

TOWN OF SOUTHEAST
1360 Route 22, Brewster, New York 10509
Thursday September 8, 2016
WORK SESSION / REGULAR MEETING 7:00 P.M.

Notation of Exits
Pledge of Allegiance

Present: Supervisor Tony Hay
Councilwoman Elizabeth Hudak
Councilwoman Lynne Eckardt
Councilman Robert Cullen
Councilman Edwin Alvarez

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

And: 22 Persons

PRESENTATION

Supervisor Hay made a motion to open the meeting and Councilwoman Eckardt seconded. All in favor.

Putnam County

There was no one from the County in attendance and the presentation wasn't made.

PUBLIC HEARING

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

Section 131-20 Town Code – Parking Prohibited During Certain Hours

Supervisor Hay explained that it has come to his attention that the commuter parking lots at 67 Main St. and the Southeast Train Station have a no parking clause in the Town Code between 3 am and 6 am. The Supervisor is recommending removing that clause because it's not enforceable and not fair to the permit holders who work over night and leave their cars there. Town Attorney Stephens explained that it was originally put in to make it easier for the Highway Department in storm events.

There was no Town Board or Public Comment.

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

WORK SESSION

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

Barrett Hill

Town Planner Ashley Ley advised the public that at the Planning Board meeting on August 22, 2016, the Planning Board issued a report and some recommendations for the Barrett Hill project. The applicant was supportive of the changes and two options of a draft of the Local Law is provided for discussion.

Councilman Alvarez stated that the recommendations were good ones. Two points he wanted to make was on the suggestion that there be 2 people per bedroom, can we truly enforce that? He also wanted to ask Ms. Ley and the Boards opinion on whether the Town Board should be involved in the approval of the management company.

Ms. Ley stated that the occupancy numbers suggested are the same as the Westchester County ordinance and the management company would be the ones to enforce the limit of people per apartment. She also feels it's important to approve a management company.

Councilwoman Eckardt stated she has a problem with a maximum of 5 people per apartment because that could mean more children in the school district and some of the bedrooms could be as small as 750 sq. ft. Councilwoman Eckardt asked about the "ect..." after the preference group in the document and Ms. Ley stated that it's still open ended. It should be established in the Community Benefits package. Councilwoman Eckardt also felt that the Town Board should set the recreation fees.

Councilwoman Hudak asked what the difference was and Ms. Ley stated that the fees are usually set according to the amenities on the site plan by the Planning Board. If we change the fees to be set by the Town Board then the wording should read special permit instead of site plan. Councilwoman Hudak also asked what the difference between Option 1 and Option 2 are and thought they should discuss it.

Supervisor Hay asked if the 33 priority units will remain at that number and Ms. Hahn stated yes. Ms. Ley stated that it will be in the Community Benefits package. He also expressed that for a recreation fee, instead of donating land, the fee in money would be better. Councilwoman Eckardt agreed. Supervisor Hay also suggested that the developer check the room sizes and comply with NY State laws.

When asked what the difference between Option 1 and Option 2 is Ms. Hahn stated that the difference is whether the affordable housing is tied into the priority list or not.

Brewster Public Library – Expansion Referendum

Library Director Gina Loprinzo told the Town Board that the library is looking to expand and improve their services to the community. They are asking for the town to bond a 2.6 million dollar project and put it out to the public in a permissive referendum. The Supervisor explained that it

won't make the November 2016 ballot and that he is not in favor of a special election. He also stated that if the Town Bonds the money, it will exceed the tax cap. Councilwoman Eckardt suggested that they look at Studio around the Corner to share space and look into applying for grants.

REGULAR MEETING

Supervisor Hay made a motion to open the Regular Meeting and Councilwoman Hudak seconded. All in favor.

RESOLUTION NO. 62 / 2016 – BARRETT HILL SEQRA DETERMINATION

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilwoman Hudak

SEQR

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

Date: September 8, 2016

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 Impact Statement will not be prepared.

Name of Action: Barrett Hill

SEQR Status: Type 1 T
Unlisted £

Conditioned Negative Declaration: £ Yes
T No

Description of Action:

The applicant proposes an amendment to the Town of Southeast Zoning Code to permit the conversion of 168 senior housing units approved in 2006 as "Barrett Hill," located on Mount Ebo Lot 6, a +/- 29 acre parcel in the OP-2 Zoning District, to non-age restricted units. The proposed unit mix includes 64 1-bedroom and 104 2-bedroom units. The total area of disturbance is approximately 11.4 acres. On-site recreational amenities, including a pool and athletic center, and parking for 336 vehicles are also proposed. The population of the proposed project is anticipated to be 349 persons, including 33 school-aged children, of which 26 are projected to be in public school. As part of the proposed action, the

applicant proposes a new “Multifamily Work Force Housing District” and associated special permit criteria be established as a floating zoning district that could be mapped to the project site. The proposed action requires the following Town of Southeast approvals: Town Board: Zoning Text and Map Amendment, and Special Permit; Planning Board Amended Site Plan Approval; and Architecture Review Board Report and Recommendation to the Town Board.

Location:

41 Mt. Ebo Road North, Brewster, NY 10509 (Tax Map Number 46-5-2).

Reasons Supporting This Determination:

The following materials have been reviewed:

1. Expanded Environmental Assessment (EAF) and Supplemental Studies, prepared by LADA, PC, and Tim Miller Associates, Inc., dated July 15, 2016;
2. Amended Zoning Petition, prepared by Keane and Beane, P.C., dated July 15, 2016;
3. Limited Traffic Impact and Access Study, prepared by Frederick P. Clark Associates, dated May 6, 2016;
4. Letter from Barbara Barosa, AICP, Putnam County Department of Planning, Development, and Public Transportation, to Supervisor Hay, dated September 23, 2015;
5. Letter from John Tully, Acting Commissioner, Putnam County Department of Planning, Development, and Public Transportation, to Supervisor Hay, dated October 15, 2016;
6. Letter from Barbara Barosa, AICP, Putnam County Department of Planning, Development, and Public Transportation, to Supervisor Hay, dated August 16, 2016;
7. Letter from Cythina Garcia, NYCDEP, dated October 14, 2015;
8. E-mail from Cythnia Garcia, NYCDEP, to Supervisor Hay, dated August 18, 2016;
9. Letter from Mary McCullough, NYSDOT, to Supervisor Hay, dated September 22, 2015;
10. Letter from the Town of Southeast Planning Board to the Town Board, dated August 22, 2016;
11. Memorandums from AKRF, Inc. to the Town Board dated April 21, 2015; May 18, 2015; May 20, 2015; August 31, 2015; June 6, 2016; and June 28, 2016;
12. Letter from Nathan L. Jacobson & Associates, Inc. to the Town Board dated August 28, 2015; and
13. Letter from Stephen W. Coleman Environmental Consulting to the Town Board dated August 29, 2015.

The Town of Southeast Town Board declared its Intent to be Lead Agency on September 3, 2015. The Town of Southeast Planning Board contested this declaration and declared its intent to be Lead Agency on September 28, 2015. On February 11, 2016, Basil Seggos, Acting Commissioner, NYSDEC issued a determination of Lead Agency Under Article 8 of the Environmental Conservation Law finding that the Town Board should serve as Lead Agency;

The Town Board held publically noticed meetings on: April 23, 2015; May 21, 2015; October 1, 2015; June 9, 2016; July 7, 2016; and a public hearing on August 18, 2016, at which time members of the public were given the opportunity to comment on the proposed project and zoning petition. The Town Board has considered comments from the Involved and Interested Agencies, and members of the public with regards to this application.

The Town Board has considered the goals and objectives of the Town of Southeast Comprehensive Plan, as well as the surrounding land uses, both adjacent to, and in close proximity to the site.

A Limited Updated Traffic Impact and Access Study (LTIAS) was prepared by the applicant and has been reviewed by the Town Board and its consultants. The LTIAS identified one “notable increase in delay” of 14 seconds from No Build to Build conditions, with a decline in Level of Service (LOS) from E to F for the northbound Mount Ebo Road South left turn/through movement at Doansburg Road during the afternoon peak hour. Although a peak hour warrant analysis shows that traffic volumes at this intersection would not meet the peak hour warrant for a traffic signal, as a condition of Special Permit Approval, the Applicant will be required to deposit \$10,000 in escrow for post-construction monitoring of this intersection to determine if mitigation (e.g., traffic signal) is needed.

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)(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 Town Board of the Town of Southeast, acting as Lead Agency, and having reviewed the Expanded Environmental Assessment Form 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: Michele Stancati, Town Clerk

Address: Town of Southeast
1360 NYS 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, 1360 Route 22, Brewster, NY 10509
- Highway Superintendent, 10 Palmer Road, Brewster, NY 10509
- Town of Southeast Architecture Review Board, 1 Main Street, Brewster, NY 10509
- Town of Southeast Building Inspector, 1 Main Street, Brewster, NY 10509
- Town of Southeast Fire Inspector, 1 Main Street, Brewster, NY 10509
- Town of Southeast Planning Board, 1 Main Street, Brewster, NY 10509
- Town of Southeast Zoning Board of Appeals, 1 Main Street, Brewster, NY 10509
- Brewster Central School District, Timothy J. Conway, Ed.D., Superintendent of Schools, 30 Farm to Market Road, Brewster, NY 10509
- Putnam County Division of Planning and Economic Development, 841 Fair Street, Carmel, NY 10512
- Putnam County Department of Health, 1 Geneva Road, Brewster, New York 10509
- New York City Department of Environmental Protection, Bureau of Water Supply, 465 Columbus Avenue, Valhalla, New York 10595-1336
- SEQR Unit, New York State Department of Transportation, Traffic Engineering & Safety Division, 4 Burnett Blvd., Poughkeepsie, NY 12603
- Commissioner, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-1011
- Regional Director, New York State Department of Environmental Conservation, Region 3, 21 South Putt Corners Road, New Paltz, NY 12561-1696
- Environmental Notice Bulletin

UPON ROLL CALL VOTE:

Councilman Alvarez	Aye
Councilman Cullen	_____
	Aye

Councilwoman Eckardt	_____
	Nay
Councilwoman Hudak	_____
	Aye
Supervisor Hay	_____
	Nay

VOTE: carried by a vote of 3 in favor, 2 against; 0 abstained.

MOTION TO SET PUBLIC HEARING TO ESTABLISH MULTIFAMILY WORK FORCE HOUSING DISTRICT

Supervisor Hay made a motion to set a Public Hearing to Establish a Multifamily Work Force Housing District on Thursday September 22, 2016, at 1360 Route 22, Brewster, NY at 7:00 PM. Councilwoman Hudak seconded. All in favor.

MOTION TO SET PUBLIC HEARING TO MAP MULTIFAMILY WORK FORCE HOUSING DISTRICT

Supervisor Hay made a motion to set a Public Hearing to Map the Multifamily Work Force Housing District on Thursday September 22, 2016 at 1360 Route 22, Brewster, NY at 7:00 PM. Councilwoman Hudak seconded. All in favor.

MOTION TO SET PUBLIC HEARING FOR SPECIAL PERMIT FOR GUARDIAN VETERINARY MANAGEMENT

Supervisor Hay made a motion to set a Public Hearing for a Special Permit for Guardian Veterinary Management LLC., on Thursday September 22, 2016 at 2360 Route 22, Brewster NY at 7:00 PM. Councilwoman Hudak seconded. All in favor.

RESOLUTION NO. 63/ 2016 – INTRMUNICIPAL COOPERATION – GRANT FUNDING FOR STORM DAMAGE ASSESSMENT PROGRAM

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilwoman Hudak _____

WHEREAS, it has been recognized that mutual cooperation between municipalities and the utilities that serve them is vital in fostering a timely restoration of services during times of weather related outages; and

WHEREAS, the Town of Pound Ridge has developed, with the assistance of New York State Electric and Gas, Inc. (“NYSEG”), a methodology for assessing damage to electric utility infrastructure caused by extreme weather events and uploading the data directly to NYSEG’s servers; and

WHEREAS, the town of Pound Ridge has secured grant funding through the New York State Legislature to offset the costs of computer hardware, software and data reformulation necessary for the implementation of the Storm Damage Assessment Program; and

WHEREAS, the Town of Southeast wishes to join with the Town of Pound Ridge and other interested communities in the sharing of the grant funding to offset the costs of implementing the Storm Damage Assessment Program; and

WHEREAS, the Town of Southeast acknowledges that the Town of Pound Ridge as recipient of the funding will be the controlling agency in ensuring that the hardware, software and data reformulation to be purchased by Pound Ridge for each participating community will in fact be necessary for the successful implementation of the Storm Damage Assessment Program; now therefore be it

RESOLVED, that the Town Board of the Town of Southeast in its capacity as the governing body of the Town hereby joins with the Town of Pound Ridge in sharing the aforementioned funding under the conditions described; and be it further

RESOLVED, that the foregoing resolution take effect immediately.

UPON A ROLL CALL VOTE:

Councilman Alvarez	<u>Aye</u>
Councilwoman Eckardt	<u>Aye</u>
Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

VOTE: Resolution passed, by a vote of 5, to 0, 0 abstained.

RESOLUTION NO. 64 / 2016 – REAPPOINTMENT OF JOHN HANDY TO BOARD OF ASSESSMENT REVIEW

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Alvarez

WHEREAS, John Handy is currently serving the balance of an unexpired term on the Board of Assessment Review (“BAR”) which is set to expire on September 30, 2016; and

WHEREAS, the Town Board is in receipt of a recommendation from the BAR and Assessor recommending that Mr. Handy be re-appointed to a full term on the BAR.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby appoints

JOHN HANDY

to the Town of Southeast Board of Assessment Review, such term to commence October 1, 2016 and expire September 30, 2021; and be it further

RESOLVED, that this appointment shall take effect upon the taking and filing of the appropriate oath of office with the Clerk of the Town of Southeast.

Upon Roll Call Vote:

Councilman Alvarez	<u>Aye</u>
Councilman Cullen	<u>Aye</u>
Councilwoman Eckardt	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

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

RESOLUTION NO. 65 / 2016 – AUDIT OF JUSTICE COURT RECORDS

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Alvarez

WHEREAS, Section 2019-A of the Uniform Justice Court Act requires the annual examination and audit of local Justice Court records; and

WHEREAS, the Town Board is in receipt of a report of the Town's independent accountant dated June 20, 2016 and has reviewed such report.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby accepts the report of examination of the Town of Southeast Justice Courts for the period ending December 31, 2015 and certifies that the requirements of Section 2019-A have been fulfilled;

AND BE IT FURTHER

RESOLVED, that the Town Clerk is directed to enter a copy of this resolution into the minutes of this meeting and to forward a certified copy of this resolution together with a copy of the report dated June 20, 2016 to Joan Casazza, Internal Control Liaison, NYS Office of Court Administration, 2500 Pond View, Suite LL01, Castleton-on-Hudson, New York 12033.

Upon Roll Call Vote:

Councilman Alvarez	<u>Aye</u>
Councilman Cullen	<u>Aye</u>

Councilwoman Eckardt Aye
Councilwoman Hudak Aye
Supervisor Hay Aye

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

PUBLIC COMMENT

Ann Fanizzi stated that this was formally an OP2 zone and will this pertain to other OP2 zones? Supervisor Hay answered no, that it just pertains to the town parcels in this proposal. She asked if we have a recreation structure and Supervisor Hay stated that it's \$7500.00 per lot. Ms. Fanizzi stated that they shouldn't be excluded from the rec fees.

Cathy Croft asked if the referendum passes in 2017, will it affect the 2018 tax cap and budget. The Supervisor responded yes, and if we exceed the tax cap, the Town portion will not be reimbursed in the form of a tax rebate check at the end of the year and it will be into the budget from then on. Ms. Croft asked if we get a detailed budget from the Library and the Supervisor stated not in the past but he will send letters out this year to the Library and Fire Department requesting them.

TOWN BOARD COMMENT

Councilwoman Hudak reminded the Public of Founders Day on September 18, 2016, that it will be the best ever!

Councilman Alvarez made a motion to close the meeting and Councilman Cullen seconded. All in favor.

Respectfully Submitted,

Michele Stancati
Southeast Town Clerk