

TOWN OF SOUTHEAST
1360 Route 22, Brewster, New York 10509
Thursday, April 8, 2021
EXECUTIVE SESSION 6:00 P.M.
WORK SESSION / REGULAR MEETING 7:00 P.M.

Pledge of Allegiance

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

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

This meeting took place by videoconferencing, Zoom, and was recorded and posted on the Town of Southeast website.

EXECUTIVE SESSION

Supervisor Hay made a motion to open the meeting and go into Executive Session for Contract Negotiations and Board Interviews. Councilman Larca seconded. All in favor.

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

WORK SESSION

Discussion – NYS S.854-A/A.1248-A Bills Legalizing Adult-Use Cannabis

Supervisor Hay read a few comments from the Governor's Legislation legalizing cannabis. He stated that taxes on it annually could reach \$350 million and potentially create 30,000 to 60,000 jobs. There will be a 9% excise tax in which the local tax rate will be 4%. Counties will receive 25% of the local tax revenue and 75 % will go the municipality. The consensus of the board at this time is that they are not in favor but would like to hear from the Public. Supervisor Hay stated that they will set a Public Hearing.

REGULAR MEETING

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

**RESOLUTION NO. 22 / 2021 OPPOSING STATE LEGISLATION (S04547/A04854)
PROVIDING FOR STATE CONTROL OF ACCESSORY DWELLING UNITS**

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Alvarez

WHEREAS, pursuant to the authority granted to it under the Town Law of the State of New York and the Municipal Home Rule Law, through its zoning, the Town of Southeast has provided for the creation and regulation of Accessory Dwelling Units (ADUs) within the Town; and

WHEREAS, Bill S04547/A04854 (the “Bill”) has been introduced before the New York State Legislature, which Bill, if passed, would amend Article 16 of the Real Property Law to establish State-wide standards and regulations for ADUs; and

WHEREAS, if passed, the Bill would, essentially, usurp the Town’s regulations regarding the creation and regulation of ADUs, and replace it with the State’s standards for ADUs; and

WHEREAS, if passed, the Bill would require the Town of Southeast to adopt the State-wide standards and regulations of ADUs within 180 days of the bill becoming law; and

WHEREAS, the State-wide standards for ADU’s as proposed does not account for the unique and special characteristics of the Town of Southeast, and would (i) establish 4’ side yard and rear yard setback requirements for ADUs, (ii) prohibit a local municipality from ensuring that adequate off-street parking exists for an ADU, (iii) allow a detached ADU as small as 200 square feet which is comparable to a small shed, (iv) prohibit a local municipality from denying a building or use permit for an ADU even if adequate water and sewer are unavailable, (v) prohibit a local municipality from considering any potential impacts related to the ability of local roads to handle the increased traffic, and (vi) prohibit a local municipality from considering any potential environmental effects of ADUs related to congestion or the capacity of land to handle the increased residential density; and

WHEREAS, in establishing State-wide standards for ADUs, the Bill fails to recognize the distinctions between the unique characteristics of each of the 40 cities and 1,481 towns and villages in New York State; and

WHEREAS, the Town Board of the Town of Southeast finds that the aforementioned State standards imposed by the Bill if passed would be a detriment to the health, safety and general welfare of our community; and

WHEREAS, the Town Board of the Town of Southeast wishes to express its adamant

opposition to the Bill.

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Southeast is adamantly opposed to Bill S04547/A04854 which would establish State-wide standards and regulations for the establishment of Accessory Dwelling Units; and be it further

RESOLVED, the Town of Southeast calls upon our New York State elected officials, NYS Senator Peter Harckham and NYS Assemblyman Kevin Byrne to oppose Bill S04547/A04854; and be it further

RESOLVED, that the Town Supervisor be and hereby is authorized to correspond with the Town's NYS Legislative Delegation to communicate the Town's opposition to the referenced legislation; and be it further

RESOLVED, that a copy of this resolution be forwarded forthwith to NYS Senator Peter Harckham and NYS Assemblyman Kevin Byrne.

UPON A ROLL CALL VOTE:

Councilman Alvarez	<u>Aye</u>
Councilman Larca	<u>Aye</u>
Councilman Lord	<u>Aye</u>
Councilman O'Connor	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

VOTE: Resolution passed, by a vote of 5, to 0, 0 abstained.

RESOLUTION NO. 23 / 2021 APPOINTMENT TO PLANNING BOARD

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Larca

WHEREAS, a vacancy has occurred on the Town of Southeast Planning Board resulting from the resignation of Daniel Armstrong effective immediately.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby appoints

George M. Pangis

who has been duly recommended and deemed qualified to fill an unexpired term on the Southeast Planning Board to expire December 31, 2023; and be it further

RESOLVED, that this appointment shall take effect immediately upon the taking and filing of the appropriate oath of office of the aforesaid appointee with the Clerk of the Town of Southeast.

Upon Roll Call Vote:

Councilman Alvarez	<u>Aye</u>
Councilman Larca	<u>Aye</u>
Councilman Lord	<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. 24 / 2021 ORCHARD EATS LLC - 230 GUINEA ROAD
LIQUOR LICENSE - WAIVER OF NOTICE REQUIRMENTS**

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Alvarez

WHEREAS, the Town has been notified that Orchard Eats LLC, owner / operator of premises located at 230 Guinea Road (commonly known as Salinger's Orchard) seeks to obtain an On-Premises liquor license and seasonal outside licenses to permit the sale and consumption of liquor, wine and spirits from such premises; and

WHEREAS, the rules of the New York State Liquor Authority ("SLA") require that an Application Notice Form be sent to the Town at least thirty (30) days prior to filing for the license; and

WHEREAS, there no known reason to object to the issuance of the requested licensee at that location and it is the desire of this Town Board to facilitate the issuance of the full On-Premises liquor license to the applicant.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby WAIVES any and all rights it might have to substantive and procedural compliance with Section 64 of the Alcoholic Beverage Control Law regarding notice to the municipality in connection with the application of Orchard Eats LLC, 230 Guinea Road, Brewster, NY 10509 in connection with the proposed On-Premises liquor license, by the NY State Liquor Authority; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to the New York State Liquor Authority, 80 So. Swan Street, Suite 900, Albany, NY 12210-8002 and to the attorney for Orchard Eats LLC forthwith.

UPON ROLL CALL VOTE:

Councilman Alvarez Aye
Councilman Larca Aye
Councilman Lord Aye
Councilman O'Connor Aye
Supervisor Hay Aye

VOTE: Resolution was Passed, by a vote of 5 in favor, 0 opposed, 0 abstained.

RESOLUTION NO. 25 / 21 BREWSTER HONDA SERVICE CENTER RELEASE OF PERFORMANCE BOND ESTABLISHMENT OF MAINTENANCE BOND

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

WHEREAS, on February 18, 2021 the Town Board of the Town of Southeast adopted a resolution releasing certain performance bond(s) on condition that specified maintenance bond(s) were established for the BREWSTER HONDA SERVICE CENTER project located at 2-4 Allview Avenue, Tax Map No. 68.-1-4; and

WHEREAS, it has been brought to the Town Board's attention that the Engineer's recommendation regarding the time period necessary for one of the maintenance bonds was subsequently amended due to the amount of time the storm water maintenance facilities have been complete and operating.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is hereby directed to cancel and return the original performance security for BREWSTER HONDA SERVICE CENTER, 2-4 Allview Avenue, in the remaining secured amount of \$32,500.00, and to return any and all original bonds, deposits, letters of credit or other indicia of security posted in connection with this project UPON THE EXPRESS CONDITION that the applicant / owner first file the following with the Town Clerk:

(a) Landscape Maintenance Bond in the surety amount of \$2,000 for a period of two (2) years; and

(b) Stormwater Facility Maintenance Bond in the surety amount of \$20,200.00 for a period of one (1) year.

UPON ROLL CALL VOTE:

Councilman Alvarez Aye
Councilman Larca Aye
Councilman Lord Aye
Councilman O'Connor Aye
Supervisor Hay Aye

VOTE: Resolution was Passed, by a vote of 5 in favor to 0 opposed, 0 abstained.

MOTION TO APPROVE SECTION 284-NYS HIGHWAY LAW AGREEMENT FOR THE EXPENDITURE OF HIGHWAY FUNDS

Supervisor Hay made a motion to approve the Expenditure of Highway funds for 2021 for Griffen Rd, Bradley Ct, Foster Rd, Kirkham Rd, and some others set by the Highway Superintendent. Councilman Larca seconded. All in favor.

MOTION TO SET A PUBLIC HEARING ON THE BILL LEALIZING CANNABIS

Supervisor Hay made a motion to set a Public Hearing for Thursday, April 22, 2021 on the NYS S.854-A/A.1248-A Bills Legalizing Adult-Use Cannabis. Councilman Lord seconded. All in favor.

MOTION TO SET A PUBLIC HEARING FOR REZONING OF MASTER PLAN FOR ROUTE 22

Supervisor Hay made a motion to set a Public Hearing for the rezoning of the Master Plan for Route 22 on Thursday, April 22, 2021. Councilman Larca seconded. All in favor.

Town Attorney Will Stephens suggested we wait until we adopt the resolution for the Master Plan as amended at the next meeting and then schedule the Public Hearing to change the zoning code and adopt a Local Law.

After some discussion, Councilman Alvarez made a motion to table this to a later date and Supervisor Hay seconded. All in favor.

PUBLIC COMMENT

Michael Liguori asked if the changes to the Master Plan have been made public yet. Supervisor Hay stated not yet, but will be made public and put on the website.

Scott Seaman, member of the Brewster Board of Education, wished Councilman Lord a quick recovery and stated that everyone is back in school that wants to be and a percentage is still doing distance learning. It's about 80/20 in the lower grades and 70/30 in the upper grades. We are working on graduation; Wescon has cancelled graduations this year, so it will be held in Brewster and there will be more details to come. We appreciate all the work the Town Board does on our behalf.

Eric Cyprus stated that he wants to comment on the legalization of cannabis and thinks the Town Board is spot on. He doesn't see the benefits outweighing the negatives.

TOWN BOARD COMMENT

Councilman Lord wanted to remind everyone that Earth day weekend is April 24th, and 25th and all the information is on website. He also stated that the bike trails are open but please slow down and be aware of everyone on the road.

Supervisor Hay stated that he has had some requests for supplies for Earth day and will be getting in touch with those residents.

Councilman Alvarez made a motion to close the meeting and Councilman Larca seconded. All in favor.

Respectfully Submitted,

Michele Stancati
Southeast Town Clerk