

Victoria Desidero

From: Tony Hay <tonyhayusmc@gmail.com>
Sent: Thursday, March 05, 2020 7:15 AM
To: Town Board; Victoria Desidero
Cc: Chris DuBois
Subject: Fwd: Town of Southeast Alienation of land
Attachments: 20200304172703.pdf

Victoria,

Please call me on this when you receive this email. Thanks Tony

----- Forwarded message -----

From: **O'Rourke, Richard L.** <RO'Rourke@kblaw.com>

Date: Wed, Mar 4, 2020 at 6:12 PM

Subject: Town of Southeast Alienation of land

To: covuccim@nyassembly.gov <covuccim@nyassembly.gov>, brundaget@nyassembly.gov <brundaget@nyassembly.gov>

Cc: ByrneK@nyassembly.gov <ByrneK@nyassembly.gov>, harckham@nysenate.gov <harckham@nysenate.gov>, jjhd83@aol.com, jjhd83@aol.com, John Carl Barone <johnbarone@yahoo.com>, dan@proswingbaseball.com

<dan@proswingbaseball.com>, keith@insite-eng.com, Kathleen.Callagher@insite-eng.com, Watson John P. E. Insite Engineering <jwatson@insite-eng.com> <jwatson@insite-eng.com>, Fred Wells <fwells@kedarchitects.com>, Walter Hauser <whauser@kedarchitects.com>, tonyhayusmc@gmail.com <tonyhayusmc@gmail.com>, Patricia Simone Putnam County - Putnam County Executive's Office (Patricia.Simone@putnamcountyny.gov) <Patricia.Simone@putnamcountyny.gov>, pyonkster@aol.com, pyonkster@aol.com, joastellano17@gmail.com <joastellano17@gmail.com>

Gentlemen,

Just following up and keeping you posted. As required by the State Environmental Quality Review Act (SEQRA) the Notice below was published today in the ENB regarding the proposed alienation. In addition, I attach the Approvals by the Town Planning Board (SEQRA Neg Dec and Final Plat Approval) creating the lot on Starr Ridge (94.9 acres) which is proposed to be conveyed/exchanged for the Town's conveyance of the 81.7 acres on Pugsley. I believe the only other information you requested was a Metes and Bounds description and survey of the Pugsley Road property, and we anticipate getting that to you by the end of the week.

I have been unsuccessful in reaching Greg Meyer on his cell phone; his mail box is full so I can't leave a message. I did leave a voicemail at the Peekskill and Albany offices of the Senator, and his office was copied on my correspondence to the Town Board of Southeast dated February 13th & 19th. I will call the Senator's offices again tomorrow. Senator Harckham was copied on my correspondence. Please let me know what additional information, if any is needed by those drafting the Bill.

Thank you for your assistance. Rick

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ENB - Region 3 Notices 3/4/2020

Negative Declaration

Putnam County - The Town of Southeast Town Board, as lead agency, has determined that the proposed Alienation of Town Owned Parkland on Pugsley Road will not have a significant adverse environmental impact. The action involves a proposal by the Town of Southeast to trade 82.1 acres of public parkland located on Pugsley Road to Proswing Sports Realty, Inc.(Proswing) in exchange for 94.9 acres of property owned by Proswing located on Starr Ridge Road. Proswing contemplates future recreational development, as permitted by the Zoning Code, on the Pugsley Road parcel. The Town Board believes the Pugsley Road property, which is Town owned designated 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 defined by the 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 Town designated Scenic and Historic Route. 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 SEQRA. The project is located on Pugsley Road in the Town of Southeast, New York.

Contact: Michele Stancati, Town of Southeast, 1360 Route 22, Brewster, NY 10509, Phone: (845) 279-4399, E-mail: mstancati@southeast-ny.gov.

Richard L. O'Rourke
Principal Member

KEANE & BEANE P.C.
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445 Hamilton Avenue, Suite 1500
White Plains, NY 10601
(914) 946-4777 Ext: 327
(914) 946-6868 (Fax)
ro'rourke@kblaw.com
www.kblaw.com

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 Please consider the environment before printing this email message.

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Tony Hay

Supervisor, Town of Southeast

1360 Route 22, Brewster, NY 10509

(845) 279-5345 (O)

(845) 278-2453 (F)

tonyhayusmc@gmail.com

thay@southeast-ny.gov

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**PLANNING BOARD
TOWN OF SOUTHEAST, NEW YORK
RESOLUTION TO DECLARE LEAD AGENCY**

INTRODUCED BY: *LaPerch*

DATE: February 24, 2020

SECONDED BY: *Armstrong*

WHEREAS, the Planning Board of the Town of Southeast is in receipt of an application for a subdivision and other supporting documents for a project entitled **PROSWING STARR RIDGE**; and

WHEREAS, the proposed project is located at 273 Starr Ridge Road in the R-160 Zoning District in the Town of Southeast and identified as Tax Map ID 79.-1-10.1; and

WHEREAS, the applicant proposes to subdivide an existing 102.7-acre parcel into two lots. Lot A (94.9-acres) would remain vacant. Lot B (7.8-acres) would contain the existing single-family dwelling and pool. No new construction, disturbance or use is proposed; and

WHEREAS the Planning Board scheduled a public hearing on the proposed subdivision for 2/24/20; and

WHEREAS, the Planning Board declared its Intent to be Lead Agency for the project on 1/13/20; and

WHEREAS, pursuant to §617.6(b)(3) of the State Environmental Quality Review Act (SEQRA), the aforementioned information was mailed to all involved agencies, notifying them that a Lead Agency must be agreed upon within thirty (30) days of the date that the aforementioned information was mailed, and

NOW, THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Southeast will serve as Lead Agency for purposes of SEQRA for this Unlisted and Coordinated Action.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman

yes

D. Rush, Vice Chairman

yes

D. Armstrong, Boardmember

yes

E. Cyprus, Boardmember

yes

M. Hecht, Boardmember

absent

J. King, Boardmember

yes

L. Eckardt, Boardmember

absent

The resolution was *passed* by a vote of *5* to *0*, with *2* absent.

T. LaPerch

T. LaPerch, Chairman
Southeast Planning Board */vnd*

State Environmental Quality Review
NEGATIVE DECLARATION
 Notice of Determination of Non-Significance

Date: February 24, 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 Planning Board as Lead Agency has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action: PROSWING STARR RIDGE SUBDIVISION

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

Applicant proposes to subdivide an existing 102.7-acre parcel into two lots. Lot A (94.9-acres) would remain vacant. Lot B (7.8-acres) would contain the existing single-family dwelling and pool. No new construction, disturbance, or use is proposed. The Proposed Project requires a subdivision approval from the Planning Board.

Location: 273 Starr Ridge Road, Tax Map ID 79.-1-10.1

Reasons Supporting This Determination:

The following materials have been reviewed:

- Aerial Figure, prepared by Insite Engineering, dated 12/20/19
- Full Environmental Assessment Form, prepared by Insite Engineering, dated 12/20/19
- Memorandum to Secretary Desidero from NYC Department of Environmental Protection, dated 2/7/20
- Memorandum to Chairman LaPerch from Insite Engineering, dated 2/3/20
- Final Subdivision Plan prepared for ProSwing by Terry Bergendorff Collins, dated 1/29/20

WHEREAS, on 1/13/20, the Planning Board classified the proposed action as an Unlisted action and circulated its intent to serve as Lead Agency in a coordinated review of the project, to which no other agency has objected; and

WHEREAS, the Planning Board held a publically noticed meeting on 2/24/20, at which time members of the public were given the opportunity to comment on the proposed project; and

WHEREAS, the Planning Board has reviewed the full Environmental Assessment Form (EAF) and has thoroughly analyzed the information concerning relevant areas of environmental concern both submitted by the applicant and gather by the Planning Board through its consultants and the public; and

WHEREAS, in addition to the factors considered above, the Planning 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)(iii))
- (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))

NOW, THEREFORE BE IT RESOLVED that the Planning Board of the Town of Southeast, acting as Lead Agency, and having reviewed the EAF and all supplementary information, has determined that the proposed action will not have a significant effect on the environment and a Draft Environmental Impact Statement will not need to be prepared.

For Further Information:

Contact Person: Victoria Desidero
 Address: Town of Southeast Planning Department
 One Main Street
 Brewster, NY 10509
 Telephone Number: (845) 279-7736

A Copy of this Notice has been filed with:

INVOLVED/INTERESTED AGENCY	
Putnam County Department of Health 1 Geneva Road Brewster, New York 10509	Town Clerk 1360 Route 22 Brewster, NY 10509

SEQR Unit New York State Department of Transportation Traffic Engineering & Safety Division 4 Burnett Blvd. Poughkeepsie, NY 12603	Building Inspector 1 Main Street Brewster, NY 10509
New York State Department of Environmental Conservation 625 Broadway Albany, NY 12233 ATTN: Commissioner	E-911 Coordinator / Assessor 1360 Route 22 Brewster, NY 10509
New York State Department of Environmental Conservation Region 3 21 South Putt Corners New Paltz, NY 12561 ATTN: Regional Director	New York City Department of Environmental Protection Bureau of Water Supply 465 Columbus Avenue Valhalla, New York 10595-1336
Putnam County Department of Planning/Development & Public Transportation Putnam County Transit Facility 2 Route 164 Patterson, New York 12563	

UPON ROLL CALL VOTE:

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
D. Armstrong, Boardmember	<u>yes</u>	E. Cyprus, Boardmember	<u>yes</u>
M. Hecht, Boardmember	<u>absent</u>	J. King, Boardmember	<u>yes</u>
L. Eckardt, Boardmember	<u>absent</u>		

The resolution was passed by a vote of 5 to 0, with 2 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

**TOWN OF SOUTHEAST, NY
RESOLUTION
FINAL PLAT APPROVAL**

INTRODUCED BY: *LaPerch* DATE: February 24, 2020

SECONDED BY: *King*

WHEREAS, PROSWING as the Applicant/Owner of certain properties located 273 Starr Ridge Road in the Town of Southeast and known and designated as Tax Map Number 79.-1-10.1 has submitted an application for Final Plat approval for a proposal to subdivide an existing 102.7-acre parcel into two lots. Lot A (94.9-acres) would remain vacant. Lot B (7.8-acres) would contain the existing single-family dwelling and pool. No new construction, disturbance, or use is proposed (the "Proposed Project"); and,

WHEREAS, the Applicant submitted an application for Final Plat approval on 2/3/20; and,

WHEREAS, the Southeast Planning Board (the "Planning Board") is in receipt of the following drawings, related to the subdivision application:

- Aerial Figure, prepared by Insite Engineering, dated 12/20/19
 - Full Environmental Assessment Form, prepared by Insite Engineering, dated 12/20/19
 - Memorandum to Secretary Desidero from NYC Department of Environmental Protection, dated 2/7/20
 - Memorandum to Chairman LaPerch from Insite Engineering, dated 2/3/20
 - Final Subdivision Plan prepared for ProSwing by Terry Bergendorff Collins, dated 1/29/20
- ; and,

WHEREAS, the Planning Board has reviewed said drawings in addition to reports and correspondence filed with those drawings and has caused the same to be reviewed by its consultants; and,

WHEREAS, the Planning Board has determined on the basis of its own review and the review comments received from its consultants that the drawings and reports and other information submitted by the applicant are in substantial compliance with Chapter 123, "Subdivision of Land," (specifically §123-13.C and §123-31) and Chapter 138, "Zoning," of the Town of Southeast Code; and,

WHEREAS, pursuant to §123-13.D, the Planning Board referred the complete application to the Putnam County Division of Planning and Development on 1/13/20 for its review under §239-n of Article 12-B of the General Municipal Law; and,

WHEREAS, all of the modifications referred to above shall have the effect of (1) improving overall design and layout of the subdivision; and/or (2) further minimizing any potential environmental impacts; and,

WHEREAS, the Planning Board is in receipt of the following information relative to approvals from outside agencies:

Board/Agency	Resolution/Report	Date
Town Board	Wetland Permit	n/a
Town Board	Special Permit	n/a
Town Board	Architecture Approval	n/a
Architecture Review Board	Referral to Town Board	n/a
Zoning Board of Appeals	Variance(s)	n/a
New York City Department of Environmental Protection	Letter of Complete Application	n/a
Putnam County Department of Health	Approval of Wastewater Treatment System	n/a

WHEREAS, the Planning Board, in its resolution approving the Preliminary Plat, has confirmed that the requirements of the State Environmental Quality Review Act (SEQRA) have been met and that proposed mitigation measures will avoid significant adverse environmental impacts to the maximum extent practicable; and,

NOW, THEREFORE, be it **RESOLVED**, that pursuant to the authority vested in the Planning Board by Chapter 123, "Subdivision of Land," of the Town Code, the Planning Board hereby grants Final Plat approval for the Proposed Action, as defined above.

General Conditions

1. The Applicant must conform to all the rules, regulations, and ordinances of the Town of Southeast, County of Putnam, and State of New York.
2. The Applicant is hereby bound by any statements offering modifications, improvements, or offerings to the Town of Southeast made by itself or its representatives in relation to approval of the Proposed Project.
3. The approved plat and all associated plans and drawings shall serve as the record of all approved improvements.
4. The Applicant shall submit revised Final Plat drawings for the signature of the duly authorized officer of the Planning Board within one-hundred and eighty (180) days of the date of this Final Approval (§123-13.G(2)) to show compliance with all conditions of this approval.
5. Prior to submission of the Final Plat for the signature of the duly authorized officer of the Planning Board the Applicant shall obtain final approval of all street names from the Town Board (§123-35.E) and Town Tax Assessor (§54-A.4).
6. Prior to submission of the Final Plat for the signature of the duly authorized officer of the Planning Board the Applicant shall first obtain the required signatures of the Putnam County Department of Health on the Final Plat.
7. All changes or modifications to the Final Plat made in response to compliance with the conditions of this Final Approval shall be reviewed by the Town Engineer who may require the Applicant to present such changes to the Planning Board prior to having the Final Plat signed by

the duly authorized officer of the Planning Board if such changes constitute a substantial alteration to the Final Plat.

8. The Applicant shall file the signed approved Final Plat with the County Clerk within sixty (60) days of the date upon which the Final Plat was signed by the duly authorized officer of the Planning Board or the Final Plat shall be considered null and void (see §123-13.J). The Applicant shall provide the Town of Southeast with five (5) copies of the filed plat.

9. The Applicant shall provide any and all deed easements and road dedications, as noted on the subdivision drawings and where applicable, to the satisfaction and approval of the Town Attorney prior to filing of the Final Plat (see §123-13.H(2)) with the County Clerk.

10. The Final Plat may be submitted in sections (pursuant to §123-13.I) and the Town Engineer shall review such sections to ensure the orderly development of the subdivision. All conditions within this approval, as well as any other permit or approval from a separate agency, shall apply to any and all subdivision sections filed for the Proposed Project.

Financial & Legal Considerations

1. The Applicant shall pay a recreation fee in the amount of \$7,500 based upon a \$7,500 per lot fee as set by the Town Board of the Town of Southeast.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
D. Armstrong, Boardmember	<u>yes</u>	E. Cyprus, Boardmember	<u>yes</u>
M. Hecht, Boardmember	<u>absent</u>	J. King, Boardmember	<u>yes</u>
L. Eckardt, Boardmember	<u>absent</u>		

The resolution was passed by a vote of 5 to 0, with 2 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board