

Town of Southeast
1360 Route 22, Brewster, New York 10509
Thursday, March 10, 2022
Executive Session – 6:20 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 conduct interviews for the Ethics Board. Councilman Larca seconded. All in favor.

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

WORK SESSION

There was nothing at this time.

REGULAR MEETING

Supervisor Hay made a motion to open the Regular Meeting and take Resolution Number 4 on the agenda first. Councilman O'Connor seconded. All in favor.

RESOLUTION NO. 16 / 2022 RESOLUTION TO DECLARE LEAD AGENCY AND ADOPT A NEGATIVE DECLARATION

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman O'Connor

WHEREAS, the Town Board of the Town of Southeast is considering and application to amend a condition of a Special Permit which was granted to the TERRAVEST III SENIOR HOUSING, LAD FAMILY INVESTMENTS LLC & COVINGTON PROPERTIES (the "Applicants") as owners/developers of property located in the vicinity of Zimmer Road, Tax Map No. 45.1-1-39.2 (the "Project Site") under Resolution No. 41/2005 dated August 18, 2005 (the "Special Permit");

WHEREAS, by the terms of Resolution 41/2005 the applicant/developer was limited to constructing dwelling units with no greater than 1,800 square feet of living space; and

WHEREAS, the Subject Premises are located in an OP-2 zone; and

WHEREAS, the Applicant contends that the market for senior housing has changed in the years since this project was initially approved requiring additional living area per unit and requests increasing the maximum unit size to 2,550 square feet; and

WHEREAS, the Applicant has represented that no changes to the footprint of the buildings or development layout are proposed and that the square foot increase would be accommodated through additional building height that would be in compliance with the Town of Southeast Zoning Code; and

WHEREAS, at such time that the Applicant proposes any changes to the footprint of the buildings or site plan, the Applicant shall be required to return to the Planning Board for amended site plan approval per § 138-45 of the Town Code and shall be subject to environmental review pursuant to SEQRA; and

WHEREAS, the Town Board is the only agency that has the authority to amend the Special Permit and absent any changes to the site plan is the only Involved Agency under SEQRA; and

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 March 10, 2022 and the appended SEQRA Notice of Determination of Significance, the proposed amendment to the Special Permit for Terravest III Senior Housing will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

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. 17 / 2022 SPECIAL PERMIT – AMENDMENT TERRAVEST III – SENIOR HOUSING

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Larca

WHEREAS, TERRAVEST III SENIOR HOUSING, LAD FAMILY INVESTMENTS LLC & COVINGTON PROPERTIES, applicants as their interests may appear, owners/developers of property located in the vicinity of Zimmer Road, Tax Map No. 45.1-1-39.2 (the “Subject Premises”) having made an application to amend a condition of a Special Permit which was granted to the project under Resolution No. 41/2005 dated August 18, 2005 (the “Special Permit”); and

WHEREAS, by the terms of Resolution 41/2005 the applicant/developer was limited to constructing dwelling units with no greater than 1,800 square feet of living space; and

WHEREAS, the Subject Premises are located in an OP-2 zone; and

WHEREAS, the project sponsor contends that the market for senior housing has changed in the years since this project was initially approved requiring additional living area per unit; and

WHEREAS, the Town Board is in receipt of a report and recommendation from the Southeast Planning Board dated January 24, 2022 wherein the Planning Board has recommended the grant of an amendment to the Special Permit and has found that the proposal of Terravest III Senior Housing is in compliance with the applicable general and special standards of Article X of Chapter 138 of the Town Code; and

WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”) a Negative Declaration indicating that the project is not likely to adversely affect the environment has been adopted regarding the proposed text amendment to the Special Permit; and

WHEREAS, a duly noticed public hearing on the application to amend the Special Permit was held by the Town Board on February 17, 2022 and such public hearing was continued for 10 days to permit additional written comment, and all interested parties having been given an adequate opportunity to be heard in this regard,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby makes and reaffirms the following findings of fact 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 upon the foregoing findings, the Town Board of the Town of Southeast hereby grants an amendment to the original Special Permit granted by Resolution No. 41/2005 to the limited extent as follows:

“RESOLVED, that based upon the foregoing findings, the Town Board of the Town of Southeast hereby GRANTS a Special Use Permit to LAD Family Investments LLC to permit the development of the Subject Premises as a Senior

Residence facility consisting of not more than sixty (60) individual, non-attached, dwelling units consisting of not more than three (3) bedrooms per unit and not more than 2,550 square feet of living space per unit, with central water and sewer...”

And be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to TERRAVEST III SENIOR HOUSING DEVELOPMENT and LAD FAMILY INVESTMENTS LLC; to the Secretary of the Town of Southeast Planning Board; and to the Southeast Building Department, 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. 18 / 2022 DURKIN WATER 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 25, 2022, and referral from the Planning Board dated February 28, 2022 with respect to the release of Performance Security posted by Durkin Water in connection with a Project Development Plan for property located at 120 Fields Lane, Tax Map No. 78.-2-6 (the “Subject Premises”); and

WHEREAS, the Planning Board and Town Engineer recommend the release of the performance security posted by Durkin Water.

NOW, THEREFORE, BE IT

RESOLVED, that the performance bond filed in connection with the Durkin Water Site Plan, for premises located at 120 Fields Lane, Tax Map No. 78.-2-6 in the surety amount of \$27,200.00 is hereby released and may be cancelled by the issuing institution; and be it further

RESOLVED, 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 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. 19 / 2022 PUTNAM COUNTY REAL PROPERTY TAX SERVICES

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Cyprus

WHEREAS, the Town of Southeast contracts with Putnam County (“County”) for the provision of certain services in connection with the preparation of the annual assessment rolls and related documentation on a fee for services basis; and

WHEREAS, the Town Board finds that the services performed by the County are essential to the real property assessment and taxation process.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute and deliver to the County a Putnam County Real Property Tax Service Contract dated March 10, 2022 for the 2022 Tax Year in the form and substance annexed hereto; and be it further

RESOLVED, that the Town Clerk shall forward a copy of this resolution to the Assessor 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. 20 / 2022 PURCHASE HIGHWAY EQUIPMENT

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

WHEREAS, by memorandum the Highway Superintendent seeks authorization to expend funds for the purchase of a used “leaf vacuum”; 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 auction; 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 Eighty Thousand dollars (\$80,000.00) and no/00 for the purchase of a used “leaf vacuum”; 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.

MOTION TO SET PUBLIC HEARING

Supervisor Hay made a motion to set a Public Hearing for the Noise Ordinance Law on March 24, 2022, at 7:00 PM. Councilman O'Connor seconded. All in favor.

MOTION TO SET PUBLIC HEARING

Supervisor Hay made a motion to set a Public Hearing for a Special Permit for Landscape Concepts for Thursday, March 24, 2022 at 7:00 PM. Councilman Larca seconded. All in favor.

MOTION

Supervisor Hay made a motion to waive the rules and add a resolution to the agenda. Councilman O'Connor seconded. All in favor.

RESOLUTION NO. 21 / 2022 PEACH LAKE FLOOD INITIATIVE

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Cyprus

WHEREAS, a Project to alleviate flooding at Peach Lake in the Town of North Salem, Westchester County, and the Town of Southeast, Putnam County, may be eligible for funding under county, state and federal programs through storm water management and flood mitigation initiatives; and

WHEREAS, the flooding has caused problems with the Peach Lake Sewer District pumps along Cottage Lane, causing the pumps to run continuously and also causing at least one pump to fail and making it difficult to replace because it is 'under water'; and

WHEREAS, the Town of Southeast continues to seek grant and aid from federal, state and local resources aimed at finding a permanent resolution to the Peach Lake flooding concerns; and

WHEREAS, the Town of Southeast desires to work with the Town of North Salem to advance a project aimed at repairing the damage to the Peach Lake Sewer District pumping stations and addressing the causes of on-going flooding problems by making a commitment of funds toward project costs and to share the Peach Lake Sewer District costs in the percentage amounts equal to the Town of Southeast Peach Lake Sewer District's responsibilities under the Peach Lake Sewer District Intermunicipal Agreement between the Town of Southeast and the Town of North Salem.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Southeast hereby approves the project to repair the damage to the Peach Lake Sewer District facilities caused by the flooding in Peach Lake and to undertake all additional efforts deemed necessary to alleviate current and future flooding in Peach Lake which has caused this damage; and be it further

RESOLVED, that the Southeast Town Supervisor be and hereby is authorized to execute all necessary agreements, certifications or reimbursement requests on behalf of the Town of Southeast with the Town of North Salem, County of Putnam, State of New York or the Federal Government, as the case may be.

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.

MOTION

Supervisor Hay made a motion to waive the rules and add and appointment to the agenda. Councilman O'Connor seconded. All in favor.

Supervisor Hay made a motion to appoint Alexander Law to the Ethics Board to fill an unexpired term until December 31, 2024. Councilman O'Connor seconded. All in favor.

PUBLIC COMMENT

Scott Seaman, BCSD trustee, stated that the school district had a public forum last week and there was a lot of good information. Masks in school are optional, and everyone was reminded to be kind. The school district is currently working on the budget, facility plan and Brewster vision for 2026.

Resident Joe Racioppo stated that there are a lot of speeders and large trucks doing 50 mph on Allview Ave. He approached the Traffic Safety Board and they referred him to the Town Board. He stated that he and the neighbors recommend speed tables or speed cameras.

Supervisor Hay stated that he sent a letter to the Traffic Board to have the speed reduced to 25 mph. He stated enforcement is important and he will also send a letter to the sheriff.

Councilman Larca agreed that if we reduce the speed limit, it would help with enforcement.

Councilman O'Connor stated that he met with NY State Police and asked for stepped up enforcement.

Supervisor Hay stated he will ask the Village for help also.

TOWN BOARD COMMENT

There was no Town Board Comment.

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

Respectfully Submitted,

Michele Stancati
Southeast Town Clerk