

**Town of Southeast**  
1360 Route 22  
Brewster, New York 10509  
Thursday, September 12, 2024  
**EXECUTIVE SESSION 6:15 P.M.**  
**WORK SESSION/REGULAR MEETING 7:00 P.M.**

**Pledge of Allegiance**  
**Notation of Exits**  
**Turn Off/Put on Vibrate – All Electronic Devices**

**Executive Session:**

1. Contractual Matters

**Work Session:**

1. Discussion – VRI Update
2. Discussion – Regulations Governing Tractor-Trailer and Semi-Trailer Combinations
3. Discussion – Special Permit - Lakeview – Starbucks– 1505-1515, 1519 and 1525 Route 22, Brewster, New York
4. Discussion – Local Law Amendment Chapter 138 – Regulation of Battery Energy Storage Systems
5. Discussion – Bond Establishment – Northline Premises LLC – 31 International Boulevard Establishment of Improvement Bond Erosion and Sediment Control Bond
6. Discussion – Bond Establishment – 234 Old Nichols Road Subdivision Performance Bond

**Regular Meeting:**

1. Motion – Set Public Hearing - Starbucks – 1505-1515, 1519 and 1525 Route 22, Brewster, New York for September 26, 2024
2. Motion – Set Public Hearing – Local Law Amendment Chapter 138 – Regulation of Battery Energy Storage Systems for September 26, 2024
3. Resolution – Declare Lead Agency and Adopt a Negative Declaration – Local Law Chapter 138 – Re-Zoning of the Dykeman’s Hamlet – Route 312 from R-160 to Economic Development
4. Resolution – Adopting Local Law #5 of 2024 Chapter 138 (“Zoning”) – Rezoning Properties – NY Route 312 – Dykeman’s
5. Resolution – Bond Establishment – Northline Premises LLC – 31 International Boulevard Establishment of Improvement Bond Erosion and Sediment Control Bond
6. Resolution – Bond Establishment – 234 Old Nichols Road Subdivision Performance Bond

**Recognition of Public/Public Comment**  
**Recognition of Town Board/Town Board Comment**

R#3

**TOWN BOARD  
TOWN OF SOUTHEAST, NEW YORK**

**RESOLUTION TO DECLARE LEAD AGENCY  
AND ADOPT A NEGATIVE DECLARATION**

RESOLUTION NO. \_\_\_\_\_/2024  
INTRODUCED BY: \_\_\_\_\_

DATE: September 12, 2024

SECONDED BY: \_\_\_\_\_

**WHEREAS**, the Town Board of the Town of Southeast is considering the adoption of a Local Law to Amend Chapter 138 of the Town Code, 'Zoning' to rezone a portion of the Dykeman's hamlet on NYS Route 312 from R-160 (single-family residential on 4-acre lots) to ED (Economic Development) (the "Proposed Action");

**WHEREAS**, the Town Board is the only agency that has the authority to amend the Town's Zoning Code therefore, no other agencies are considered potential Involved Agencies;

**NOW, THEREFORE BE IT RESOLVED**, that pursuant to §617.6(b)(2) of the State Environmental Quality Review Act (SEQRA), the Town Board of the Town of Southeast, hereby declares itself Lead Agency for purposes of SEQRA for this Unlisted Action; and be it further

**RESOLVED**, that the Town of Southeast Town Board as Lead Agency has determined that the proposed action, for the reasons set forth in the Short Environmental Assessment Form dated August 8, 2024 and the appended SEQRA Notice of Determination of Significance, the adoption of the Local Law to Amend Chapter 138 of the Town Code, 'Zoning' to rezone eight parcels from R-160 to ED will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

**UPON A ROLL CALL VOTE:**

Councilman Cyprus \_\_\_\_\_  
Councilman Larca \_\_\_\_\_  
Councilwoman Lewis \_\_\_\_\_  
Councilman Mazzotta \_\_\_\_\_  
Supervisor Durante \_\_\_\_\_

VOTE: carried / defeated by a vote of \_\_\_\_\_ in favor, \_\_\_\_\_ against; \_\_\_\_\_ abstained.



State Environmental Quality Review  
Determination of Significance

**NEGATIVE DECLARATION**

Date: September 12, 2024

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:** A Local Law to Amend Chapter 138 of the Town Code, 'Zoning'

**SEQR Status:** Type 1   
Unlisted

**Conditioned Negative Declaration:**  Yes  
 No

**Description of Action:**

The Town Board of the Town of Southeast is considering the adoption of a Local Law to Amend Chapter 138 of the Town Code, 'Zoning' to rezone a portion of the Dykeman's hamlet on NYS Route 312 from R-160 (single-family residential on 4-acre lots) to ED (Economic Development) (the "Proposed Action"). This area contains a mix of commercial, pre-existing non-conforming commercial, and residential uses. The south side of NYS Route 312 is currently zoned ED, and the north side is zoned R-160. In recent years, the south side has seen new development, whereas the north side contains several buildings in disrepair. To stimulate new development similar to what is occurring on the ED zoned parcels, the Town Board proposes to rezone the north parcels from R-160 to ED.

The premises affected by this rezoning are located on the north side of New York State Route 312, between the Metro North Railroad line and the Maybrook Trailway, and generally referred to as the Dykeman's hamlet. The Proposed Action would rezone the eight parcels listed below from R-160 to ED.

- 45.-2-10
- 45.-2-12
- 45.-2-13
- 45.-2-14
- 45.-2-15
- 45.-2-16
- 45.-2-17
- 45.-2-18

The Proposed Action is intended to permit existing blighted and underutilized parcels to be redeveloped in a manner consistent with nearby commercial properties. The Proposed Action would increase the development potential of the re-zoned parcels. The ED zoning district permits larger buildings and development area than what is currently permitted in the R-160 zoning district.

However, adoption of the Proposed Action would not directly result in any significant adverse environmental impacts. While properties developed under the Proposed Action could, when implemented individually, have potential environmental impacts, the overall impact of the implementation measures would be a positive impact on community character and economic development. In addition, site specific environmental review would be necessary to determine onsite constraints and to analyze the potential impacts of the independent project. Where additional analyses are deemed necessary to evaluate individual actions consistent with the Proposed Action, they will be completed in accordance with SEQRA.

**Location:** Town of Southeast, Putnam County, NY

**Reasons Supporting This Determination:**

The Proposed Action is intended to enhance and protect community character and promote economic development in a manner consistent with community character and natural resources constraints. The Proposed Action is not anticipated to result in any significant adverse environmental impacts.

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))

Therefore, the Town Board of the Town of Southeast, acting as Lead Agency, 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: Nick Durante, Supervisor

Address: Town of Southeast  
1360 Route 22  
Brewster, NY 10509

Telephone Number: 845-279-4313

**A Copy of this Notice has been filed with:**

- Hon. Nick Durante, Supervisor
- Town of Southeast Town Clerk
- Town of Southeast Planning Board
- Putnam County Division of Planning and Economic Development, 841 Fair Street, Carmel, NY 10512

R#4

**TOWN BOARD  
TOWN OF SOUTHEAST, NEW YORK**

**RESOLUTION ADOPTING LOCAL LAW #5 of 2024**  
**Chapter 138 (“ZONING”) – Rezoning Properties – NY Route 312 – Dykeman’s**

RESOLUTION NO. \_\_\_\_\_/2024

DATE: September 12, 2024

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

**WHEREAS**, a resolution having been adopted by the Town Board of the Town of Southeast for a public hearing to be held by said Town Board to hear all interested parties on a proposed local law which would amend Chapter 138 of the Code of the Town of Southeast entitled “Zoning” to amend the Zoning Map to designate specific properties as being included in the ED zone; and

**WHEREAS**, notice of said public hearing was advertised in an official newspaper of the Town of Southeast in the manner prescribed by law, such public hearing was held on August 29, 2024 and all interested persons were given an opportunity to be heard at that time; and

**WHEREAS**, the Town Board is in receipt of a report and recommendation from the Planning Board regarding the proposed action; and

**WHEREAS**, the Town Board, acting a Lead Agency pursuant to the State Environmental Quality Review Act, completed review of the proposed action and found and determined that the proposed action is not likely to have a negative impact on the environment.

**WHEREAS**, it is the sense of this Town Board that the proposed local law will help promote the general welfare of the public.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Town Board of the Town of Southeast hereby adopts Local Law No. 5 of 2024 pursuant to the Municipal Home Rule Law to amend Chapter 138 (“Zoning”), Section 138-6 (“Zoning Map”) of the Town Code to designate the properties represented by the following Tax Map designations (Tax Map ## 45.-2-10, 45.-2-12, 45.-2-13, 45.-2-14, 45.-2-15, 45.-2-16, 45.-2-17 and 45.-2-18 ) which are currently zoned and designated as R-160 residential to be included within the ED commercial zoning district; and be it further

**RESOLVED**, that the Town Clerk be and hereby is authorized and directed to (a) enter said Local Law in the minutes of this meeting and in the Code Book of the Town of Southeast; and (b) give due notice of the adoption of said local law by filing such with the Secretary of State of New York within the time required by law.



D#5

TOWN BOARD  
TOWN OF SOUTHEAST, NY

**NORTHLINE PREMISES, LLC – 31 INTERNATIONAL BOULEVARD**  
**ESTABLISHMENT OF IMPROVEMENT BOND**  
**EROSION & SEDIMENT CONTROL BOND**

RESOLUTION NO. \_\_\_\_\_ / 2034

September 12, 2024

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

**WHEREAS**, the Town Board is in receipt of a recommendation from the Town Engineering Consultant dated September 9, 2024 and referral from the Planning Board dated September 9, 2024 with respect to the establishment of performance bond(s) for the site improvements associated with the Northline Premises, LLC site development plan located at 31 International Boulevard, Tax Map No. 45.-1-17; 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:

<b><u>PROJECT NAME:</u></b>	<b><u>BOND AMOUNT:</u></b>
Northline Premises, LLC	Site Improvements: \$269,000.00
	Erosion & Sediment Control: \$ 4,100.00

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 Cyprus \_\_\_\_\_
- Councilman Larca \_\_\_\_\_
- Councilwoman Lewis \_\_\_\_\_
- Councilman Mazzotta \_\_\_\_\_
- Supervisor Durante \_\_\_\_\_

VOTE: carried / defeated by a vote of \_\_\_\_\_ in favor, \_\_\_\_\_ against; \_\_\_\_\_ abstained.

**TOWN CLERK'S CERTIFICATION**

STATE OF NEW YORK    )  
                                  : ss.:  
COUNTY OF PUTNAM    )

I, KATHLEEN CHIUDINA, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 12<sup>th</sup> day of September 2024.

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KATHLEEN CHIUDINA  
Town Clerk

R#6

**TOWN BOARD  
TOWN OF SOUTHEAST, NEW YORK**

**234 OLD NICHOLS ROAD SUBDIVISION  
PERFORMANCE BOND**

RESOLUTION NO. \_\_\_\_\_ / 2024

DATE: September 12, 2024

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

**WHEREAS**, the Town Board of the Town of Southeast is in receipt of a report and recommendation from the Town Engineering Consultant dated September 9, 2024 and referral from the Planning Board dated September 9, 2024 with respect to the Performance Security to be posted by the developer in connection with a residential land subdivision application for property located at 234 Old Nichols Road, 170 Peach Lake Road and 75 Nichols Road, Southeast Tax Map Nos. 79.-1-57, 79.-1-44 & 68.-1-27 (the "Subject Premises").

**NOW, THEREFORE, BE IT**

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

**PROJECT NAME:**

**BOND AMOUNT:**

234 Old Nichols Road Subdivision

Site Improvements                    \$189,000.00  
Erosion & Sediment Control   \$ 42,000.00

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 Cyprus                    \_\_\_\_\_  
Councilman Larca                      \_\_\_\_\_  
Councilwoman Lewis                 \_\_\_\_\_  
Councilman Mazzotta                 \_\_\_\_\_  
Supervisor Durante                    \_\_\_\_\_

VOTE: carried / defeated by a vote of \_\_\_\_\_ in favor, \_\_\_\_\_ against; \_\_\_\_\_ abstained.

**TOWN CLERK'S CERTIFICATION**

STATE OF NEW YORK    )  
                                  : ss.:  
COUNTY OF PUTNAM    )

I, KATHLEEN CHIUDINA, Town Clerk of the Town of Southeast, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 12<sup>th</sup> day of September 2024.

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KATHLEEN CHIUDINA  
Town Clerk