

TOWN OF SOUTHEAST
1360 Route 22, Brewster, New York 10509
Thursday, June 3, 2021
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 - Absent

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.

WORK SESSION

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

Discussion – Definition of an Acre

Supervisor Hay explained that he and Ms. Ley have been discussing the definition of an acre because in the code it is referred to as an acre (40,000 Sq ft) in some sections, and in some it's based on square feet (43,560 sq ft). Ms. Ley stated that all the minimum requirements for single family homes for subdivision purposes would not be changed by this draft law, it would continue to be based on square feet. The only thing that would change are several uses in the code that use the term acre, that might have a minimum of 5 acres for housing certain animals, or ten for a private school, or the agricultural district, which is based on an acre of 40,000 sq ft. These would now become a true acre. Councilman Lord asked about the Motor Vehicle section and Ms. Ley stated that it would become four true acres. Councilman Lord asked about the 4 acre properties now in existence, will they be grandfathered in? Supervisor Hay stated he didn't think anyone would be seriously affected by this. Town Attorney Stephens stated that from the zoning law perspective, if this were to be considered a zoning law, the argument could be made that they are grandfathered as a matter of law. If we were to change this, and someone could establish that they had this number of animals prior to the change in the definition, they could argue that they be grandfathered. Councilman Alvarez asked if we keep it simple and just go by the assessment. Ms. Ley suggested that we keep the current table the way it is for single family dwellings, because that would affect more than the few special uses. Councilman O'Connor suggested we table this and see how many properties would be affected by this. Ms. Ley stated that using GIS or lot size we could screen for those properties. Councilman Larca agreed, he would like to see what would be impacted by the change. Supervisor Hay stated we will follow up at another work session.

REGULAR MEETING

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

RESOLUTION NO. 37 / 2021 RESOLUTION TO DECLARE LEAD AGENCY AND ADOPT A NEGATIVE DECLARATION

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Alvarez

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 implement the recommendations of the Route 22 Master Plan;

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 Type I 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 Expanded Environmental Assessment Form dated May 28, 2021 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 implement the recommendations of the Route 22 Master Plan 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 Larca	<u>Aye</u>
Councilman Lord	<u>Nay</u>
Councilman O’Connor	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

VOTE: carried by a vote of 4 in favor, 1 against; 0 abstained.

RESOLUTION NO. 38 /2021 RESOLUTION TO ADOPT A LOCAL LAW TO AMEND CHAPTER 138 OF THE TOWN CODE, 'ZONING' FOR ROUTE 22

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

WHEREAS, the Town Board of the Town of Southeast adopted a new Route 22 Master Plan on April 22, 2021; and,

WHEREAS, the proposed local law would implement the land use and zoning recommendations of the Route 22 Master Plan; and,

WHEREAS, a duly noticed public hearing was held on May 20, 2021; and,

WHEREAS, a written public comment period was held open for ten days following the close of the public hearing; and,

WHEREAS, on May 10, 2021, the Town of Southeast Planning Board recommended the local law, subject to one revision, for adoption by the Town Board; and,

WHEREAS, the Town Board has agreed to the Planning Board's recommended revision and that edit is included in the local law; and,

WHEREAS, on April 29, 2021, the Town Board of the Town of Southeast referred the local law to Putnam County Planning and Development in accordance with GML 239-m, which approved the law as submitted on May 4, 2021; and

WHEREAS, on June 3, 2021, the Town Board of the Town of Southeast: (1) classified the proposed action as a Type I SEQRA action, and determined that the Town Board of the Town of Southeast would be the lead agency because there are no other involved agencies that will make a discretionary decision to fund, approve or undertake the Action pursuant to 6 NYCRR 617.6(b)(1); and

WHEREAS, the Town Board has thoroughly and carefully considered: (1) the Route 22 Master Plan; (2) the EAF; (3) the written and verbal comments of the Town Board's professional consultants; (4) the written report of the Town of Southeast Planning Board; and (5) the verbal and written comments of members of the public regarding the proposed local law; and

WHEREAS, after taking the requisite "hard look" at the potential environmental impacts of the Action, the Town Board has today made its determination of significance and issued a negative declaration pursuant to 6 NYCRR 617.7(a), based upon its determination that the Action will not have any significant adverse environmental impacts, as more fully described in the "State Environmental Quality Review Negative Declaration Notice of Determination of Non-Significance" annexed to and incorporated by reference in a separate resolution adopted today by the Town Board; and

WHEREAS, the Town Board concludes that the proposed local law promotes the health, safety, and general welfare of the people of the Town of Southeast; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Southeast hereby adopts Local Law No. 2 of 2021 pursuant to the Municipal Home Rule Law to amend Chapter 138 of the Town Code ("Zoning"); 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.

UPON A ROLL CALL VOTE:

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

VOTE: carried by a vote of 4 in favor, 1 against; 0 abstained.

PUBLIC COMMENT

Lynne Eckardt stated that she believes it's important to define an acre in the Code and asked Ms. Ley what the other Towns do. Ms. Ley stated they use both methods. Ms. Eckardt said it's important to clear up because enforcement could be an issue. She also thanked the Town Board and Planning Board for all their work on the Route 22 update.

Charles Martabano thanked everyone for the effort going into the Route 22 Zone changes, and also agreed with the Town Attorney about the zoning code.

Scott Seaman, BCSD Trustee, stated that the High School Graduation will take place on Friday June 18th with a car parade starting at Kohls and ending at the High School. He thanked everyone for their support, especially Councilman Larca for painting the Town green.

TOWN BOARD COMMENT

Councilman Lord reminded everyone about the Flag Day ceremony on June 14, at the Elks at 6:00 P.M. He stated that he attended a Zoom Village meeting and one of the residents had questions about the playgrounds and the equipment at Markel Park. The Supervisor stated that Markel Park is being discussed with the DEP, fire department and the Village and there could be a land swap. Councilman Lord stated that the Village Mayor also spoke about Wells Park and said if the Town wanted to donate equipment to Wells Park, they would take it. Supervisor Hay said that the Town doesn't have the money and it's up to the Village to take care of their park. Councilman Larca stated that he would not be in favor of investing in a park we have no control over. He also stated that he thinks Wells Park will be open this weekend and they have it under control.

Councilman O'Connor informed everyone that the Sodom Rd. project has been put off until July. It will be closed for about 6 months once they begin work. Councilman Larca asked if they will be posting signs and Councilman O'Connor stated yes.

MOTION TO GO INTO EXECUTIVE SESSION

Supervisor Hay made a motion to go into Executive Session to discuss a contractual matter and Councilman Lord seconded. All in favor.

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

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

Respectfully Submitted

Michele Stancati
Southeast Town Clerk