

**Village of Buchanan
Mayor & Board of Trustees
Regular Meeting
March 7, 2023**

PRESENT: (This meeting was held live and via Zoom)

Mayor Theresa Knickerbocker
Trustees Anthony Capicotti, Steven Laker, Sean Murray, Daniel Stewart
Village Administrator Marcus Serrano
Village Attorney Stephanie Porteus
Village Planner David Smith
Village Clerk, Treasurer Cynthia Kempter
Deputy Village Clerk Sharon Murphy

1. PLEDGE OF ALLEGIANCE:

Mayor Knickerbocker called the meeting to order at 7:02 P.M. Jonathan Tiernan led the Pledge of Allegiance.

2. APPROVE MINUTES:

January 3, 2023 Board Meeting: A motion to approve the minutes as presented was made by Trustee Murray, seconded by Trustee Laker with all in favor.

January 24, 2023 Special Meeting: A motion to approve the minutes as presented was made by Trustee Murray, seconded by Trustee Stewart with all in favor.

January 24, 2023 Workshop Meeting: A motion to approve the minutes as presented was made by Trustee Murray, seconded by Trustee Laker with all in favor.

February 7, 2023 Board Meeting: A motion to approve the minutes as presented was made by Trustee Murray, seconded by Trustee Stewart with all in favor.

3. COMMENTS FROM THE FLOOR (agenda items only):

Nick Zachary mentioned that the request to go door to door from PlugPV indicates they will respect a Do Not Call List. He questioned what list are they referring to. Trustee Laker responded that it is the National Do Not Call List. Nick Zachary stated that in regards to the Village Board being lead agency on the AMS project, he felt that the Planning Board had more site plan review experience. The best result will be input from both Boards.

4. **NEW BUSINESS:**

- a. Consider a Motion to Appoint Jonathan Tiernan from Police Officer to Police Sergeant as of the Completion of all Civil Service Documentation

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Capicotti with all in favor.

The Oath of Office was read by Jeralyn Tiernan.

- b. 2023-05 Resolution Declaring that the Village Board Will Act as Lead Agency for Proposed Zoning Text and Map Amendments to C1/C-2 Overlay District, Special Permit and Site Plan Approval for the Development of Unimproved Property Located on Albany Post Road (and also known and Designated on the Tax Map of the Town of Cortlandt as Section 43.16, Block 3, Lots 16 and 16A and Section 43.20, Block 2, Lot 2)

Village Planner David Smith gave an overview of the process that brought the Board to this point. There will be a good amount of information provided to the Board and available to the public prior to any decision being made with respect to the application. At the last meeting, there was a discussion about having some additional alternatives discussed with respect to the minimum lot size. Mayor Knickerbocker stated there will be a public hearing where people can voice their concerns and comments. Trustee Murray questioned why there are so many lots being put together. Pasqualino Carbone stated that he looked through the AMS petition and on their map, they refer to their property as 43.20, when the property is 43.16. He also feels that the five acres should be lowered to four acres. The only property in the C1/C2 zone that would be affected is the petitioner's property. If you bring the minimum down to four acres there would be multiple lots that would be affected. Trustee Murray stated that the applicant had asked the Village Board to become the lead agency for expediency and he asked if that is the reason we are doing this. He said that we are changing the whole way we have done business in the past for expediency. Trustee Murray knows that this will be referred to the Planning and Zoning Board for their comments, but their comments are not binding. Trustee Murray doesn't feel this is right.

A motion to approve this as presented was made by Trustee Stewart, seconded by Trustee Capicotti, with Trustees Laker agreement, Trustee Murray opposed and Mayor Knickerbocker not voting.

WHEREAS, on or about January 10, 2023, representatives of Buchanan Dev AMS LLC (the "Applicant") did submit a facially complete petition to the Village of Buchanan Board of Trustees (the Village Board") for an amendment to the zoning map of the Village of

Buchanan and amendments to the Zoning Code of the Village of Buchanan generally affecting the C-1/C-2 Overlay Zoning District (the "Proposed Zoning Amendments"); and

WHEREAS, Article XII, Section 211-53 of the Code of the Village of Buchanan provides for the process and procedures for amendments to the Village's Zoning Code, and the Applicant has provided a draft of the Proposed Zoning Amendments along with other supporting documentation; and

WHEREAS, in relation to the Proposed Zoning Amendments the Applicant will also seek from the Village Board, a special permit to allow for the application of the C-1/C-2 Overlay District to the Subject Site, and a site plan approval for the redevelopment of the Subject Site for multi-family residential development, (collectively with the Proposed Zoning Amendments, the "Proposed Action"); and

WHEREAS, on January 24, 2023, at a special meeting of the Village Board, the Board did review and discuss the proposed zoning revisions; and

WHEREAS, the Village Board, under Section 7-700 of New York State Village Law and Article XII §211-53 of the Code of the Village of Buchanan, is the only duly authorized legislative body that has the authority to approve the Proposed Zoning Amendments; and

WHEREAS, after a review of the petition, the Village Board acknowledges that there are other interested and involved agencies, as those terms are defined under the State Environmental Quality Review Act ("SEQRA" or Part 617 of the NYS CRR), that should be notified of the Village Board's Intent to Act as Lead Agency; and

WHEREAS, at its January 24, 2023 meeting the Village Board pursuant to §83.11.B.(2) of the Village Code and 617.6 of the NYS CRR, determined that the Proposed Action is subject to SEQRA and is a Type 1 Action and did cause to be circulated a Notice of Intent to Act as Lead Agency to the following Interested and Involved Agencies:

- Village of Buchanan Planning Board
- Village of Buchanan Zoning Board of Appeals
- Town of Cortlandt
- City of Peekskill
- Westchester County Department of Health
- Westchester County Department of Planning
- New York State Department of Environmental Conservation and
- New York State Department of Transportation; and

NOW, BE IT RESOLVED, that the required time for seeking input on Lead Agency status has passed, and the only Agencies to comment were NYS DOT (correspondence dated January 31, 2023) and Westchester County (correspondence dated February 14, 2023), neither of which objected to the Village Board assuming the role of Lead Agency, and as such the Village Board does hereby assume the role of Lead Agency and will coordinate an environmental review as required by SEQR Part 617.7.

Carried by the Following Votes:

- AYES: Trustee Capicotti, Trustee Laker, Trustee Stewart
- NAYS: Trustee Murray
- NO VOTE: Mayor Knickerbocker

- c. Consider a Motion to Appoint Susan Giuliano as Senior Director Consultant at a Rate of \$12,000/year

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Stewart, with all in favor.

- d. Consider a Motion to Approve a Change Order in the Amount of \$6,000.00 to increase engineers fee due to a revised scope of the boiler work

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Laker, with all in favor.

- e. Consider a Motion to Call for a Public Hearing on April 5, 2023 Regarding Budget Hearing

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Stewart, with all in favor.

- f. Consider a Motion to Call for a Public Hearing on April 5, 2023 Regarding the IMA Town Sewer Agreement

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Capicotti, with all in favor.

- g. 2023-06 Resolution Authorizing an Inter-Municipal Agreement with the Town of Cortlandt Regarding Shared Use of Equipment and Bidding by Town Purchasing Director

A motion to accept this as presented was made by Mayor Knickerbocker, seconded by Trustee Murray with all in favor.

WHEREAS, the Village of Buchanan and the Town of Cortlandt have been cooperating with respect to certain inter-municipal services; and

WHEREAS, the Village and the Town annually enter into two (2) Inter-Municipal Agreements, one which allows for the Village to utilize any bids for supplies put out and accepted by the Town, as well as an agreement that allows the Village and the Town to share each others' vehicles and equipment; and

WHEREAS, it is the desire of both the Village Board and Town Board to continue this inter-municipal cooperation resulting in a cost savings to both the Village and the Town;

NOW BE IT THEREFORE RESOLVED, that the Mayor be and hereby is authorized to execute Inter-Municipal Agreements with the Town of Cortlandt providing for and authorizing the Town's Purchasing Director to include the Village in advertisements of all bids by him so that the Village may utilize them, and to allow the Village and the Town to share each other's vehicles and equipment.

Carried by the Following Votes:

AYES: Mayor Knickerbocker, Trustee Capicotti, Trustee Laker,
Trustee Stewart, Trustee Murray
NAYS: None

- h. Consider a Motion to Approve the Request from PlugPV for a Solicitation Permit to go Door to Door Between the Hours of 12:00 P.M. – 6:00 P.M., Monday – Saturday, but not more than two times a week

A motion to accept this as presented was made by Mayor Knickerbocker, seconded by Trustee Murray with all in favor.

- i. Consider a Motion Authorizing the Use of the Pavilion and Serving of Alcohol on April 23, 2023

A motion to accept this as presented was made by Mayor Knickerbocker, seconded by Trustee Murray with all in favor.

- j. Consider a Motion Authorizing the Use of the Pavilion and Serving of Alcohol on May 7, 2023

A motion to accept this as presented was made by Mayor Knickerbocker, seconded by Trustee Stewart with all in favor.

- k. Consider a Motion to Approve the Volunteer Firefighters that have met the Required 50 Points for the Service Award Program as Provided by the Village of Buchanan Fire Department

A motion to accept this as presented was made by Mayor Knickerbocker, seconded by Trustee Murray with all in favor.

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a. Justice Reports – January 2023

Received and filed.

- b. Police Report – January 2023

Received and filed.

- c. Highway Report – January 2023

Received and filed.

- d. Wastewater Treatment Plant – January 2023

Received and filed.

- e. Building Department – January 2023

Received and filed.

- f. Planning Board – January 26, 2023

Received and filed.

- g. Zoning Board – September 14, 2022

Received and filed.

- h. Buchanan Engine Company – January 2023

Received and filed.

- i. Prosecutor's Report – February 2023

Received and filed.

- j. Attorney's Report

Village Attorney Porteus stated that pertaining to the licensing agreement, the residents are trying to find insurance. Almost all of the financial documents have been submitted by Buchanan Engine Co. They are changing the residency requirements which is a state waiver.

- k. Administrator's Report

Village Administrator Serrano stated that the Highway Foreman is trying to get a street sweeper to clean the Village streets. We will notify the residents when their street will be cleaned.

- l. Trustee's Report

Trustee Murray stated that at March 25 at 3:00P.M. Brian Vangor who wrote the book on Indian Point will be at the Hendrick Hudson Free Library. Trustee Murray asked if there was an update on the Lents Cove land. Village Administrator Serrano said there is no update. Regarding the Village Board being lead agency on the AMS project, Trustee Murray asked if the applicant was aware that the criteria for his review is not going to be 5 acres, but 4.5 acres. Village Attorney Porteus replied that she spoke with counsel for AMS and explained that we would like them to look in 4, 4.5 and 5 acres and they agreed to do that. Trustee Murray questioned if AMS has given an approximate dollar amount of the project. Trustee Murray mentioned that he has seen a fee for tree removal on the Building Inspector's report. He stated that we don't have a tree removal code nor have ever instituted a tree removal fee on the fee schedule. Trustee Murray questioned the two bedrooms plus on the AMS application. Trustee Capicotti replied that means two bedrooms plus the den.

Trustee Laker congratulated Sergeant Tiernan and wish him much success. He attended the St. Patrick's Day dinner and thanked the committee. He also attended the City of Peekskill St. Patrick's Day dinner. Trustee Laker asked Mayor Knickerbocker about the Recreation committee. Mayor Knickerbocker replied that they will have one preliminary meeting and then she wants the committee to make their own decisions. Trustee Laker encourages the public to come to the public hearing on April 5th for the IMA regarding the sewer agreement to ask questions and provide their thoughts. Trustee Laker said the commercial building at the corner of White Street and Albany Post Road is an eye-sore. Village Administrator Serrano replied that violations have been sent and it is in the prosecutors' hands.

Trustee Stewart thanked the parade committee for a nice event. Trustee Stewart and Trustee Laker took a tour of Holtec.

Trustee Capicotti congratulated Susan Giuliano and Jonathan Tiernan. He stated that Clare Carey and Beth Rende did a great job on the St. Patrick's Day Parade. Trustee Capicotti was concerned with the miscommunication between the three Boards regarding the AMS project. We all have different opinions, but we all need to do this to benefit the Village. Working with the Planning and Zoning Boards is the best effort and we will work together and get this done correctly. Trustee Capicotti stated that we finally have a tentative agreement with the Town on the IMA. He urged the public to come to the public hearing. It is important to hear from the Village residents and make sure this decision is right for all of us.

m. Mayor's Report

Mayor Knickerbocker stated that the St. Patrick's Day parade committee worked hard and did a great job. June 26th is the 100th year anniversary of Indian Point Park. Mayor Knickerbocker is thinking of opening up the historical room or having something at the pavilion. March 29th is Vietnam Veterans Day. The Village is having a ceremony at noon. Mayor Knickerbocker will be doing a documentary on Indian Point. At the next workshop Mayor Knickerbocker would like to discuss what needs to be worked on next year. Mayor Knickerbocker spoke about the Governor's plan for more housing over the next 10 years.

6. **COMMENTS FROM THE FLOOR:**

Lisa Wenz is very concerned about the proposal of the storage tanks for the water at Indian Point and if there is something the Village is doing she would like to be a part of that.

Nick Zachary congratulated Sean Murray and thanked him for the years of service he has put in.

Eileen Absenger thanked Sean Murray for his service. She asked about affordable housing for the AMS and Village Square project. Mayor Knickerbocker responded that Buchanan does not have an affordable housing requirement for development.

Joan Cito, President of Buchanan Seniors, thanked Sean Murray for all his work with the American Legion. He does a wonderful job and is a great cook. She thanked the Board for providing the Seniors with the Senior Consultant. They are looking forward to working with Susan Giuliano.

7. **EXECUTIVE SESSION:**

At 8:45 P.M. a Motion to enter into Executive Session to discuss personnel was made by Mayor Knickerbocker, seconded by Trustee Murray with all in favor.

8. **ADJOURNMENT:**

At 8:56 P.M. a Motion to exit executive session was made by Mayor Knickerbocker, seconded by Trustee Murray with all in favor.

At 9:56 P.M. a Motion to adjourn this meeting was made by Mayor Knickerbocker, seconded by Trustee Laker with all in favor. No monies were expended.