

**Village of Buchanan
Mayor & Board of Trustees
Regular Meeting
July 5, 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 Planner David Smith
Village Engineer George Pommer
Village Clerk, Treasurer Cynthia Kempter
Deputy Village Clerk Sharon Murphy
Building Inspector Peter Cook

OTHERS:

Mark Weingarten, Partner in DelBello Donnellan Weingarten Wise & Wiederkehr, LLP
Peter Feroe, Senior Technical Director, AKR

1. PLEDGE OF ALLEGIANCE:

Mayor Knickerbocker called the meeting to order at 7:01 P.M.

2. APPROVE MINUTES:

May 3, 2023 Special Meeting; May 23, 2023 Workshop Meeting,
June 6, 2023 Special Meeting, June 6, 2023 Board Meeting

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

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

4. NEW BUSINESS:

- a. Consider a Motion to Continue the Public Hearing Regarding 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).

A motion to continue the public hearing was made by Mayor Knickerbocker, seconded by Trustee Laker with all in favor.

Village Planner David Smith explained that at the June 6th meeting you opened a public hearing on proposed zoning text and map amendments relating to the C1/C2 overlay district. They were submitted on behalf of AMS Acquisitions. The application calls for zoning text amendments that would allow for changes to the C1/C2 overlay district that would allow for additional density. A special permit would be required as part of that application. The petition calls for the Village Board to be issuing the special permit and the site plan approval. As part of that process, the Planning Board would still be very much involved. The application will be sent to the Planning Board for their review and consideration providing comments back to the Village Board. An application was submitted for the zoning and special permit back in January. The Mayor and the Board of Trustees went through the initial SEQRA (State and Environmental Quality Review) process which is a statutory process under NYS for environmental review for these types of actions. The Board initiated the action of declaring their intent to be lead agency. On January 24th that notice was circulated to a number of agencies and surrounding communities. Nobody objected to the Village Board acting as lead agency. On March 7, 2023 the Board became formally the lead agency and will be coordinating the environmental review on behalf of the Village. The applicant prepared an expanded environment assessment form. The document contains a number of technical reports, analysis, traffic reports and engineering reports for the proposed action. The Board reviewed that and provided comments back to the applicant to determine if there was sufficient information. The applicant revised that and ultimately the Board accepted the document and scheduled a public hearing for June 6th. At that meeting, the public hearing was open and Village Planner Smith provided an overview of the process and the applicant provided a very detailed comprehensive presentation of their application. In the interim, the zoning application was referred to the Planning Board for their review and consideration. That is a statutory requirement under the Village Code. They provided comments back from their May 25th meeting. Tonight, the Board will reopen the public hearing and have a couple of decisions to make depending on the extent of the comments and whether there have been any new issues raised. The Village Board could adjourn the public hearing, or close the public hearing and allow for a written comment period of 10 days. In the next immediate steps, the applicant will provide some responses to some of the comments that were raised as part of the public comment period and ultimately the Board will need to make a determination of significance under SEQRA. Essentially, the Board is evaluating the 17 different impact issue areas under the environmental assessment form. The Board would evaluate each of those to determine if there are significant adverse impacts. This relates to disturbance on land, impacts related to traffic and social economics. At the point, the Board would make a determination of significance. If the Board makes a negative declaration, then the environmental process concludes and you've determined that there are no significant adverse impacts as a result of the proposed action. If the

Board makes a positive declaration, you have indicated that there are significant adverse impacts and they need to be addressed in more detail as part of a more formal review process. Once SEQRA is concluded, if the Board decides to enact the zoning, then it becomes legal law and the applicant would then be in a position where they could formally submit and file for a special permit and site plan. Right now, you are at the second public hearing portion of the process to receive public comment.

Mark Weingarten said that in addition to what Village Planner Smith stated they are also seeking to change the zoning map to change the back portion of the property from M1 to C2 so that it is all consistent. That is what our petition consists of. They have been working on culling the zoning comments vs. site plan comments to decide what are the things that need to be responded to in writing now vs. what will come later. There were comments about fire safety. They had a phone call with the fire chief and they gave some suggestions for how the site plan might change to improve the plan. This is something that has to be worked out with the fire department. When all of the comments from the public are collected, they will answer and put them together for the Board to make a final determination. They are eager to go forward and look forward to the public comments.

A motion to continue the public hearing was made by Mayor Knickerbocker, seconded by Trustee Laker with all in favor.

Robert Lewis of 147 Lindsey Avenue made public comment against the AMS project. He stated that most of the people in Buchanan that he speaks with have no clue about this project. He feels this should go to a vote to everyone in Buchanan.

b. Consider a Motion to Open the Public Hearing Regarding Chapter 165 Steep Slopes.

A Motion to Open the Public Hearing was made by Mayor Knickerbocker, seconded by Trustee Stewart, with all in favor.

Village Engineer Pommer stated over the past months, they have been working on revisions to the current steep slopes laws in order to encourage development. As it is written, it is very stringent and it doesn't allow for development of steep slopes over 30% unless there is no other reasonable justification. They have modified the code. The four projects in front of the Board will not be adversely impacted by the changes. The County reviewed it and did not have any comments with regard to the changes. Trustee Capicotti asked about the ridge line. Village Planner Pommer explained that there are only two or three ridge lines in the Village. There are more hilltops that ridge lines in the Village.

No public comments.

A Motion to Close the Public Hearing was made by Mayor Knickerbocker, seconded by Trustee Laker, with all in favor.

c. 2023-09 Resolution to Adopt Local Law Amending Chapter 165 Steep Slopes

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

WHEREAS, a resolution was duly adopted by the Board of Trustees of the Village of Buchanan for a public hearing to be held by said Village Board at the Municipal Building, 236 Tate Avenue, Buchanan, to hear all interested parties on a proposed Local Law to amend Chapter 165 entitled “Steep Slopes” to the Code of the Village of Buchanan; and

WHEREAS, notice of said public hearing was duly advertised in the official local newspaper; and

WHEREAS, said public hearing was duly held at a regularly scheduled meeting of the Village Board on July 5, 2023 at 7:30 p.m. at the Municipal Building, 236 Tate Avenue, Buchanan, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Board of Trustees of the Village of Buchanan, after due deliberation, finds it in the best interest of the Village of Buchanan to adopt said Local Law;

NOW BE IT THEREFORE RESOLVED that the Board of Trustees of the Village of Buchanan hereby adopts said Local Law No. 3-2023 amending Chapter 165 of the Code of the Village of Buchanan, a copy of which is attached hereto and made a part of this resolution; and

BE IT FURTHER RESOLVED that the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Buchanan, and to give due notice of the adoption of said local law to the Secretary of State of the State of New York.

Carried by the Following Votes:

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

NAYS: None

d. Consider a Motion to Call for a Public Hearing on August 1, 2023 Regarding Installment Agreements for Delinquent Taxes.

Village Attorney Porteus explained that this is based on NYS Real Tax Law. In order to allow people who have become delinquent in their taxes to pay in installments, we have to have a local law that allows the Village to accept installment payments. Village Administrator Serrano explained that if someone wants to take advantage of this, they would have to pay 25% of the back taxes and

then pay the remaining balance over four installments every six months for two years. They also have to keep the current taxes up to date.

A motion to call for a public hearing was made by Mayor Knickerbocker, seconded by Trustee Stewart, with all in favor.

- e. Consider a Motion to Call for a Public Hearing on August 1, 2023 Regarding Chapter 171 Entitled Subdivision of Land.

Village Attorney Porteus explained that the only item we are removing is the final sentence which says ‘under no circumstances are the funds deposited pursuant to this section to be used for general maintenance of recreation facilities and equipment’.

A motion to call for a public hearing was made by Mayor Knickerbocker, seconded by Trustee Stewart, with all in favor.

- f. Consider a Motion to Approve License Agreement Regarding Village Property Located on White Street Subject to Proof of Insurance.

Village Attorney Porteus stated that this concerns the piece of property on White Street that is owned by the Village that a resident has been using for parking.

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

- g. Consider a Motion to Approve the Hold Harmless Agreement Regarding 144 Tate Avenue.

Village Attorney Porteus explained that this concerns someone who connected to a neighbor’s property and then goes into our stormwater. There is now an easement agreement and a hold harmless agreement filed which will protect the Village.

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

- h. Consider a Motion to Approve the PBA MOU.

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

- i. Consider a Motion to Award a Bid to Westchester Hills Landscaping, Inc. for the Roadway Improvement Project 2023.

Village Engineer Pommer stated we put a bid out for road paving, milling and curb work on Bannon Avenue, Broadway, Henry Street and an alternate for Gallagher Street. Trustee Capicotti questioned the limits on Con Ed restoration work. Village Engineer Pommer explained that we have Construction Standards that determines what is paved.

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

- j. Consider a Motion to Award a Bid to Arold Construction Company for the 2023 Sewer Pipe Lining Project.

Village Engineer Pommer explained that the Village put out a project for the pipe lining on Bleakley Avenue and Tate Avenue. Certain pipes that were known to have inflow and infiltration need to have sewer lining. Village Administrator Serrano stated that there is a problem with one of the sewer pipe lines near Fat Sal's. Village Engineer Pommer said that the survey is still out another two to three weeks. Once we have that we can put plans together and submit to the health department and then put another project out to bid with the balance from the grant.

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

- k. Discussion on 3151 Albany Post Road.

Village Engineer Pommer said that back in 2020, he went into the site with the building inspector. The interior of the house is in disrepair. At that time, the structure was not structurally deficient. At one point the family said they would take care of it. Village Administrator Serrano stated that the taxes are up to date. Building Inspector Cook wrote a letter to the son putting him back on notice again to do the necessary repairs. If this is not done, then the Board would have to hold a public hearing if the Village had to clean up the property.

- l. 2023-10 Resolution in Support of the Controlled Release of Nuclear Water into the Hudson River.

Mayor Knickerbocker gave a background on the Decommissioning Meetings. There is a verbal anti-nuclear group that have self-appointed themselves as ruler and leaders of what goes on with the decommissioning process. Mayor Knickerbocker stated that not one of those people have any nuclear experience, expertise or training. Once again, they are trying to tell the Village of Buchanan what should be done. The goal has been the safe decommissioning of Indian

Point and the restoration of the property. They would like the tritiated water to be put in containers which leak and vent. If that happens that will stop the decommissioning process and destroy a lot of that property.

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

WHEREAS, the Village of Buchanan had been the Host Community to the Indian Point Energy Center for almost 60 years. The Energy Center was the largest taxpayer, employer and good corporate neighbor to not only the Village of Buchanan but to many other communities and organizations. Unit 2 ceased operations April 2020 and Unit 3 ceased operations April 2021. The premature closure was due to anti-nuclear groups and fear mongering about Nuclear. The closure severely impacted the Village of Buchanan with a 50% loss of revenue and the Village is still trying to recover from the loss and

WHEREAS, Holtec International was one of two companies to bid on the Decommissioning of Indian Point. We were fortunate to have someone take on the risk of decommissioning and bring the site back for reuse decades before it was scheduled to be. “The closure agreement of January 2017 Appendix D explicitly authorized to treat and release of radioactively contaminated water to the Hudson River and the PSC order approving ownership transfer from Entergy to Holtec found thorough and timely Decommissioning and site restoration to be unquestionably in the Public interest.” Also, the Joint Proposal in 2021 signed off by Holtec, the State of NY, Westchester County, the Town of Cortlandt, the Village of Buchanan, Hendrick Hudson School District, the Public Utility Law Group, and Riverkeeper agreed that Holtec’s plan for Decommissioning yields considerable economic and environmental benefits to the surrounding community and

WHEREAS, “the Indian Point Decommissioning Oversight Board is charged with assessing how to protect the financial, environmental and physical interests of the communities affected by Decommissioning including the interests of the current workforce as it relates to continuing the public safety of surrounding communities” and

WHEREAS, the Indian Point Decommissioning Oversight Board holds regular meetings and brings in experts in the field such as the EPA, and NRC who presents facts and data and has experience, education and expertise. Also, Dave Lochbaum is an Independent Technical Expert with a Nuclear Background. Dave Lochbaum has investigated alternate ways and presented at many DOB Meetings and the Village of Buchanan special meeting of May 3, 2023, He feels the best way to eliminate the water from Indian Point is through treating the water and discharging into the River in small batches as has been done for over 60 years. He was not in favor of storing the water in large containers throughout the Indian Point property. First of all, the containers have been known to leak, secondly the containers are vented through the top which allows the contents to settle on the ground outside the container or become airborne on windy days and

WHEREAS, the International Atomic Energy Task Force concluded that the Fukushima nuclear plant water should be released into the ocean and that the radiological impact on people and the environment is negligible, and

WHEREAS, prior to the closure agreement of Indian Point, the same anti-nuclear groups that have no nuclear education, experience or expertise are demanding the Decommissioning be done according to their wishes. Unfortunately, many of the same elected officials that are supposed to be representing the Village of Buchanan have not been in contact or concerned how this will affect the Village again. They are only listening to the anti-nuclear groups and not the science, data or facts. These anti-nuclear groups have appointed themselves to be the “experts” in decommissioning and demanding the Decommissioning process is done according to their wishes. They are also demanding the water not be discharged into the River but stored in containers that are known to leak and vent through the top or an alternate to be stored underground for an indeterminate time and

WHEREAS, the Village of Buchanan’s voice is not being heard and being drowned out by the anti-nuclear activists once again using fear mongering and disregarding experts, data and facts.

NOW THEREFORE BE IT RESOLVED, the Village of Buchanan will protect its residents and any property located within the Village of Buchanan against groups trying to once again dictate to the Village of Buchanan. The Village of Buchanan strongly feels that it is not in its best interest to store in containers that leak or vent through the top any chemicals or radioactive treated water either above ground or below in any type of container within the Village boundaries. The storage of these containers will impact the Decommissioning process and delaying for many years, once again negatively impacting the beautiful Village of Buchanan. To make it very clear, The Village of Buchanan will not be issuing any permits for any type of container to store the treated water above or below ground.

Carried by the Following Votes:

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

NAYS: None

Lisa Wenz of 206 Tate Avenue gave public comment in favor of this resolution.

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a. Justice Reports – May 2023

Received and filed.

- b. Police Report – May 2023

Received and filed.

- c. Highway Report – May 2023

Received and filed.

d. Wastewater Treatment Plant – May 2023

Received and filed.

e. Building Department – April 2023

Received and filed.

f. Planning Board – May 25, 2023

Received and filed.

g. Buchanan Engine Company – May 2023

Received and filed.

h. Prosecutor's Report – June 2023

Received and filed

i. Attorney's Report

Village Attorney Porteus stated she has an executive session item.

j. Administrator's Report

Village Administrator Serrano reached out to the library on the digital sign they used. The cost is about \$23,000. This does not include installation and electrical work. He has reached out to other companies for bids.

k. Trustee's Report

Trustee Capicotti urged people to follow up with the 10-day comment period on the AMS project. Your opinions are helpful in our decision making. The parcels of property we have to work with are very limited. We have a lot of ground to make up with our tax money and we have to do that wisely. Next week starts the Mt. Carmel Feast and he hopes to see everyone there.

Trustee Stewart agrees with Trustee Capicotti that it is not easy to make decisions and change isn't easy. We are facing a tough time as a Village and we want this Village to remain independent so tough decisions have to be made. Trustee Stewart urges people to get involved.

Trustee Laker said that the Buchanan Running Club would like to do a 5K race on Buchanan Day. They will need some help getting the event off the ground. Mayor Knickerbocker said that they need \$1,000 to get started. They will need

to reimburse the Village. Trustee Laker would like to give Village Engineer Pommer direction to go out for bid on the pickle ball court and renovating the tennis court. Village Administrator Serrano stated that we have one proposal that is over \$200,000. That is to turn one side of the tennis court into four pickle ball courts.

Trustee Wheeler reiterated about people getting involved. He is very well aware what is going on in the Village. He has been involved for years. He has worked here for 25 years. He knows this Board has a lot going on now. There is a problem with our taxes and we have to make changes. Albany Post Road has no character. A lot of work has been done on the AMS project. There is a lot of information that we are getting the experts to give us the answers on. Our job is to do what is best for the Village. The AMS project will be very good for the Village. Trustee Wheeler reminded people that we do have a newsletter every month which says what's going on. Trustee Wheeler mentioned that there is a dead tree on Westchester Avenue. He would like to have a conversation about taking all the trees down around the Circle and Westchester Avenue and reassessing what the Circle should look like. The Buchanan Fire House is having their golf outing on September 8th. This is their biggest fund raiser and they give out scholarships and help out members that are in need during tough times.

1. Mayor's Report

Mayor Knickerbocker had no comments.

6. **COMMENTS FROM THE FLOOR:**

Vinnie Settepani of 144 Tate Avenue made public comment about the newsletter and not being informed that the matter of his property was being discussed at tonight's meeting.

Lisa Wenz of 206 Tate Avenue asked if there was any possibility of getting shade trees at the playground behind the highway garage.

Lisa Mercora of 162 First Street made public comment against the AMS project.

Eileen Absenger of 138 Tate Avenue made public comment about the resolution releasing water into the Hudson River, the condition of Albany Post Road and if there is a packet that goes to new residents of Buchanan.

7. **EXECUTIVE SESSION:**

At 9:25 P.M. a Motion to enter into Executive Session to discuss potential sale of Village property was made by Mayor Knickerbocker, seconded by Trustee Laker with all in favor.

8. **ADJOURNMENT:**

At 9:40 P.M. a Motion to exit executive session was made by Mayor Knickerbocker, seconded by Trustee Laker with all in favor.

At 9:40 P.M. a Motion to adjourn this meeting was made by Mayor Knickerbocker, seconded by Trustee Stewart with all in favor. No monies were expended.