

Town of Southeast
1360 Route 22, Brewster, New York 10509
Thursday, February 17, 2022
Executive Session – 6:15 P.M.
Regular Meeting / Work Session 7:00 P.M.

Pledge of Allegiance
Notation of Exits
Turn off/put on vibrate – all electronic devices

13 Persons

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

Also: Deputy Town Clerk Elizabeth Cerone
Town Attorney Willis H. Stephens Jr.

EXECUTIVE SESSION

Supervisor Hay made a motion to open the meeting and go into Executive Session to discuss a contractual matter. Councilman Alvarez seconded. All in favor.

Supervisor Hay made a motion to close the Executive session where no decisions were made. Councilman O'Connor seconded. All in favor.

PUBLIC HEARING

Terravest III Senior Housing Development

Supervisor Hay made a motion to open the Public Hearing and waive the reading of the Public Hearing Notice for Terravest III Senior Housing Development. Councilman Alvarez seconded. All in favor.

Supervisor Hay asked if anyone was here representing the developer to please come up and state your name.

Bill McGinnis from Sun Homes, a partner in the Terravest III Senior Housing Project, explained he is here to request an amendment to the Special Permit approved in 2005. There were 3 restrictions put into the Special Permit; 3 bedrooms per unit, an age limit of 55 years and older, and overall square footage of 1800. It's been 17 yrs. since the approval, and due to the changes in the housing market, they want to increase the sq ft. from 1800 sq ft to 2550 sq ft. Right now, they have 4 different unit types ranging from 1800-2500sq ft.; the majority being just under 2200sq ft. The current plans have 10 units of 2550 sq ft., and if they do well, we could sell more. We are not asking to change anything else regarding the site plans grades, roads etc. In 2005 the average sq ft of a home was 1800, now the market range average is well over 2500 sq. ft., with most of the increase we put into upstairs for larger 2nd and 3rd bedrooms, and maybe add an office. Also, with more adult children living at home as well as ageing parents etc., we've stated to the Planning Board and happily publicly state, we will not be coming back to request age restriction; this will be targeted as an age restriction community condo as approved. I am happy to answer any questions. Supervisor Hay asked how can you guaranteed you won't be back in the future about the age restriction, and what's going to keep you from coming back wanting to make it bigger? The Supervisor stated he gets a lot of comments that seniors want smaller homes not larger homes. Mr. McGinness stated that us coming back to the pledge to lift the age restriction is entirely up to you, and your discretion to say no. This is a special permit for senior housing in this zone, and no allowance but senior housing. We're open to any pledge in writing that you want from us that it will remain that way. Currently we are building homes in the Rye Brook area over 100 units that are not age restricted, but as 2/3 are empty nesters, and they are including home offices and full on-suites. These are not gated communities and zero maintenance.

Councilman Larca stated he would be concerned if the age changed because our schools are full. I know you're pledging to this but he asked the Town Attorney if he feels comfortable with this. Town Attorney Stephens stated that this was the situation when it was originally approved and we should look to include the age restriction in the condominium documents. Mr. McGinness stated that we usually do and will be happy to do so in this case. Supervisor Hay asked what would happen if you can't get enough senior residents. Mr. McGinness stated that they've never had that problem but would be happy to provide whatever measure you suggest. Supervisor Hay asked if they would be willing to post a bond? We've had others who have made promises. He stated he would speak to his partners about it. Councilman Alvarez asked if they will still be sticking to the 60 units even if the size changes. Mr. McGinness stated we are not asking for a change in the approved site plan. The additional sq footage will be going upstairs. Supervisor Hay asked if they are two stories and Mr. McGinness stated yes. Supervisor Hay stated that

many seniors have problems with stairs and Mr McGinness stated that they will still have a master downstairs and are offering an elevator. The Supervisor asked about lift chairs and Mr. McGinness stated they will make any unit they build adaptable or assessable at no extra charge. Will the inside doorways be built bigger? Mr. McGinness stated they follow universal guidelines; wider doorways, higher outlets and lower switches.

Resident Cathy Croft asked what the difference between a condo and a house? Mr. McGinness responded that a single-family house is on its own piece of property and a condo is one legal property with common ownership and areas, with private ownership from midway of your walls in. She asked if you pay recreation fees on the condo? He stated that his partners have paid recreation fees, and Supervisor Hay stated that they paid for Volunteer Park years ago which was substantial. Ms. Croft read a letter into the record.

Dear Supervisor Hay and Members of the Town Board,

I noticed on the upcoming Town Board Agenda and Back Up papers for this Thursday that Terravest Senior Housing is in front of the Board requesting an increase in square footage for their 60+ homes.

What I can't understand is why a senior complex would offer their homes in the 2500 square foot range. The 1800 square feet agreed to years ago seems more than adequate for Seniors when they are downsizing. Minimally, before the Town Board makes any decisions, the applicant should substantiate that 2500 square feet is now the 'norm' in senior housing. After all this is an increase of almost 30% of the original square footage.

My concern is that the 2500 square feet houses proposed is not desirable nor practical for most seniors and thus the applicant may request a 'hardship' variance that opens the Terravest development to all ages. If this were to happen, the potential is there for additional enrollment in the Brewster Central School District thereby increasing our already unsustainable school taxes. The change from Senior Housing to Open to All Ages Housing has already been made to another Southeast development (Barrett Hill). Please do not make this mistake again. Applicants should be held to the standards and specifications that they originally asked for and agreed to, for their project.

Best,

Cathy Croft

54 Enoch Crosby Road

Brewster NY 10509

Ms. Croft also stated, that a home office will not be a bedroom because it will have no closets, correct? Mr. McGinness replied that the home offices range in size from 8x9 or 9x11 and don't have closets in them. She also asked why have these age- restricted to begin with, what's the benefit? Mr. McGinness replied that most people would rather not have them age-restricted, but the Town wants it because of the school loads, but they sell well and the Town needs them.

Resident Andy Scheer stated that he has been looking for senior housing and wanted to know what was originally proposed for the 1800 sq ft rooms. Mr. McGinness replied that the footprints were the same; still 3 bedrooms, but the rooms, closet space, and bathroom sizes were different and an office space added. What price range will they be going for? Mr. McGinness stated that you could look at what the going rate for the square footage is going for in the area. Mr. Scheer asked if there was going to be a maintenance fee and what is going to be in the

clubhouse? Mr McGinness replied that there is zero maintenance which means the outside of the home is maintained by the Homeowners Association, the landscaping and snow removal is by far the biggest part of the budget, the clubhouse is about 2000 sq ft. containing a fitness center and party room, a patio and walking trails. The biggest attraction is no maintenance and some level of control by the HOA. Supervisor Hay made a motion to close the Public Hearing but leave it open for 10 days for written comment. Councilman O'Connor seconded. All in favor.

INTRODUCTION

Supervisor Hay introduced Putnam County Sheriff Kevin McConville, who wanted to address the Town Board and residents, to inform everyone of the new Emergency Notification Program that the Sheriff's Dept. built for the county, towns, religious institutions, law enforcement and our schools. He stated there will be one local official contact from each entity to receive notice of emergency incidents to get messages out that might take place throughout the areas in Putnam County. Sheriff McConville stated he put a command staff together, implemented a number of programs and wanted to offer their resources to the towns and be their partners, for the people, when you need help with law enforcement matters.

WORK SESSION

Supervisor Hay made a motion to go into the work session Councilman Alvarez seconded. All in favor.

Discussion - Noise Ordinance

Supervisor Hay stated that this has been before the board, and some revisions have been made. Councilman Cyprus recommended that we use the official name of the lawn equipment in the code. Councilman Larca stated that this code would help with the afterhours issues of residents using loud noise, that won't get a violation due to code enforcement not on duty. He hoped that maybe law enforcement would be able to take action in the absence of our code enforcement. He also wanted to know if only residents could apply for noise permits or could commercial businesses too. Councilman Alvarez stated we are getting complaints about landscaping stating work beginning at 7:00 am instead of 8:00 am. Supervisor Hay said that maybe the hours need to change for commercial businesses during the week between 8:00 am to 9:00 pm. Supervisor Hay asked if anyone had any other comments to please come up.

Mike Maffei asked that the word, golf be included in the Agricultural District and times in the noise code because he works for a golf course and they have to start at 5:30 am with their equipment. Councilman Larca asked if he works for Back O' Beyond and have there ever been any complaints? Town Attorney Stephens stated that it would be easy to add that language for golf equipment.

Bailey Santucci had questions regarding the violations pertaining to noises from farm animals and thinks they should be excluded from the code. Also, can there be a clarification about unreasonable noise? It shouldn't be that one person can determine something unreasonable. Mr. Santucci stated that farm animals should be exempt for this law.

Michael Caruso stated that he thinks the board did a good job on this legislation, it's inclusive, comprehensive, great definitions and structure, clear intent and parameters. The only thing he had comment on was the phrase "outdoor amplified noise" and that it might be an issue on both sides. Maybe it could be tightened a bit and maybe a limitation to permits.

Discussion - On-Site Sanitary Sewer Systems

Several years ago, Putnam County came up with a sewer system inspection law that every five years you need to clean your septic system. The sewer haulers have not been reporting the service to the Town as they should be. The Supervisor would like to put this back into the hands of the County, since they license the haulers. Councilman Larca stated that the County Clerk wants to create a system so the public and towns can access the information. He also feels that enforcement should fall to the Health Department. Town Attorney Stephens stated that it was set up this way, because if the document is not at the building department when the owner sells the house, then they are forced to have the septic inspected. If we had to enforce this, it would be a nightmare. The Supervisor stated that the responsibility for the haulers to get the information to the Towns is the law and the County needs to enforce it.

Discussion – Brewster-Southeast Joint Fire District-Ambulance Service

Michael Liguori, Attorney for the Brewster Southeast Joint Fire Department, came to make a request of the Board on behalf of the Board of Fire Commissioners to see if we could enter into an Inter-Municipal Agreement that would have the Town contract with EMS services for the balance of 2022, which would be facilitated through the fire district. The reason we are asking is because we cannot provide volunteers EMS services any longer. We've been paying for services for a period of time, first with supplemental manpower and then fully contracting for ambulance service for the past two years. For the 2022 year, at our last fire commissioners meeting we came to an agreement that we would hire EMTs to staff our ambulances. Our previous agreement was with Empress for all the ambulance responses for the Volunteer Fire Department. The method of payment for that, was Empress was billing our residents under the soft billing method which was if the ambulance came, you would receive a bill, it would go to your insurance company and they would pay it. If you didn't have insurance, no further action would be taken. They would generate enough revenue so the department would not have to pay for the service. We ran into an issue when Empress lost the County contract. The County has a contract for ALS, which is Advanced Life Support. The fire department and ambulance core provide basic life support. When you have both services billing there is a certain level of incongruity in the billing practices and effectively, we are not supposed to be billing, and in our tax collection we don't generate or collect taxes to pay people to provide service. As a fire district our budget

doesn't include labor at all, we operate on a volunteer basis. We had been previously been paying out of pocket for ambulance labor until we converted to a billing arrangement and we stopped that arrangement for 2022. The Town is permitted to enter into a billing arrangement with an ambulance provider and so we would like to enter into an arrangement for the balance of 2022 where the Town solicits a bid for ambulance services. We have a temporary contract this week with Ambulanz where we will be paying \$32,000.00 a month for one EMT and one first responder. Hopefully going forward we can raise our budget. We weren't anticipating paying \$400,000.00 this year. If we can enter into an agreement with the Town and go out to bid, we can potentially save half that money this year. The system that was previously in place, is no longer in place because the county went with a new company. The fire district has calls now that they cannot sustain. 1500 are ambulance related. We only have 5 volunteer EMTs left. We're just trying to salvage part of our budget and the Town has the authority to do it under municipal law. Mr. Liguori stated he would get some bid specs and numbers over to the Town Board so they can consider the IMA.

REGULAR MEETING

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

CORRESPONDENCE

Correspondence Received

1. NYS Unified Court System to Supervisor Hay Re: Audit of Court Records Fiscal Year 2021
2. NYS DOT to TOSE & TC Re: Designation of Restricted Highway Contract-I-84 Paving Bowen Rd. to CT State Line
3. PC DOH to TOSE Re: 2022 Water Supply Application
4. PC Board of Elections to Supervisor Hay Re: Request for Use of Town Hall for Primary & General Election
5. LexisNexis to TOSE Re: K & J Plumbing & Heating
6. Acord Insurance to TOSE Re: Clearheart Construction Company Inc.
7. Acord Insurance to TOSE Re: Michels Power Inc.
8. Acord Insurance to TOSE Re: Soiltesting Inc.
9. PC Office for Senior Resources to Supervisor Hay Re: Outreach Worker Services Contract
10. Comcast to Supervisor Hay Re: Comcast Northeast Operations Center
11. Geo Design to Supervisor Hay Re: Proposal for Geotechnical Engineering Services Replacement of Culvert at Cobb Road over Peach Lake Brook, TOSE
12. PC Executive to Supervisor Hay Re: American Rescue Plan Act Fund Allocation
13. Hudson Valley Film Commission to PC Representatives Re: 2022 Filming Data & Projections for PC
14. Brown & Brown to TOSE Re: Notification of Changes-General Liability/Cyber Coverage
15. Comcast to TOSE Re: Programming Advisory
16. NYS Comptroller to TOSE Re: Justice Court Fund-December 2021

17. Stewart Wald & Mc Culley to TOSE Re: Federal Trails Act Taking Claim-Dutchess & Putnam County
18. Westchester County Executive G. Latimer to TOSE Re: NYC Watershed MOA (East of Hudson)
19. Keane & Beane PC to Supervisor Hay, TA, Planning Board, Tom Fenton & Highway Superintendent Burdick Re: Nelson Blvd.
20. Brown & Brown Insurance to Supervisor Hay Re: Workers Comp. & NYMIR Opinion of Handling of Claims-TOSE 2021
21. Supreme Court of NYS County of PC to TOSE Re: S and G Properties LLC v. TOSE
22. NYS DEC to Town of Carmel Planning Board & TOSE Re: Centennial Golf Club Townhomes
23. NYS DOT to TOSE Re: Interstate 684 & Interstate 84 Transportation Corridor
24. Robert Struck, Empress Ambulance Director to Councilman Alvarez, TB, TC, & TA Re; Town Ambulance Proposal
25. Acord Insurance to TOSE Re: Long Island Power Solutions, Inc.

FOILS

- Lorenzo Macchia to Bldg. Dept. Re: All Building Records-46 Old Mine Road
- Janice Lanza to Bldg. Dept. Re: All Building Records-50 Ridgebury Road
- Janine Alberghini to Bldg. Dept. Re: All Documents Filed with TOSE Pertaining to Subtract Inc.-93 Welfare Rd.
- Michael Hess to Bldg. Dept. Re: All Building Records, Planning Board & Site Plan Applications-17 Stableview Lane
- Michael Hess to Bldg. Dept. Re: All Building Records, Planning Board & Site Plan Applications-19 Stableview Lane
- Janice Lanza to Bldg. Dept. Re: All Building Records-169 Gage Road
- Janine Alberghini to Zoning Board Re: Copies of 2 Public Hearing Dates (8/16/21 & 10/18/21)-Subtract Inc.
- Luis Diaz to Bldg. Dept. Re: All Building Records-45 Nichols Road
- Stacey Cronin to Bldg. Dept. Re: All Building Records-3 Townsend Lane
- Anne Prato to Bldg. Dept. Re: Variance to Parking Dating Back to 1970-1912 Route 22
- Nadine Desposati to Bldg. Dept. Re: All Building Records-256 Shore Drive
- Ana Bermeo to Bldg. Dept. Re: All Building Records & Survey-22 South Drive
- Mary Worstell to Bldg. Dept. Re: All Building Records, Survey & Wetlands & Survey from DEC-3918 Danbury Road
- Stephen Herman to Bldg. Dept. Re: All Building Records-46 Indian Wells Road
- Domenic Simone to Planning Dept. & Bldg. Dept. Re: Copies of Original Architectural Plans, Plans for Additions, Garage & All Improvements-21 Paddock Lane
- Thomas Consaga to Bldg. Dept. Re: All Building Records-455 Tonetta Lake Road
- Nanci Kubik to Bldg. Dept. Re: All Building Records-3 Ash Road
- Michael Sheil to Bldg. Dept. Re: All Building Records-3 Ash Road
- Mitchell DeSiervi to Bldg. Dept. Re: Building Permits-General Brewster Area
- Salie Morales to Bldg. Dept. Re: All Building Records-9 Rocco Drive
- Krista Beradi to TC Re: Copies of Surety Bond for BCSD
- Andres Gil to Bldg. Dept. Re: Open & Closed Building Permits with Dates-3925 Danbury Road
- James Nicholson to Bldg. Dept. Re: Building Permit on File-26 Pine View Drive

- Kyle Winters to Bldg. Dept & Planning Dept. Re: All Building, Planning, Fire Dept., Environmental Spills, USTs/ASTs, Remediation Sites, Hazardous Materials Records & Any & All Litigation Records-1360 Route 22
- Jonathan Shrader to Bldg. Dept. Re: Code Violations, Open & Expired Permits-12 Bradford Lane
- Christopher DeBellis to Bldg. Dept. Re: All Building Records-36 Seven Oaks Lane
- Jonathan Shrader to Bldg. Dept. & Acct. Re: Private Well and/or Septic/Water & Sewer Bill-12 Bradford Lane
- Jason Cordova to Bldg. Dept. Re: Lot Info/Zoning Regulations-127 Brewster Hill Road
- Jason to Bldg. Dept. Re: All Building Records-127 Brewster Hill Road
- Teresa McMahon to Bldg. Dept. Re: Letter of Complaint-340 Allview Ave.
- Michael Portnoy to Bldg. Dept. Re: All Building Records-22 South Drive
- Sallyanne Corsaro to Bldg. Dept. Re: Application for Amended Use & Special Permit-19 Sutton Place
- Anthony Palmer to Tax Receiver & Assessor Re: Bank Holding Mortgage & Property Taxes-51 Sherwood Hill Road
- Sharon Sheil to Bldg. Dept. Re: All Building Files-17 Hillcrest Ave.
- Richard Dutra to Bldg. Dept. Re: All Building Records-4104 Buttonwood Lane

Email

1. Resident to Supervisor Hay Re: Increase in Payments-Someday Retirement Community
2. G. Skalaski to Supervisor Hay & TB Re: Notice of Violation
3. D. Santucci to Supervisor Hay & TB Re: Request to be at Meeting
4. TC to Resident Re: Alarm Permit Registration-Ace Endico
5. Dan Foster, ICC Community Development Solutions to TB, Bldg. Dept., ZBA, Planning Dept. & J. Vera Re: ICC Municipality Follow-up Training
6. Brown & Brown to TC Re: Derosé v. TOSE
7. B. Cullen to L. Bedrosian & TB Re: Refuse Flyer
8. TC to Franks Automotive Re: Alarm Permit
9. Resident to TC Re: Handicap Tag
10. J. O'Connor, Director of PC Office of Emergency Management to Supervisor Hay Re: Test Kits
11. Metro North Railroad to Supervisor Hay Re: Fall Southeast Train Station Parking Lot
12. Wes Lindemuth, TRC to Supervisor Hay & TC Re: Wetlands Inspector-Job Description
13. L. Boudreau to Supervisor Hay & Tom LaPerch Re: LBJB Subdivision/Final Plat Resolution
14. Resident to Supervisor Hay, TB, Levon Bedrosian, & PC Executive MaryEllen Odell Re: Discolored Drinking Water-Brewster Heights
15. Jamie LoGiudice, Insite Engineering to TC Re: Pegasus Therapeutic Riding-Special Permit Resolution
16. Supervisor Hay to Applicant Re: TOSE Wetlands Inspector-Job Description
17. NYSDOT to Supervisor Hay Re: Route 312 & Farm to Market Rd. Crosswalk Study with Resolution
18. Resident to Supervisor Hay Re: Broken Traffic Light-Mt. Ebo Rd. & Doansburg Road by Post Office
19. PC Kathleen Abels to Supervisor Hay Re: Proposed Bike Lanes
20. M. Levine, Bldg. Dept. to M. Worstell Re: FOIL Request-3918 Danbury Road
21. Resident to TB Re: Complaint(s)-3 Shady Lane
22. V. Desidero, Planning to TC Re: Raskin-ZBA Denial

23. Ashley Ley to Supervisor Hay & V. Desidero Re: Class Action Law Suit-Zoom Video
24. Supervisor Hay to L. Bedrosian, Tax Receiver, Acct., & TB Re: Property Owner/Water, Tax Bill Non-Payment-Brewster Heights Water District-63 Bloomer Road
25. Councilman John O'Connor to TB Re: Governing Law & Information on Fire Districts/Depts. & Law on Ambulance Services
26. R. Kearns, Town of Patterson EMS to Supervisor Hay & TB Re: Mutual Aid Letter Concerning Brewster Fire Dept.
27. L. Bedrosian, Special Districts to Tom Fenton & TB Re: Brewster Heights Water Plant/VOB Temporary Connection
28. G. Skalaski to M. Levine, Bldg. Dept. Re: Response to Safety Complaint
29. Robert Golterman to TC Re: Permit Application/Workman's Comp. Cert.-Wheelabrator Technologies Holding
30. L. Bedrosian to Supervisor Hay, Tax Receiver, TB & Acct. Re: Water Reading Issue & Corrective Actions (2020)-63 Bloomer Road
31. NYS DEC to TOSE Re: Permit Freshwater Wetlands-25 Independent Way
32. Resident to Highway Superintendent Burdick & TB Re: Condition of Maple Road
33. Resident to TB Re: Court Clerk-Phone Call
34. Pam Freeman to TB Re: Centennial Golf Lead Agency Resolution
35. Resident to Highway Superintendent Burdick Re: Icy Road Conditions-Nancy Lane
36. Resident to C. Chiudina, Recreation Dept. & Supervisor Hay Re: Masks
37. UAS FAA Drone to TB Re: Airspace Authorization Expiration
38. O. Truskett, CAC to J. Cotter Re: Thank you
39. Hogan & Rossi to Supervisor Hay & TC Re: Stormwater Management Facilities Maintenance Agreement-3 Starr Ridge Road
40. L. Bedrosian, Special Districts to TB, Mayor of Brewster J. Schoenig & Tom Fenton Re: Brewster Heights Temporary Connection to VOB Source
41. NYS Division of Building Standards & Codes to M. Levine, Bldg. Dept. Re: Annual Report
42. Councilman Cyprus to TB Re: NYSEG
43. Robert Kearns Patterson EMS Administrator to Supervisor Hay, Commissioner K. Clair, Dept. of Emergency Services, Brewster Fire Dept. & Mayor Schoneig of Brewster Re: EMS Coverage for TOSE
44. L. Bedrosian, Special Districts to Supervisor Hay & Town of North Salem W. Lucas Re: Peach Lake Sewer 2022 Budgets
45. General Code to TOSE TC Re: TOSE Local Laws 1-4 2021
46. TC to Key Bank-1505 Rt.22 Re: Alarm Permit Registration
47. G. Skalaski to TB Re: Wetlands Concerns Meeting
48. C. Paraggio to TC Re: Information Verification
49. DeCicco & Sons to TC Re: Liquor License
50. Town of North Salem TC to TOSE TC Re: Public Hearing-ZBA Abutters Amendment
51. D. Santucci to Bldg. Dept. Re: Application-Stone Wall & Fencing-5 Shady Lane
52. P. Kilduff, Clear Channel Outdoor & Highway Displays to M. Levine Re: NOV's Clear Channel Outdoor & Highway Displays/TOSE
53. Supervisor Hay to TB & L. Bedrosian Re: Brewster Heights Wells at BHWWTWP
54. Chief of Brewster Fire Dept. T. Giambattisto to Supervisor Hay & TB Re: Brewster Southeast Joint Fire District Commissioners Meeting-EMS Coverage
55. VOB TC to TOSE TC Re: Earth Day 2022

Correspondence Sent

1. TOSE Planning Board to J. LoGiudice Re: NOT by the DEC-120 Fields Lane
2. TOSE to Property Owner Re: NOV/OTR-600 North Main Street
3. TOSE to Property Owner Re: NOV/OTR-3645 Danbury Road
4. TOSE to Property Owner Re: NOV/OTR-100 Triton Farm Way
5. TOSE to Property Owner Re: NOV/OTR-20 Shore Drive
6. TOSE Planning Dept. to PC Planning & Development Re: Brewster Baseball Garage
7. TOSE Planning Dept. to PC Planning & Development Re: Guardian Veterinary Specialists
8. TOSE Planning Dept. to PC Planning & Development Re: Stateline Retail Center/Subaru
9. TOSE to Property Owner Re: NOV/OTR-320-324 Guinea Road
10. TOSE to Property Owner Re: NOV/OTR-3867 Danbury Road
11. TOSE Planning Dept. to PC Planning & Development Re: Stateline Retail Center/Subaru Sign
12. TOSE to Property Owner Re: Water Issues & Current Statement
13. TOSE to Property Owner Re: NOV/OTR-1505 Windsor Lane
14. TOSE to Property Owner Re: NOV/OTR-963-967 Route 22-Suite B
15. TOSE ZBA to Property Owner Re: Variance-321 Milltown Road
16. TOSE to Property Owner Re: NOV/OTR-25 Karlsen Lake Road
17. TOSE TC to Property Owner Re: Commercial Alarm Permit Application-182 Rt. 22
18. TOSE TC to Property Owner Re: Commercial Alarm Permit Application-3633 Danbury Road
19. TOSE TC to Property Owner Re: Alarm Permit Renewals-Back O'Beyond-233 Federal Hill Road
20. TOSE to Property Owner Re: NOV/OTR-1651 Rt. 22
21. TOSE to Property Owner Re: NOV/OTR-1617 Rt. 22
22. TOSE to Property Owner Re: NOV/OTR-3 Shady Lane
23. TOSE to Property Owner Re: NOV/OTR-2592 Carmel Ave.
24. TOSE to Property Owner Re: NOV/OTR-25 Karlsen Lake Road
25. TOSE to Property Owner Re: NOV/OTR-63 Trial View Terrace
26. TOSE TC to Property Owner Re: Commercial Alarm Permit Application-31 Mount Ebo Road
North
27. TOSE TC to Property Owner Re: Commercial Alarm Permit Application-Burger King
28. TOSE Bldg. Dept. to Stateline Retail Center/Subaru Re: Sign Application
29. TOSE Bldg. Dept. to Richard O'Rourke, Esq. Re: Proposed Light Manufacturing Use-281 Fields
Lane

VOUCHERS

Supervisor Hay made a motion to approve the Vouchers in the amount of \$3,163,040.16. Councilman Alvarez seconded. All in favor.

BUDGET TRANSFERS

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

MEETINGS

Supervisor Hay made a motion to set the following 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 10, 2022 – Work Session / Regular Meeting

Thursday, March 24, 2022 – Work Session / Regular Meeting

RESOLUTION NO. 11 / 2022 577 NORTH MAIN STREET RELEASE OF PERFORMANCE BOND

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Cyprus

WHEREAS, the Town Board of the Town of Southeast is in receipt of a report and recommendation from the Town Engineer dated January 18, 2022, and referral from the Planning Board dated February 10, 2022 with respect to the release of Performance Security posted by 577 North Main Street LLC in connection with a Project Development Plan for property located at 577 North Main Street, Tax Map No. 56.19-1-40.2 (the “Subject Premises”); and

WHEREAS, by letter dated February 14, 2022, the Planning Board recommends the release of the performance security posted by 577 North Main Street LLC and the posting of a Landscape Maintenance Bond.

NOW, THEREFORE, BE IT

RESOLVED, that the performance bond filed in connection with 577 North Main Street site plan, for premises located at 577 North Main Street, Tax Map No. 56.19-1-40.2 in the surety amount of \$14,00.00 is hereby released and may be cancelled by the issuing institution; and be it further

RESOLVED, that a Landscape Maintenance Bond in the amount of \$350.00 for a period of two (2) years is hereby established for this project; and be it further

RESOLVED, that upon posting the Maintenance Bond with the Town Clerk, the Town Clerk is authorized to return any and all original bonds, deposits, letters of credit or other indicia of security originally posted in connection with this project to the developer; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Planning Board Secretary, the Town Building Inspector and to the property owner forthwith.

UPON A ROLL CALL VOTE:

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

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

**RESOLUTION NO. 12 / 22 TESLA CHARGING FACILITY – 1 STARR RIDGE ROAD
ESTABLISHMENT OF BOND / EROSION & SEDIMENT CONTROL**

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

WHEREAS, the Town Board is in receipt of a recommendation from the Town Engineer dated February 4, 2022 and referral from the Planning Board dated February 14, 2022 with respect to the establishment of performance bond(s) for the site improvements associated with the Tesla Charging Station site development plan located at 1 Starr Ridge Road, Tax Map No. 68.-2-2; and

WHEREAS, upon review of such recommendation, the Town Board agrees to accept the recommendation.

NOW, THEREFORE, BE IT RESOLVED, that the bond amount shall be established for the project set forth below:

<u>PROJECT NAME:</u>	<u>BOND AMOUNT:</u>
TESLA CHARGING STATION	Site Improvements: \$200,000.00 Erosion & Sediment Control: \$ 3,500.00

And be it further

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

UPON A ROLL CALL VOTE:

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

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

RESOLUTION NO. 13 / 2022 OPPOSITION OF S. 8006/A/ 9006 PROVIDING FOR STATE CONTROL OF ACCESSORY DWELLING UNITS – PART AA

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Cyprus

WHEREAS, the Town of Southeast has provided for the creation and regulation of accessory dwelling units within the Town's Zoning pursuant to its authority provided in Town Law Article 16 and Municipal Home Rule Law, and

WHEREAS, Budget Bill S.8006/A. 9006 Part AA - Accessory Dwelling Units has been proposed which would amend Article 16 of Real Property Law to establish State-wide standards and regulations for accessory dwelling units, and

WHEREAS, Bill S.8006/A. 9006 would nullify the Town's zoning relative to accessory dwelling units, and replace it with the State's standards for accessory dwelling units, and

WHEREAS, Bill S.8006/A. 9006 would require the Town of Southeast to adopt the State-wide standards and regulations within 1 year of adoption of Bill S.8006/A. 9006, and

WHEREAS, the State's standards for accessory dwelling units do not account for the unique and special characteristics of the Town of Southeast, and

WHEREAS, Bill S.8006/A. 9006 would establish 4' side yard and rear yard setback requirements for Accessory Dwelling Units (ADU's) which is deems unsafe and inadequate for maintenance, and

WHEREAS, Bill S.8006/A. 9006 prohibits a local municipality from ensuring that adequate off-street parking will exist for an ADU, and

WHEREAS, Bill S.8006/A. 9006 prohibits a local municipality from considering any potential impacts related to the ability of local roads to handle the increased traffic, and

WHEREAS, Bill S.8006/A. 9006 prohibits a local municipality from considering any potential environmental effects of ADUs related to congestion or the capacity of land to handle the increased residential density, and

WHEREAS, Bill S.8006/A. 9006 in establishing State-wide standards for Accessory Dwelling Units recognizes no distinction between the unique characteristics of the 40 cities and 1,481 towns and villages in New York State, and

WHEREAS, the Town Board of the Town of Southeast finds that the aforementioned State standards that would be imposed by Bill S.8006/A. 9006 would be a detriment to the health, safety and general welfare of our community, as described in a letter to Senator Peter Harckham dated February 9, 2022

NOW THEREFORE BE IT RESOLVED, the Town of Southeast is adamantly opposed to Bill S.8006/A. 9006 which would establish State-wide standards and regulations for accessory dwelling units, and

BE IT FURTHER RESOLVED, the Town of Patterson calls upon State elected officials to oppose Bill S.8006/A. 9006

UPON A ROLL CALL VOTE:

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

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

RESOLUTION NO. 14 / 2022 OPPOSITION TO BUDGET BILL S. 8006/A. 9006- PART EE TRANSIT ORIENTED DEVELOPMENT ACT

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Cyprus

WHEREAS, Budget Bill S.8006/A. 9006 Part EE, if adopted, would enact the Transit Oriented Development Act of 2022; and

WHEREAS, the Transit Oriented Development Act would amend the Town Law by adding a new Section 261-d mandating towns to permit the construction and occupancy of dwelling units with a density of twenty-five dwelling units per acre or more, on any land wherein

residential construction and occupation is otherwise permitted if such land is within one-half mile of any covered transportation facility, and

WHEREAS, the Southeast Metro North Train station is a Covered Transportation Facility and residentially zoned land in the Town of Southeast lies within ½ mile of the Southeast Metro North Train station and, therefore, the Town would be required to allow a development density of twenty-five dwelling units per acre; and

WHEREAS, the enactment of Budget Bill S.8006/A. 9006 Part EE would constitute a full frontal assault on municipal home rule and nullify the Town of Southeast's zoning relative to an appropriate level of density of dwelling units within the Town, and replace it with the State's arbitrary standards with no consideration of the environmental conditions or existing infrastructure within the area; and

WHEREAS, the State's standards contained within the Transit Oriented Development Act do not account for the unique and special characteristics of the Town of Southeast; and

WHEREAS, the Town of Southeast is within the watershed for the New York City Reservoir System which provides drinking water to over 8 million individuals and the State's Transit Oriented Development density requirements would be detrimental to protection of the New York City water supply; and

WHEREAS, there is inadequate sewer and water infrastructure to support a density of 25 dwelling units per acre within the Town of Southeast; and

WHEREAS, Budget Bill S.8006/A. 9006, Part EE, if enacted, would prohibit a local municipality from ensuring that adequate off-street parking will exist for properties developed under the Transit Oriented Development Act resulting in reduced safety and increased congestion from parking on streets; and

WHEREAS, the Transit Oriented Development Act, if enacted, would prohibit a local municipality from considering any potential impacts related to the ability of local roads to handle the increased traffic; and

WHEREAS, the Transit Oriented Development Act, if enacted, would prohibit a local municipality from considering any potential environmental effects related to congestion or the capacity of land to handle the increased residential density; and

WHEREAS, the Town Board of the Town of Southeast finds that the Transit Oriented Development Act, if enacted, would be a clear threat and detriment to the health, safety and general welfare of our community.

NOW THEREFORE BE IT RESOLVED, the Town of Southeast is adamantly opposed to the enactment of the Transit Oriented Development Act which would require a density of twenty-five dwelling units per acre or more, on any land wherein residential construction and

occupancy is otherwise permitted if such land is within one-half mile of any a Metro-North Commuter Rail station; and

BE IT FURTHER RESOLVED, the Town of Southeast calls upon all members of the Senate and Assembly to oppose Budget Bill S.8006/A. 9006, so long as it includes the enactment of the so-called “Transit Oriented Development Act”; and be it further

UPON A ROLL CALL VOTE:

Councilman Alvarez	<u>Aye</u>
Councilman Cyprus	<u>Aye</u>
Councilman Larca	<u>Aye</u>
Councilman O’Connor	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

VOTE: Passed by a vote of 5 in favor to 0 opposed, 0 abstained.

RESOLUTION NO. 15 / 2022 OPPOSITION TO PROPOSED ACCESSORY DWELLING UNIT LAW – S. 4547-A

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Cyprus

WHEREAS, the New York State Senate is considering the adoption of S.4547-A (Sen. Peter Harckham) which would amend the Real Property Law by adding a new Article 16 entitled “Accessory Dwelling Units”; and

WHEREAS, Governor Hochul, in the 2022 State of the State address, indicated her support for the creation of legislation that would impose Statewide standards on local zoning and, in fact, has apparently included the provisions of S.4547-A as Part AA of her 2022-23 Budget Bill; and

WHEREAS, if adopted, S. 4547-A would usurp local zoning authority in derogation of Town Law and Municipal Home Rule, requiring local municipalities to adopt a local law permitting accessory units as of right, with minimal regulation in all residential districts, including multifamily districts, and on other property regardless of its zoning; and

WHEREAS, the proposed law would prohibit a municipality’s ability to craft specific regulations while considering the impacts on the locality’s environment, infrastructure, parking, school enrollment, as well as, emergency services coverage within in boarders; and

WHEREAS, in not considering the impacts specific to a local municipality, this legislation will have far reaching effects impacting, the health, safety, welfare and the quality of life of the residents of the Town of Southeast; and

WHEREAS, a one size fits all requirement encroaches on the ability of every New Yorker to participate in local planning in the community in which they live; and

WHEREAS, the Town's Zoning Code, Chapter 138, already contains provisions for accessory apartment in one-family residential district as a permitted special use subject to review and approval by the Town Planning Board and Town Board, following a duly notice public hearing;

NOW, THEREFORE, BE IT

RESOLVED, that the Southeast Town Board is adamantly opposed to the passage of S.4547-A entitled the "Accessory Dwelling Unit Law"; and be it further

RESOLVED, that the Town of Southeast urges all members of the Senate and Assembly to oppose the passage of the so-called "Accessory Dwelling Unit Law", S. 4547-A (Harckham) and if such bill were to reach Governor Hochul for enactment into law, that she VETO the bill, thereby preserving and protecting Municipal Home Rule and Local Zoning Powers; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this Resolution to Senator Peter Harckham, Assemblyman Kevin Byrne and Governor Kathy Hochul, forthwith.

UPON A ROLL CALL VOTE:

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

VOTE: Passed, by a vote of 5 in favor to 0 against, 0 abstained.

SUPERVISOR'S REPORT

Supervisor Hay stated that we have a contingency and surplus in the budget and if we have to go into it to provide for the public, we will. Everything worked out pretty well last year and though it's early this year to report, so far so good.

PUBLIC COMMENT

Scott Seeman, member of the Brewster Board of Education, thanked the Board for what they do on the resident and school's behalf. He stated that there will be a Community Forum on Monday, February 28, at 6:30 pm for the public with any questions or issues you have with the schools and what's going on.

TOWN BOARD COMMENT

Councilman O'Connor stated he is looking forward to this week for the NYS Association of Towns Virtual convention. There will be a big wind storm tonight in Putnam County, so be prepared.

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

Respectfully Submitted,

Elizabeth Cerone
Deputy Town Clerk