

**Village of Buchanan
Mayor & Board of Trustees
Regular Meeting
May 2, 2023**

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

Mayor Theresa Knickerbocker
Trustees Anthony Capicotti, Steven Laker, Daniel Stewart, Robert Wheeler
Village Administrator Marcus Serrano
Village Attorney Stephanie Porteus
Village Engineer George Pommer
Village Planner David Smith
Village Clerk, Treasurer Cynthia Kempter
Deputy Village Clerk Sharon Murphy
Building Inspector Peter Cook

1. PLEDGE OF ALLEGIANCE:

Mayor Knickerbocker called the meeting to order at 7:00 P.M.

2. APPROVE MINUTES:

February 28, 2023 Workshop Meeting; March 7, 2023 Board Meeting;
March 28, 2023 Workshop Meeting; April 4, 2023 Special Meeting;
April 4, 2023 Organizational Meeting; April 5, 2023 Special Meeting;
April 5, 2023 Budget Hearing; April 17, 2023 Special Meeting

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

3. COMMENTS FROM THE FLOOR (agenda items only): NONE

4. NEW BUSINESS:

- a. 2023-07 Resolution Scheduling a Public Hearing on June 6, 2023 Proposed Zoning Text and Map Amendments to C1/C-2 Overlay District for the Development of Unimproved Property Located on Albany Post Road (and 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, Lot2)

Village Planner David Smith reviewed the process. At last weeks workshop meeting the Village Board reviewed the EEAF and discussed it with the applicant's representatives. There were several comments from the Board relative to adding some addition information to clarify the proposed action, to clarify some of the graphics that were presented and to include the proposed zoning text amendments including the changing threshold from 5 acres to 4 areas and a change in the wetlands. The applicant has provided a slightly modified EEAF to respond to those comments. At this point, the Board feels there is enough information and is sufficiently presented to allow for the public to begin commenting on the proposed action. The resolution sets the public hearing and allows for the public and other interest and involved agencies to begin submitting their comments and provides for the circulation of the EEAF which is a requirement under SEQRA. It is important to get the public input on this proposed action.

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

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 regularly scheduled meeting of the Village Board, the Board did review and discuss the proposed zoning revisions and did declare their intent to act as Lead Agency as required by the State Environmental Quality Review Act ("SEQRA") and did circulate the Proposed Zoning Amendments and other supporting documentation to a list of identified Interested and Involved Agencies; and

WHEREAS, on March 7, 2023, after the required time had passed and having received no objection to their being Lead Agency from the other Interested and Involved Agencies, Village Board did declare themselves Lead Agency and did discuss the prospective contents of an Expanded Environmental Assessment Form (EAF) to be provided for the Village Board's consideration; and

WHEREAS, on April 20, 2023, the Applicant submitted an Expanded EAF with supporting documentation related to the Proposed Action which was reviewed by the Lead Agency; and

NOW, THEREFORE, BE IT RESOLVED, that the Village Board as required by New York State Village Law and the Code of the Village of Buchanan does hereby schedule a public hearing on the Proposed Zoning Amendments for June 6, 2023 and does hereby direct the Village Clerk to circulate the Proposed Zoning Amendments and supporting documentation to the Village of Buchanan Planning Board for review and recommendation as required by the Code of the Village of Buchanan; and, be it further

RESOLVED, that the following agencies identified by the Expanded EAF and using all due diligence, are Interested or Involved Agencies for the Proposed Action and should be provided a copy of this Notice and Expanded EAF:

Village of Buchanan Zoning Board
Town of Cortlandt
City of Peekskill
Village of Croton-on-Hudson
Westchester County Department of Health
Westchester County Department of Planning
New York State Department of Environmental Conservation
New York State Department of Transportation
Buchanan Engine Company
Verplanck Fire Department
Montrose Fire Department; and

BE IT FURTHER RESOLVED, that the Village Board hereby directs that a Public Hearing Notice be circulated among the Interested and Involved agencies together with a copy of this resolution, and the Expanded EAF, and that any correspondence on this matter be directed to the Village Administrator's Office, 236 Tate Avenue, Buchanan, NY 10511.

Carried by the Following Votes:

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

b. 2023-08 Resolution Authorizing Inter-Municipal Agreement with the Town of Cortlandt for the Use of the Northern Tier Transfer Station

WHEREAS, the Town of Cortlandt has entered into an agreement with the County of Westchester Solid Waste District which allowed the County to construct a transfer station on property owned by it on Roa Hook Road; and

WHEREAS, the Town of Cortlandt has previously entered into agreements with the Northern Tier municipalities to allow them to utilize said transfer station; and

WHEREAS, the Village's agreement with the Town of Cortlandt for the use of the Northern Tier Transfer Station, Roa Hook Road facility will commence on April 1, 2023 for a six-year period; and

WHEREAS, the fee for this service will be \$812.00 per month for the period of 4/1/2023 through 3/31/2024, and at that yearly rate plus a cost of living adjustment for each year thereafter equal to the Allowable Levy Growth Factor of the NYS Tax Cap; and

WHEREAS, the Village presently utilizes this and desires to continue to make use of this site;

NOW THEREFORE BE IT RESOLVED that the Village Mayor is hereby authorized to sign the Intermunicipal Agreement with the Town of Cortlandt for the use of the Northern Tier Transfer Station, Roa Hook Road facility for the period between April 1, 2023 and March 31, 2029.

Carried by the Following Votes:

AYES: Mayor Knickerbocker, Trustee Capicotti, Trustee Laker,
Trustee Stewart, Trustee Wheeler

NAYS: None

c. Consider a Motion for Unpaid Water Charges to Be Releived to the Tax Bill

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

d. Consider a Motion Authorizing the Employment of Seasonal Help at a Rate of \$15.00/hour

For the highway department: Marty Stewart, Sean Stewart, William Roberts, Joseph Redman. For the sewage treatment plant: Jake Izzo. Employment is from May 19 – August 31.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Laker, with Trustee Capicotti and Trustee Wheeler in favor and Trustee Stewart abstained.

e. Consider a Motion for the Treasurer to Make All Required Budget Transfers, Interfund Transfers, Adjustment and Amendments to Close the 2022-203 Fiscal Year as Required for the Annual Audit

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

f. Consider a Motion Authorizing the Engineer to Prepare Specifications and to Advertise for Bids for the 2023 Roadwork Improvement Project

Village Engineer Pommer stated that the roads that will be worked on this year are Bannon Avenue from Cortlandt Street to Kings Ferry Road, Henry Street from Second Street to Fourth Street, all of Burke Court and part of Broadway. The curbs on Gallagher Street are not great. This will be about \$1,400,000. An email was sent to Con Ed to find out what they are doing on Broadway and what they

will pay for. When we receive a response from Con Ed and when we get bids back, the Board can decide based on the numbers and what Con Ed is doing how to move forward with doing Gallagher Street or not. Trustee Laker questioned the valve work that is to be done. It is included in the work, but will be paid from the water fund.

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

- g. Consider a Motion Authorizing the Engineer to Prepare Specifications and to Advertise for Bids for Sewer Linings

Village Engineer Pommer stated that the ARPA money will be used for influent infiltration upgrades. The three areas that are most compromised are sections of Tate Avenue, Albany Post Road and Bleakley Avenue.

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

- h. Consider a Motion Authorizing the Mayor to sign the Updated Cooperative Agreement Among the State of New York, Village of Buchanan and Town of Cortlandt

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

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a. Justice Reports – February and March 2023

Received and filed.

- b. Police Report – February and March 2023

Received and filed.

- c. Highway Report – February and March 2023

Received and filed.

- d. Wastewater Treatment Plant – January 2023 February and March 2023

Received and filed.

e. Building Department – February 2023

Received and filed.

f. Planning Board – February 23, 2023

Received and filed.

g. Zoning Board – February 8, 2023, March 8, 2023

Received and filed.

h. Buchanan Engine Company – February and March 2023

Received and filed.

i. Prosecutor's Report – no report

j. Attorney's Report

Village Attorney Porteus stated she will have the steep slopes statute that we are amending available soon and would like it put on the next workshop. The new prosecutor and the old prosecutor are working together and have transferred files.

k. Administrator's Report

Village Administrator Serrano stated that Tate Avenue will be rehabilitated by Con Edison and will let everyone know when that will be. Village Administrator Serrano stated that as we discussed with the budget, we are changing the water billing structure. There will be a new bill in June which covers April and May and then a bill in September which covers June, July and August. There will be a three-month bill from this month forward. The commercial users will go from a monthly bill to a quarterly bill. The street sweeper will be doing the lower village on May 16, 17 & 18 and the upper village will be May 19, 22 & 23. Please keep your cars off the road during these times.

l. Trustee's Report

Trustee Capicotti stated that the public hearing on the AMS project is scheduled for June 6. Please come out if you have any questions or comments. This is a very big decision for the Village.

Trustee Wheeler stated he agrees with Trustee Capicotti regarding AMS. Trustee Wheeler wished all the moms a Happy Mother's Day. The Memorial Day parade will be held in Verplanck on Monday, May 29th. Line up is at 10:30 A.M. at the Verplanck Fire House. Trustee Wheeler said that volunteers are needed not only at the Buchanan Engine Company, but everywhere. If you want to get involved and help out your community, please contact a member of the fire department.

Trustee Laker also agreed with Trustee Capicotti regarding AMS and encouraged the residents to come out on June 6 and present your questions. The property on the corner of White Street and Albany Post Road has applied for a permit for the roof repair. Trustee Laker will be happy to see that eyesore cleaned up. The Beautification Committee has their plant sale on May 12. Please come out and support them.

Trustee Stewart said that he abstained from voting for the seasonal help since his two sons will be working. He reached out to the school board in relation to the concern about the Memorial Day services being cancelled. He found out that the services are not being cancelled, they are afraid with safety concerns in taking the kids off campus due to the recent shooting in Tennessee and false shooter reports. The District felt that for the safety of the student body they will limit it to being on the premises.

m. Mayor's Report

Mayor Knickerbocker stated that last Thursday was the Indian Point Decommissioning Oversight Board meeting. We need to join together as a community. There is no one working with the Village of Buchanan. There is no elected official from the Town, State or Federal government that has contacted that Village of Buchanan to ask us what our thoughts are. The Village needs your support. The anti-nuclear people and other groups have decided that the water should not be put into the Hudson River even though it's been done for sixty years. The EPA said that the water is not toxic. The alternative is to put tanks on the property. This is something that will affect us. If they do push to do that, the Village will never be able to develop that property. We have to raise awareness of what is going on. If you listen to all the possibilities, the best possibility is to discharge into the Hudson. On May 3rd, we will be having a meeting here with Richard Baroni, who is the Vice President of the site to explain the process. David Lochbaum, who is an independent nuclear scientist to come and talk to us about the different options of what to do with the water.

The highway department is working on the stairs by the pool. They look great. Mayor Knickerbocker will be officially sworn in as the president of the Westchester Municipal Officials Association on Thursday, May 11th.

6. **COMMENTS FROM THE FLOOR:**

Eileen Absenger made public comment regarding the Indian Point Decommissioning Oversight Board. She questioned how long the dredging project will be and how it will impact the Broadway paving. She asked about the food scrap program.

7. **EXECUTIVE SESSION:**

At 8:03 P.M. a Motion to enter into Executive Session to discuss personnel and negotiations was made by Mayor Knickerbocker, seconded by Trustee Capicotti with all in favor.

8. **ADJOURNMENT:**

At 8:41 P.M. a Motion to exit executive session was made by Mayor Knickerbocker, seconded by Trustee Stewart with all in favor.

At 8:41 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.