley Road site shall be specifically conditioned upon such site being deed restricted to prohibit the site from being used for any purpose other than Recreation as may be defined by the Town of Southeast Zoning Code. Further, the Town Board believes the Starr Ridge Road site will serve a greater public benefit if it were acquired by the Town for preservation as permanent open space because Starr Ridge Road property is located

along a Scenic and Historic Route designated by the Town of Southeast (§ 83-5C of the Town Code and shown in Historic & Cultural Resources Figure 2-3 in the 2014 Comprehensive Plan Update) and has linkages to nearby open space/recreation land in Peach Lake Natural Area owned by the Putnam County Land Trust.

Location: Town-owned parkland on Pugsley Road, in the Town of Southeast, Putnam County, New York, known and designated Tax Map 45, Block 1, Lots 10, 11 & 5.3.

Reasons Supporting This Determination:

The following materials have been reviewed:

Full Environmental Assessment Form (EAF), dated January 29, 2020

Letter from Richard O'Rourke, with enclosures, to the Town Board dated February 3, 2020

Letter from Richard O'Rourke, with enclosures, to the Town Board dated February 13, 2020

In addition to the factors considered above, the Town Board considered the following guidance from the State Environmental Quality Review Act and its implementing regulations and determined that the Proposed Action would:

- (i) Not result in "a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;" (§617.7(c)(1)(i))
- (ii) Not result in "the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;" (§617.7(c)(1)(ii))
- (iii) Not result in "the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;" (§617.7(c)(1)(iii))
- (iv) Not result in "the creation of a material conflict with a community's current plans or goals as officially approved or adopted;" (§617.7(c)(1)(iv))
- (v) Not result in "the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;" (§617.7(c)(1)(v))
- (vi) Not result in "a major change in the use of either the quantity or type of energy;" (§617.7(c)(1)(vi))
- (vii) Not result in "the creation of a hazard to human health;" (§617.7(c)(1)(vii))
- (viii) Not result in "a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;" (§617.7(c)(1)(viii))
- (ix) Not result in "the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;" (§617.7(c)(1)(ix))
- (x) Not result in "the creation of a material demand for other actions that would result in one of the above consequences;" (§617.7(c)(1)(x))
- (xi) Not result in "changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or" (§617.7(c)(1)(xi))
- (xii) Not result in "two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision." (§617.7(c)(1)(xii))

In conclusion, the Proposed Action will not have any significant adverse environmental impacts.

For Further Information:

Contact Person: Michele Stancati, Town Clerk

Address: Town of Southeast Town Hall

1360 Route 22

Brewster, NY 10509

Telephone Number: (845) 279-4313

A Copy of this Notice has been filed with:

Hon. Tony Hay, Supervisor, Town of Southeast

Michele Stancati, Town Clerk, Town of Southeast

Putnam County Department of Planning/Development & Public Transportation, 841 Fair Street, Carmel, NY 10512

**RESOLUTION No. 12 / 2020 REQUESTING THE NEW YORK STATE LEGISLATURE
INTRODUCE HOME RULE LEGISLATION TO AUTHORIZE THE DISCONTINUANCE
AND ALIENATION OF PARKLAND LOCATED ON PUGSLEY ROAD**

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

WHEREAS, the Town Board of the Town of Southeast (the “Town Board”) requests authorization to sell public parkland located on Pugsley Road in the Town of Southeast, Putnam County to Proswing Sports Realty, Inc. for future development as permitted by the Zoning Code of the Town of Southeast; and

WHEREAS, in exchange, the Town Board shall acquire and dedicate property owned by Proswing Sports Realty, Inc. located on Starr Ridge Road as parkland; and

WHEREAS, the proposed sale and transfer of property requires parkland alienation legislation by the New York State Legislature and compliance with the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Town Board of the Town of Southeast has carefully considered the potential environmental impacts related to the alienation of public parkland on Pugsley Road, acquisition of the Starr Ridge Road property by the Town and the sale of Pugsley Road property by the Town (the “Proposed Action”); and

WHEREAS, after conducting a public hearing and other public meetings on the subject, the Town Board has confirmed that the Proposed Action will not result in any significant adverse environmental impacts and, as such, has issued a Negative Declaration pursuant to the requirements of SEQRA; and

WHEREAS, the Town Board believes the Pugsley Road site, which is owned by the Town and is designated for open space, will serve a greater public benefit if it were owned and developed for recreational use by a private project sponsor; and

WHEREAS, the Town Board also believes the Starr Ridge Road site will serve a greater public benefit if it were acquired by the Town for preservation as permanent open space because Starr Ridge Road property is located along a Scenic and Historic Route designated by the Town of Southeast (§ 83-5C of the Town Code and shown in Historic & Cultural Resources Figure 2-3 in the 2014 Comprehensive Plan Update) and has linkages to nearby open space/recreation land in Peach Lake Natural Area owned by the Putnam County Land Trust; and

WHEREAS, a transfer of the Pugsley Road site for the Starr Ridge Road site, is only possible after legislative approval of the alienation of the Pugsley Road site; and

WHEREAS, to assist Members of the New York State Senate and Assembly who will be sponsoring legislation authorizing the alienation and the Office of Parks, Recreation and Historic Preservation, the Town Board has prepared the Parkland Alienation Form Municipal Information attached hereto as Exhibit “A.”

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southeast hereby requests the New York State Legislature introduce Home Rule Legislation to authorize the Town Board to alienate a portion of Town-owned parkland on Pugsley Road, known and designated Tax Map 45, Block 1, Lots 10 & 11; and

BE IT FURTHER RESOLVED, that if such alienation is approved by the New York State Legislature, any conveyance of the Pugsley Road site shall be specifically conditioned upon such site being deed restricted to prohibit the site from being used for any purpose other than Recreation as may be defined by the Town of Southeast Zoning Code; and

BE IT FURTHER RESOLVED, the Supervisor of the Town of Southeast, or a duly authorized representative, is hereby empowered and directed to execute any and all documents, agreements, or other papers as may be necessary to implement the intent and purpose of this Resolution; and

BE IT FURTHER RESOLVED, the Clerk of the Town of Southeast, in conjunction with any other duly authorized representatives, is hereby directed to send certified copies of this Resolution and all supporting documentation to the New York State and Assembly Home Rule offices of Senator Pete Harkham and Assemblyman Kevin Byrne.

Councilman Lord made a motion to amend the resolution to add that if such alienation is approved by the New York State Legislature, the final decision on the sale, swap of the properties, will be presented to the residents of the Town of Southeast for approval as a ballot measure. There was no second, the motion failed.

UPON ROLL CALL VOTE:

Councilman Alvarez	<u>Aye</u>
Councilman Larca	<u>Aye</u>
Councilman Lord	<u>Nay</u>
Councilman O'Connor	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

VOTE: carried by a vote of 4 in favor, 1 against; 0 abstained.

RESOLUTION NO. 13 / 2020 DYKEMAN'S CORPORATE PARK 425 ROUTE 312
ARCHITECTURAL REVIEW BOARD

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

WHEREAS, the Town Board is in receipt of a Report of the Architectural Review Board ("ARB") of the Town Southeast dated January 29, 2020 in connection with the application of DYKEMAN'S CORPORATE PARK., which seeks amended site plan approval which includes

construction of a 26,840 square foot commercial building on a 55 acre lot located 425 Route 312, Tax Map ID 45.-2-35; and

WHEREAS, the Report concludes that the ARB positively recommends the project to the Town Board as proposed; and

WHEREAS, the Town Board finds that there is no reason to upset the findings and recommendation of the Architectural Review Board in connection with the instant application,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts and approves the Report of the Architectural Review Board dated January 29, 2019 in connection with the application of DYKEMAN'S CORPORATE PARK., which seeks amended site plan approval which includes construction of a 26,840 square foot commercial building on a 55 acre lot located 425 Route 312, Tax Map ID 45.-2-35, a copy of which is annexed hereto and made part hereof, and that such Report shall be incorporated in any final Site Plan subsequently reviewed and approved for this project by the Planning Board.

UPON ROLL CALL VOTE:

Councilman Alvarez Aye
Councilman Larca Aye
Councilman Lord Aye
Councilman O'Connor Aye
Supervisor Hay Aye

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

RESOLUTION NO. 14 / 2020 SPECIAL PERMIT REQUEST 4005 DANBURY ROAD COMFORTING CARE VETERINARY SERVICES

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Larca

WHEREAS, COMFORTING CARE VETERINARY SERVICES, tenant of a portion of premises located at 4005 Danbury Road, Tax Map No. 69.-1-12, (the "Subject Premises") has made application to this Town Board for a Special Permit to allow approximately 1,000 square feet of the Premises to be used for a veterinary practice specializing in acupuncture and end of life care for domestic cats and dogs; and

WHEREAS, the Subject Premises are located in an SR-6 zone; and

WHEREAS, veterinary care uses are only permitted in an SR-6 zone upon the grant of a Special Permit by the Town Board; and

WHEREAS, the Town Board is in receipt of a report and recommendation from the Southeast Planning Board wherein the Planning Board has recommended the grant of the Special Permit and has found that the proposal of COMFORTING CARE VETERINARY SERVICES is in general compliance with the applicable general and special standards of Article X of Chapter 138 of the Town Code; and

WHEREAS, the Planning Board, as Lead Agency for purposes of State Environmental Quality Review Act (“SEQRA”) and has adopted a Negative Declaration indicating that the project is not likely to adversely affect the environment; and

WHEREAS, a public hearing was held by the Town Board in connection with this application and all interested parties have been given an adequate opportunity to be heard in this regard,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby makes the following findings of fact in connection with the instant application:

1. The proposed use is in such location and is a size and character that it will be in harmony with the appropriate and orderly development of the surrounding district and will not be detrimental to the immediate site or adjacent properties;
2. The location and size of the proposed use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout, and its relation to access streets will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous;
3. The exterior appearance of the building will not hinder or discourage the development and use of adjacent land and buildings; and
4. The proposed use will not require such additional public facilities or services or create fiscal burdens upon the Town greater than those which characterize uses permitted as of right.

AND BE IT FURTHER

RESOLVED, that based upon the foregoing findings, the Town Board of the Town of Southeast hereby grants a Special Use Permit to allow an approximate 1000 square foot portion of the multi-tenant premises located at 4005 Danbury Road, Tax Map No. 69.-1-12, to be occupied by COMFORTING CARE VETERINARY SERVICES, its lawful successors and assigns, for veterinary practice specializing in acupuncture and end of life care for domestic cats and dogs, on the following conditions:

1. The applicant and its tenant shall operate the facility in compliance with all conditions set forth in Article X of the Zoning Code;
2. The veterinary practice shall be contained within approximately 1000 square feet of the multi-tenant structure; and
3. There shall be no overnight board or harboring of animals on the Subject Premises and there shall be no outdoor runs or other cages on the Subject Premises.

And be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to COMFORTING CARE VETERINARY SERVICES; to the owner of record of the Subject Premises; to the Secretary of the Town of Southeast Planning Board; and to the Southeast Building Department, forthwith.

UPON A ROLL CALL VOTE:

Councilman Alvarez	<u>Aye</u>
Councilman Larca	<u>Aye</u>
Councilman Lord	<u>Aye</u>
Councilman O'Connor	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

RESOLUTION NO. 15 / 2020 SALSA FRESCA – 1577 ROUTE 22 BOND ESTABLISHMENT

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

WHEREAS, the Town Board of the Town of Southeast is in receipt of a report and recommendation from the Town Engineer dated February 10, 2020 with respect to the Performance Security to be posted by Salsa Fresca Commercial Site Plan (“Applicant”), in connection with erosion and sediment control measures for the commercial development on property located at 1577 Route 22, Southeast Tax Map No. 46.-1-16.1 (the “Subject Premises”).

NOW, THEREFORE, BE IT

RESOLVED, that the bond amount is hereby established for the project set forth below:

<u>PROJECT NAME:</u>	<u>BOND AMOUNT:</u>	
Salsa Fresca Commercial Site Plan	Site Improvements:	\$84,400.00
	Erosion/Sediment Control:	\$10,000.00

and be it further

RESOLVED, that a certified copy of this resolution shall be transmitted by the Town Clerk to the Applicant, Planning Board Secretary and Building Inspector forthwith.

UPON A ROLL CALL VOTE:

Councilman Alvarez	<u>Aye</u>
Councilman Larca	<u>Aye</u>
Councilman Lord	<u>Aye</u>
Councilman O'Connor	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

BUDGET TRANSFERS

Supervisor Hay made a motion to approve the Budget Transfers and Councilman Lord seconded. All in favor.

PUBLIC COMMENT

Ann Fanizzi asked about the resolution of no environmental impact and wanted to know when the Town Board determined that it was a type one action? Town Attorney Stephens stated Ms. Ley made the recommendation to the Town Board.

Ms. Ley stated that a type one action has the potential to have an impact, but doesn't mean that it will. There are no physical improvements being done at this time. If it is approved by the state, that's when the full process takes place.

Ms. Fanizzi asked about the Home Rule Resolution, Special Permits and Conditional use permits, and the R60 zone and it's uses. Supervisor Hay stated right now we are dealing with nothing but finding out if we can do a swap. Ms. Fanizzi stated she thinks Pugsley road should be designated a scenic road. Supervisor Hay suggested that Ms. Fanizzi put in an application to the Historic Sites Committee.

TOWN BOARD COMMENT

Councilman O'Connor stated that as of March 1st, there will be a ban on plastic bags in NY State. You will have to bring your own reusable bags to the Supermarket. There is information on the NYSDEC website and will be on the Town website at townofsoutheast-ny.gov.

Councilman Lord stated that he attended a Village Meeting and they have a couple of events coming up. April 10th will be a Good Friday Parade up to St. Lawrence O'Toole, and June 6th the Cultural Arts Center is having their music festival from 12 noon to 7 PM.

Supervisor Hay reminded everyone to make sure their house numbers are visible for 911 purposes. He also stated that our false alarms reports have gone down considerably. Also, sign up for Town Notifications at the Town website. The Supervisor had a meeting with the MTA about their plans for the next 20 years going forward. They have some big plans and they're posted on our Town website.

Councilman Alvarez made a motion to close the meeting and Councilman O'Connor seconded. All in favor.

Respectfully Submitted,

Michele Stancati
Southeast Town Clerk

