

**Town of Southeast
1360 Route 22, Brewster, New York 10509
Thursday, February 3, 2022
Regular Meeting / Work Session 7:00 P.M.**

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

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.

WORK SESSION

Nothing at this time.

REGULAR MEETING

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

RESOLUTION NO. 8 / 2022 PEGASUS THERAPEUTIC RIDING RELEASE OF PERFORMANCE BOND

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman O'Connor

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 January 24, 2022 with respect to the release of Performance Security posted by Pegasus Therapeutic Riding in connection with a Project Development Plan for property located at 310 Peach Lake Road Starr Ridge Road, Tax Map No. 68.-2-48.2 (the "Subject Premises"); and

WHEREAS, the Planning Board recommends the release of the performance security posted by Pegasus Therapeutic Riding.

NOW, THEREFORE, BE IT

RESOLVED, that the performance bond filed in connection with Pegasus Therapeutic Riding site plan, for premises located at 310 Peach Lake Road, Tax Map No. 68.-2-48.2 in the surety amount of \$14,100.00 is hereby released and may be cancelled by the issuing institution; and be it further

RESOLVED, that 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	<u>Aye</u>
Councilman Larca	<u>Aye</u>
Councilman Cyprus	<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. 9/ 2022 PURCHASE HIGHWAY EQUIPMENT

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

WHEREAS, by memorandum the Highway Superintendent seeks authorization to expend funds for the purchase of a “hook lift” system to be installed on a vehicle owned by the Town; and

WHEREAS, it is found and determined that there are sufficient funds available for the proposed purchase within the 2022 Highway Department Budget, and from sale of other surplus equipment within the department; and

WHEREAS, the unit is being purchased through “Onondaga Cty #ONGOV-106-19 Statewide Piggy Back Contract Trucks Truck Equipment”; and

WHEREAS, such purchase will not require issuance of bonds or notes for the purchase thereof.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Highway Superintendent is authorized to expend an amount not to exceed Fiftyseven Thousand Four Hundred Eighteen no/00 (\$57,418.00) dollars for the purchase of a Hook Lift System to be installed on a Town owned vehicle in accordance with invoice/estimate issued by Robert Green Truck Division dated January 31, 2022; and be it further

RESOLVED, that if the Southeast Superintendent of Highways requires any additional funds above the amount allotted, he will need further authorization by the Town Board to make such expenditure; and be it further

RESOLVED, that this resolution shall take effect immediately.

Upon 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. 10 / 2022 SPECIAL PERMIT PLANET FITNESS / UB BREWSTER LLC

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman O'Connor

WHEREAS, PLANET FITNESS, proposed tenant of a portion of premises located at 1505-1515 Route 22, Tax Map No. 46.-1-1.-1 (a/k/a Lakeview Plaza) owned by UB BREWSTER, LLC (the “Subject Premises”) has made application to this Town Board pursuant to Article X of the Zoning Code for a Special Permit to allow a portion of the Subject Premises to be used for “Recreation” purposes as defined in the Zoning Code; and

WHEREAS, the Subject Premises are located in the SR-22 zone; and

WHEREAS, “Recreation” uses are only allowed within the SR-22 zone upon the grant of a Special Permit by the Town Board; and

WHEREAS, the applicant intends to use a portion of the Subject Premises as and for a gymnasium and physical fitness or health club as described in the Applicant’s “Statement of Use” on file with the Planning Board; and

WHEREAS, the Town Board is in receipt of a Recommendation and Report from the Southeast Planning Board indicating a “positive” recommendation for the Special Permit as proposed; and

WHEREAS, the Planning Board, as Lead Agency for purposes of State Environmental Quality Review adopted a Negative Declaration, which found that the “proposed action would not result in ... significant adverse impacts warranting the preparation of an Environmental Impact Statement (EIS)”;

WHEREAS, a duly noticed public hearing was held by the Town Board on January 6, 2022 in connection with this application wherein the applicant and interested parties were given an adequate opportunity to be heard in this regard; and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby makes the following general findings in connection with the instant application:

1. The application and proposed use conform with all of the general standards and any applicable special standards of Article X of the Zoning Code; and
2. The application is in harmony with the purpose and intent of Chapter 138 of the Zoning Code in that it allows for the orderly development and peaceful enjoyment of neighboring properties.

And be it further

RESOLVED, that the Town Board of the Town of Southeast hereby makes the following specific findings in connection with the instant application:

1. The proposed use is in such location and is a size and character that it will be in harmony with the appropriate and orderly development of the surrounding district and will not be detrimental to the immediate site or adjacent properties.
2. The location and size of the proposed use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout, and its relation to access streets will be such that both pedestrian and vehicular traffic to and from the use and the

assembly of persons in connection therewith will not be hazardous.

3. The exterior appearance of the building will not hinder or discourage the development and use of adjacent land and buildings; and

4. The proposed use will not require such additional public facilities or services or create fiscal burdens upon the Town greater than those which characterize uses permitted as of right.

AND BE IT FURTHER

RESOLVED, that based the review of the application and all submissions regarding the application, the entire record before the Town Board, the recommendation of the Planning Board, site inspections and testimony, if any, adduced at public hearings held in connection with the application, which support the foregoing findings, the application of PLANET FITNESS / UB BREWSTER, LLC pursuant to Chapter 138, Article X, of the Town Code to permit a portion of the Subject Premises, 1505 – 1515 Route 22, to be used for Recreation purposes is GRANTED;

AND BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to file a certified copy of this resolution with the Planning Board and Building Department and to mail a certified copy thereof to the Applicant forthwith.

Upon 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.

MOTION TO AUTHORIZE SUPERVISOR TO SIGN AGREEMENT

Supervisor Hay made a motion to authorize the Supervisor to sign an agreement for the installation of Stormwater Retrofit Project NS-EB-901 with the East of Hudson Watershed Corporation (EOHWC). Councilman Alvarez seconded. All in favor.

MOTION TO SET A PUBLIC HEARING

Supervisor Hay made a motion to set a Public Hearing for a Special Permit for the Terravest III Senior Housing on Thursday, February 17, 2022, at 7:00 PM. Councilman O'Connor seconded. All in favor.

PUBLIC COMMENT

There was no Public Comment.

TOWN BOARD COMMENT

Councilman Larca made a motion to go into Executive Session for Personnel Reasons.
Councilman O'Connor seconded. All in favor.

Councilman Larca made a motion to close the Executive meeting where no decisions were made,
and close the meeting. Councilman Cyprus seconded. All in favor.

Respectfully Submitted,

Michele Stancati
Southeast Town Clerk