

TOWN OF SOUTHEAST
1360 Route 22, Brewster, New York 10509
Thursday October 6, 2016
EXECUTIVE SESSION 6:30 P.M.
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.

And: 8 persons

EXECUTIVE SESSION

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

Supervisor Hay made a motion to close the Executive Session where no decisions were made. Councilman Alvarez seconded. All in favor.

WORK SESSION

There was nothing discussed during the work session.

REGULAR MEETING

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

**RESOLUTION NO. 72 / 2016 RESOLUTION ADOPTING LOCAL LAW
AMENDING ZONING MAP – BARRETT HILL**

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilwoman Hudak

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 consider a proposed local law amend section 138-6 of the Zoning Code (“Zoning Map”) and the Zoning Map authorized thereunder to map and reclassify property described as 29 acre parcel located at 41 Mt. Ebo Road North, Brewster, New York (Tax Map No. 46-5-2) currently zoned as OP-2 to a “Multifamily Work Force Housing District”; 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 September 22, 2016 and all interested persons were given an opportunity to be heard at that time; and

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

NOW, THEREFORE, BE IT

RESOLVED, the Town Board of the Town of Southeast hereby adopts Local Law No. 7 of 2016 pursuant to the Municipal Home Rule Law amending law section 138-6 of the Zoning Code (“Zoning Map”) and the Zoning Map authorized thereunder, to map and reclassify property described as a 29 acre (+/-) parcel located at 41 Mt. Ebo Road North, Brewster, New York (Tax Map No. 46-5-2) currently zoned as OP-2 to a “Multifamily Work Force Housing 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 (b) cause the Zoning Map of the Town of Southeast to be amended to reflect the adoption of this Local Law; and (c) 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.

UPON A ROLL CALL VOTE:

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

VOTE: Resolution passed, by a vote of 3 to 2, 0 abstained.
Supervisor Hay made the following statement to be entered into the minutes.

I will be voting no for a few reasons.

- The project is a major deviation from the Town's Comprehensive Plan.
- All the socially conscience aspects of this project which are being used to change the zoning from "age restricted housing" to "non-age restricted housing can all be accomplished without removing the age restriction.
- I do want to clarify for the record because I have heard otherwise, that Barrett Hill won't be paying taxes.
 - Barrett Hill is not a tax exempt entity and the project will pay county, town and school taxes.
 - Barrett Hill is located in an OP-2 Zone which is a commercial zone. When commercial properties pay school taxes, the school taxes they pay benefit all the non-commercial properties in the town by offsetting what homeowners would pay in school taxes because commercial properties generally do not put children in schools to be educated.
 - By removing the age restriction for Barrett Hill, the project will put children in the Brewster Central Schools. As a matter of fact, based on Barrett Hill's EAF and subsequent documentation submitted to the Town, Barrett Hill estimates that the 168 units of housing, with 251 bedrooms and as many as 670 people living in those units, will only generate 26 students to be educated in the Brewster Central School System.
 - Barrett Hill has estimated that it will cost approximately \$420,810 to educate those 26 children. Personally, However, they may well end up using the estimated \$657,558 it will generate in school taxes to educate 40.6 students.
 - Bottom line, Southeast Taxpayers will be picking up the approximately \$62,880, or \$3,700 a year savings to be enjoyed by these 17 affordable units, not the developer.

RESOLUTION # 73 / 2016 ORDER ESTABLISHING BIRCH HILL-HIGHVIEW TERRACE WATER DISTRICT

AT A REGULAR meeting of the Town Board of the Town of Southeast, in the County of Putnam, New York, held at the Town Hall, 1360 Route 22, Brewster, New York on October 6, 2016.

PRESENT: Hon. Tony Hay, Supervisor
Hon. Robert Cullen, Councilman
Hon. Elizabeth Hudak, Councilwoman
Hon. Lynne Eckardt, Councilwoman
Hon. Edwin Alvarez, Councilman

-----X
: IN THE MATTER OF THE ESTABLISHMENT OF :
: :
BIRCH HILL-HIGHVIEW WATER DISTRICT : **ORDER ESTABLISHING DISTRICT**
: :
IN THE TOWN OF SOUTHEAST, NY PURSUANT :
TO ARTICLE TWELVE OF THE TOWN LAW :
: :
-----X

WHEREAS, a map, plan and report relating to the proposed establishment of the **BIRCH HILL-HIGHVIEW DISTRICT**, prepared by Nathan L. Jacobson & Associates, a duly licensed engineer of the State of New York, in a manner and in such detail as has been determined sufficient by this Town Board, having been duly filed with the Town Clerk, in accordance with the requirements of Article 12 of the Town Law; and

WHEREAS, an Order was duly adopted by this Town Board on August 18, 2016, reciting the filing of the Map, Plan and Report, the improvements proposed, the boundaries of the proposed District, the proposed method of financing the improvements, the fact that said documentation were on file with the Town Clerk and available for inspection, and stating all other matters required by law to be stated, and specifying September 22, 2016 as the date, at 7:00 in the evening on said day as the time, at the Town Hall, 1360 Route 22, Brewster, New York, as the place where this Town Board would meet to consider said map, plan and report, and to hear all persons interested in establishment of the proposed District, and persons having appeared and having given testimony in favor of and in opposition to the proposal; and

WHEREAS, the cost of construction and maintenance of the proposed improvements will be financed by the district through bonds, notes or other securities and paid by the owners of all the taxable property within the district and at no expense to the Town of Southeast as a whole.

NOW, THEREFORE, after due deliberation, it is

RESOLVED AND DETERMINED:

(a) That the notice of hearing was published and posted as required by law, and is otherwise sufficient;

(b) That all property and property owners within the proposed district are benefitted thereby;

(c) That all property and property owners benefitted are included within the limits of the proposed water district; and

(d) That it is in the public interest to establish said water district; and be it further

RESOLVED AND DETERMINED:

That the establishment of the **BIRCH HILL-HIGHVIEW WATER DISTRICT**, and the construction of the necessary improvements to the existing water systems serving the residents within the proposed District are deemed to be an "Unlisted" action pursuant to the State Environmental Quality Review Act and that it is hereby declared that such action is not likely to have an adverse impact on the environment; and be it further

RESOLVED AND DETERMINED:

That the District will assume control of the existing water system which is being conveyed to the District at no cost to the district or the Town of Southeast and shall be free and clear of encumbrances; and be it further

RESOLVED AND DETERMINED:

That the maximum amount proposed to be expended for the improvements is Two Hundred Seventy-Five Thousand and 00/00 (\$275,000.00) dollars and the estimated or projected cost to the typical property owner with the proposed District is \$1,400.00 per annum; and be it further

RESOLVED AND DETERMINED:

That the **BIRCH HILL-HIGHVIEW WATER DISTRICT** encompassing the several lots, parcels and pieces of real property described in schedule "A" is hereby established (subject to approval of the Office of the New York State Comptroller); and be it further

RESOLVED AND DETERMINED:

That this Order and Resolution shall be subject to a Permissive Referendum as provided by the Town Law of the State of New York; and be it further

RESOLVED AND DETERMINED:

That the Town Clerk be, and hereby is, authorized and directed to publish a copy of this Resolution in the official newspaper of the Town of Southeast forthwith; and, upon the passage of thirty (30) days after the adoption of this Resolution and, no adequate petition for referendum having been filed, shall file a certified copy of this Order and Resolution with the Office of the Clerk of the County of Putnam, which is the County in which the said Town of Southeast is located, and in the Office of the State Department of Audit and Control, within the time required by law.

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.

SCHEDULE "A"

ALL THE PLOTS, PIECES AND PARCELS OF PROPERTY LOCATED IN THE TOWN OF SOUTHEAST, COUNTY OF PUTNAM AND STATE OF NEW YORK, more particularly described as:

67.15-1-7	67.15-2-1
67.15-1-8	67.15-2-2
67.15-1-9	67.15-2-3
67.15-1-10	67.15-2-4
67.15-1-11	67.15-2-5
67.15-1-12	67.15-2-6
67.15-1-13	
67.15-1-14	
67.15-1-15	
67.15-1-16	
67.15-1-17	
67.15-1-18	
67.15-1-19	
67.15-1-20	
67.15-1-21	
67.15-1-22	
67.15-1-23	
67.15-1-25	
67.15-1-26	
67.15-1-30	

RESOLUTION NO. 74 / 16 COLLINS BROTHERS – 70 FIELDS LANE
RESOLUTION RELEASING PERFORMANCE BOND AND ESTABLISHING A
MAINTENANCE BOND

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilwoman Eckardt

WHEREAS, the Town Board is in receipt of a recommendation from the Town Engineer dated September 23, 2016 with respect to the release of a performance Bond for the site

improvements associated with the Collins Brothers Moving & Storage (Fifth Avenue Investors) and the establishment of a landscape maintenance bond for premises located at 70 Fields Lane, Tax Map No. 78.-2-9; and

WHEREAS, upon review of such recommendation, the Town Board agrees to accept this 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>	
Collins Brothers Recommendation	Erosion & Sediment Reduce / Release	\$2,100.00 -0-
Establish:	Landscape Maintenance Bond - 2 years	\$ 572.00
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	<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. 75 / 16 TWO STARR RIDGE CORP RESOLUTION RELEASING PERFORMANCE SECURITY AND ESTABLISHING LANDSCAPE AND STORM WATER MAINTENANCE BONDS

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilwoman Hudak

WHEREAS, the Town Board is in receipt of a recommendation from the Town Engineer dated September 23, 2016 recommending the release of performance security for the TWO STARR RIDGE CORP commercial site plan located at Three Starr Ridge Road (Tax Map

68.-2-1) and recommending the establishment of a Landscape Maintenance Bond and a Storm Water Maintenance Bond; and

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

NOW, THEREFORE, BE IT

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

<u>PROJECT NAME:</u>	<u>AMOUNT:</u>	<u>REDUCED TO:</u>
Two Starr Ridge Corp	\$43,500.00	Release \$-0-
Establish:		Landscape Maintenance Bond - 2 years \$6,000.00
Establish:		Storm Water Maintenance Bond – 4 years \$4,200.00

And be it further, **RESOLVED**, that the Town Clerk shall forward a Certified Copy of the foregoing resolution to the Planning Board Secretary forthwith.

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.

SET PUBLIC HEARING

Supervisor Hay made a motion to set a Public Hearing for Thursday October 20, 2016 at 7:00 P.M. at 1360 Route 22, Brewster, New York, for the 2017 Budget. Councilman Alvarez seconded. All in favor.

PUBLIC COMMENT

There was no public comment.

TOWN BOARD COMMENT

Supervisor Hay stated that the budget is online for anyone who's interested to review it.

Supervisor Hay made a motion to close the meeting in Honor of John King, who was a retired State Trooper, Judge, and good friend to the Town, and sent condolences out to the family. Councilman Alvarez seconded. All in favor.

Supervisor Hay made a motion to go into Executive Session, where they will discuss personnel matters and no decisions will be made, and then close the meeting. Councilman Cullen seconded. All in favor.

Respectfully Submitted,

Michele Stancati
Southeast Town Clerk