

**Town of Southeast**  
**1360 Route 22, Brewster, New York 10509**  
**Thursday, July 14, 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

8 Persons

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

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

**EXECUTIVE SESSION**

Supervisor Hay made a motion to open the meeting and go into Executive Session to discuss Litigation Matters. Councilman Cyprus 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**

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

**Galli Petition – 40 Guinea Road – Zoning Map Amendment -R-160 to R-60**

Mr. Galli, who owns the property at 40 Guinea Road, explained that he would like to have the property rezoned to match the rest of the neighborhood. Once it is rezoned, he will submit an application to subdivide the property into 3 lots. The existing house sits on 3 acres and the other 2 would be 2.16 acres and 1.98 acres. The driveway was on Guinea Rd and it was moved to Pineview Dr, a side street only adding one driveway.

Supervisor Hay asked if the Highway Department has looked at the driveway cuts and Mr. Galli stated that Insite Engineering is taking care of that.

Councilman Cyprus stated, that this Public Hearing is for the Zoning Map Amendment and the Subdivision petition will come later.

Town Attorney Stephens asked if his property is currently surrounded by R60 Zoning and Mr. Galli stated yes, and showed him on the map. He stated that there is all green space on one side of the property. We're trying to make it better and conform to the neighborhood.

Councilman Larca stated that the only R160 Zoning is on Guinea Rd and Pineview Rd.

Town Attorney Stephens asked do you about the R160 Zone? Mr. Galli stated yes but there are no roads that service that area. He said it should have been zoned R60 way back when. Mr. Stephens stated that way back when, the Town was probably trying to minimize development. I don't know if it was a conscious decision back then to include that lot because it was undeveloped. That's my guess.

Mr. Galli stated that the single-family house has been on the property since the 50's.

There was no Public Comment.

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

### **Chapter 138, Article X – Section 138-56.1 Special Permits and Conditional Uses**

Supervisor Hay made a motion to open the Public Hearing and read the Public Hearing Notice. Councilman O'Connor seconded. All in favor.

This change came about from the Town itself when we inherited a piece of property at 2366 Route 6 heading toward Carmel. This new amendment would affect the area from Putnam County Savings Bank to the Bridge going toward Carmel. There are very few houses on the road and many already have a mixed use. There are two other properties that would benefit from this change.

Councilman Cyprus asked if this applies to one specific zone because the way he reads it, it applies to any commercial zone or mixed zone.

Town Attorney Stephens stated it means any commercial zone that allows for residential use.

Councilman Cyprus asked if it is only that zone.

Town Attorney Stephens stated that he can't answer that right now, but it is a relatively limited mixed zone.

Councilman Cyprus stated that before he votes he'd like to confirm if it effects any other zone.

Councilman Larca stated that maybe we just list the zone.

Supervisor Hay stated he thinks its just this zone.

Town Attorney Stephens stated that in the SR22 Zone, you're allowed to have accessory apartments. What the Special Permit sections says, is that if you have an accessory apartment, the property has to be owner occupied. When you have a commercial building that has an accessory apartment, there's no owner that is occupying that apartment. This is written to amend the Special Permit Section.

Councilman Larca asked if this could be changed to affect just one zone?

Town Attorney Stephens stated that you could write it any way you wanted, but it doesn't mean that it couldn't be challenged.

Supervisor Hay stated that he would get some answers.

There was no Public Comment.

Supervisor Hay made a motion to close the Public Hearing but accept written comment for 10 days. Councilman Alvarez seconded. All in favor.

### **PRESENATION**

Dylan Miyoshi, a representative of NYSEG, explained that NYSEG will be upgrading to smart meters, estimated to be in our area early in 2023. The people installing them will have shirts, ID tags and cars that will identify them. In some cases, they may need to enter the home. There will be no interruption for gas, but there will be a 10- minute gap for electric. For any people on life support, they will have a dedicated team working with them before any changes are made, and they will work with people working from home.

There was a question about whether a resident can refuse a smart meter and the answer was, yes they can, but they will be charged a fee. Any questions or information on this project can be found at [nyseg.com/smart meters](http://nyseg.com/smart_meters).

### **WORK SESSION**

Nothing at this time.

### **REGULAR MEETING**

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

### **RESOLUTION NO. 37 / 2022 LINCOLN LOGISTICS SITE PLAN 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 June 21, 2022 and referral from the Planning Board dated June 27, 2022 with respect to the Performance Security to be posted in connection with the Lincoln Logistics Brewster site plan, property located at NYS Route 312 and Pugsley Road, Southeast Tax Map Nos. 45.-1-4 & 5, 8.2, 12 & 13(the “Subject Premises”); and

WHEREAS, the Planning Board Report has recommended that the performance security for the Subject Premises be established for this project in accordance with the advice of the Town’s Consulting Engineer.

NOW, THEREFORE, BE IT

RESOLVED, that the bond amounts shall be established for the project set forth below:

<u>PROJECT NAME:</u>	<u>BOND AMOUNT</u>
Lincoln Logistics Site Plan	
Site Improvements	\$26,066,100.00
Erosion & Sediment Control	1,403,400.00

And be it further

RESOLVED, that there shall be no further site disturbance of the Subject Premises and no building permit shall issue until the Erosion & Sediment Control Bond, in proper form and amount, is posted with the Town Clerk and associated Inspection Fees are paid to the Town; 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 Cyprus	<u>Aye</u>
Councilman Larca	<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. 38 / 2022 LINCOLN LOGISTICS – PUBLIC IMPROVEMENTS**  
**BOND ESTABLISHMENT**

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 June 21, 2022 and referral from the Planning Board dated June 27, 2022 with respect to the Performance Security to be posted in connection with the Public

Improvements (Pugsley Road and NYS Route 312 Intersection and Pugsley Road, a Town Road) to be constructed in connection with the Lincoln Logistics Brewster site plan (the “Subject Premises”); and

WHEREAS, the Planning Board Report has recommended that the performance security for the Subject Premises be established for this project in accordance with the advice of the Town’s Consulting Engineer.

NOW, THEREFORE, BE IT

RESOLVED, that the bond amounts shall be established for the project set forth below:

<u>PROJECT NAME:</u>	<u>BOND AMOUNT</u>
Lincoln Logistics Brewster	
Public Improvements	\$3,028,300.00
Erosion & Sediment Control	206,510.00

And be it further

RESOLVED, that there shall be no further site disturbance of the Subject Premises (Pugsley Road and abutting area) and no Highway Work Permits issued until the requisite Public Improvement Bond and Erosion & Sediment Control Bond, both in proper form and amount, are posted with the Town Clerk and inspection fees paid; 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, Building Inspector and Highway Superintendent 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: carried by a vote of 5 in favor, 0 against; 0 abstained.

**RESOLUTION NO. 39 / 2022 SUPPORT OF APPLICATION OF TOWN OF SOUTHEAST CULTURAL ARTS COALITION FOR SOUTHEAST OLD TOWN HALL PRESERVATION – BUILDING ENVELOPE AND ENTRY STAIR**

INTRODUCED BY: Supervisor Hay  
SECONDED BY: Councilman Larca

WHEREAS, the Town of Southeast Cultural Arts Coalition, a not-for-profit corporation, is applying to the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) for a grant under the Environmental Protection Fund for an historic preservation project to be located at Old

Town Hall, 67 Main Street, Brewster, NY, a site located within the territorial jurisdiction of this Town Board; and

WHEREAS, as a requirement under this program, the not-for-profit sponsor of the project must gain the “approval and support” of the municipality having jurisdiction thereof.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby endorses and supports the applications of the Town of Southeast Cultural Arts Coalition for grants under the Environmental Protection Fund for the following historic preservation project(s): “Southeast Old Town Hall Restoration – Building Envelope.”

Upon Roll Call Vote:

Councilman Alvarez	Aye
Councilman Cyprus	<u>Aye</u>
Councilman Larca	<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.

**MOTION TO SET PUBLIC HEARING**

Supervisor Hay made a motion to set a Public Hearing for a Special Permit for a Saw Mill Wood Processing Facility at 20 Branch Road, Brewster, NY on Thursday, July 28<sup>th</sup>, 2022. Councilman O’Connor seconded. All in favor.

**PUBLIC COMMENT**

There was no Public Comment.

**TOWN BOARD COMMENT**

Supervisor Hay thanked Councilman Alvarez and the Board on the 4<sup>th</sup> of July Fireworks and said everything went very well!  
Councilman Alvarez made a motion to close the meeting and Councilman Cyprus seconded. All in favor.

Respectfully Submitted,  
Michele Stancati  
Southeast Town Clerk