

**Village of Buchanan
Mayor & Board of Trustees
Regular Meeting
September 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 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:

June 27, 2023 Workshop Meeting
July 5, 2023 Board Meeting
July 25, 2023 Workshop 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):

Nick Zachary, 80 Tate Avenue, gave public comments on the noise ordinance and the zoning change for the development on 9A. He questioned the Board on their vision for the 9A corridor.

Tina Zerello, 229 Westchester Avenue, gave public comments against the AMS Development

4. NEW BUSINESS:

- a. Consider a Motion to Open the Public Hearing Regarding Chapter 119 Entitled “Noise Control.”

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

Village Attorney Porteus explained the changes being made to the Code. Eileen Absenger, 138 Tate Avenue, had questions about the noise control code.

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

b. 2023-15 Resolution Authorizing Adoption of Local Law No. 6-2023 Amending Chapter 119 of the Code of the Village of Buchanan.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Wheeler, 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 amending Chapter 119 entitled "Noise" 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 September 5, 2023 at 7:00 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.6-2023 amending Chapter 119 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

- c. Discussion on and Consider a Motion to Award Bid for the Village Hall Boiler to New York Home Maintenance Co., Inc. at the base bid of \$266,577.00

Village Administrator Serrano explained that this is the second time we went out for bid on this project. The engineer was unable to come to the meeting tonight. The recommendation from the engineer is to go with two efficiency boilers. This will be discussed further at the September workshop.

- d. 2023-16 Resolution - Determination of Environmental Significance on Proposed Zoning Text and Map Amendments to C1/C-2 Overlay District for the Development of Unimproved Property Located on Albany Post Road (and also Known and Designated on the Tax Map of The Town of Cortland as Section 43.16, Block 3, Lots 16 and 16A and Section 43.20, Block 2, Lot 2) and Authorizing Adoption of Local Law No. 7-2023 Amending Chapter 211 and Chapter 203 to the Code of the Village of Buchanan

Village Planner David Smith explained that the Village Board has been considering an extensive environmental narrative that was submitted by the applicant in January 2023. The Board has gone through the SEQRA procedures. The Board issued a notice of intent to act as lead agency and declared themselves lead agency in March. The Board reviewed the initial submission by the applicant, requested additional information be provided by the applicant to help supplement the environmental assessment form. At the May 5 meeting, after due consideration of all the materials, the Board accepted it as complete. There was enough information and sufficient detail for the public to understand what the proposed action is. The Board scheduled a public hearing for June 6. At the May 25 meeting of the Planning Board they received the application materials as a referral from the Village Board. They reviewed it in detail and provided comments back to the Village Board as part of the zoning process. This particular zoning change allows the Village Board to issue the special permit and site plan for this development proposal. When the site plan comes in, it will be forwarded to the Planning Board for their review and recommendations. At the July 5th meeting, the public hearing was closed and a public comments period was held open for a minimum of ten days. No written comments were submitted. At the July workshop, the applicant came in and made a presentation and provided additional material. Village Planner Smith prepared an environmental assessment form part two which evaluates 18 different impact areas that SEQRA requires a lead agency to review. In Part 3 there is an extensive narrative that was prepared which looks at each of the impact areas and discusses them in detail. All of the impacts identified have been adequately mitigated as part of the environmental record. The traffic has been extensively studied and the NYS DOT is still an involved agency and will be reviewing any specific improvements that need to be

made to Rt 9A. The determination of significance means that you have identified all the relevant environmental impacts, have thoroughly analyzed the potential impacts and have provided a written explanation of its reasoning concluding why the proposed action may or may not cause significant adverse environmental impacts. The resolution authorizes a negative determination under SEQRA and that will allow you to adopt the proposed zoning and map amendments.

Nick Zachary asked if a full traffic study was done for the AMS project. Eileen Absenger questioned how in-depth DOT does their job. Village Planner Smith explained that DOT has a person assigned to the Village and they are reviewing both the Village Square and AMS projects. They are looking at both of these projects together. They will look at the studies, reviews and the site plan that have been prepared. For AMS we are just at the zoning stage so we provided the information from the traffic analysis. When we get to the site planning stage, that is when DOT will take a more critical look at access and sight lines.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Wheeler, 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 did provide a draft of the Proposed Zoning Amendments along with other supporting documentation; and

WHEREAS, in relation to the Proposed Zoning Amendments the Applicant also seeks 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 at their April 25, 2023 work session, at which time the Village Board after review did request additional information to supplement the Expanded EAF; and

WHEREAS, the Applicant did submit a revised Expanded EAF responding to the comments from the Village which was reviewed at the Village Board's May 2, 2023 meeting and was subsequently accepted for circulation and public comment and a public hearing scheduled for June 6, 2023; and

WHEREAS, as required by Section 211-54 of the Village Code, the Expanded EAF was circulated to the Planning Board and the Planning Board at their May 25, 2023 meeting did discuss the Proposed Action and provided their comments to the Village Board; and

WHEREAS, a public hearing was held on June 6, 2023 in which all members of the public were invited to be heard and were and the Village Board adjourned the public hearing until their next regular meeting on July 5, 2023 at which time the Village Board closed the public hearing but left open a written comment period for a minimum of 10 days during which time the Village received no additional comments; and

WHEREAS, at its July 25, 2023 work session the Village Board did receive the following: cover memo from the Applicant with written responses to substantive comments raised during the public review period; updated Natural Resources Report; draft EAF parts 2 and 3; and

WHEREAS, on September 5, 2023 the Village Board did review the entirety of the environmental record; and

NOW, THEREFORE, BE IT RESOLVED, that the foregoing WHEREAS clauses are incorporated herein by reference and are fully adopted as part of this approval; and be it further

RESOLVED, that the Lead Agency makes the following findings after having fully considered the environmental review record and supporting documentation, and having considered the preceding written facts and conclusions relied upon to meet the requirement of 6 NYCRR 617.7 and 617.11, the Village Board determines after a review of Expanded EAF with supporting materials, EAF Part 2 supported by the EAF Part 3 with accompanying narrative and all the other supporting information that while the Proposed Action may have some small to moderate impacts to the environment, those impacts have been mitigated to address identified impacts and does hereby make a Negative Declaration under SEQRA that the Proposed Action will result in no significant adverse impact to the environment.

Carried by the Following Votes:

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

NAYS: None

2023-17 Resolution Authorizing Adoption of Local Law No. 7-2023 Amending Chapter 211 Entitled “Zoning” and Chapter 203 Entitled “Wetlands” to the Code of the Village of Buchanan

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Wheeler, 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 amending Chapter 211 entitled “Zoning” and Chapter 203 entitled “Wetlands” 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 June 6, 2023 at 7:00 p.m. and held over until September 5, 2023, at 7:00 p.m. to allow for written comments 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.7-2023 amending Chapters 211 and 203 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 he 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

e. Discussion of Master Plan

Mayor Knickerbocker stated that our last master plan was done in 2005. Mayor Knickerbocker is looking for volunteers to be on the master plan committee. Mayor Knickerbocker feels that it is appropriate to move forward with a master plan because it will help with any future development. Trustee Stewart asked for a ballpark figure on the cost for a new master plan. Village Planner Smith stated that it depends on how extensive you want public input, number of meetings, whether you are including a separate survey component, and design issues. Trustee Laker asked how this would correlate with the potential rezoning of the M2 District. Village Planner Smith stated they could occur separately. It depends on the timing and whether you have more time with the M2 zone in relation to what you can accomplish with the preparation of the comprehensive plan. The two work in concert together or you could do the M2 and that gets folded in when you update the comprehensive plan. Trustee Laker stated that beyond the M2 district and the potential in that area, the majority of the Village is already developed and there isn't much open space to preserve. Trustee Laker asked whether the whole exercise of a master plan is worth the effort or better to put all the effort into the M2 District which would have a bigger impact. Village Planner Smith said you could have the M2 zoning as a separate chapter and selectively update different sections and with the input of the public figure out if there are other areas that need to be identified.

f. Discussion on Rezoning M2 District

Mayor Knickerbocker stated that the M2 district is what is left of development which would include 240 acres of the Indian Point property and the CertainTeed Gypsum plant. The agreement with Holtec is that they would continue discussion on releasing some of the property and we are looking for the 60 acres. Now that the Governor has signed the bill so Holtec can't discharge water into the Hudson, we don't know where that puts the decommissioning. Holtec has to do a site characterization before any property can be released. That acreage is the key to our community.

g. Call for a Public Hearing on October 3rd Regarding Chapter 181 Entitled Taxation (Senior Citizens Tax Exemption)

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

h. Discussion Regarding the Deputy Treasurer Position

This will be discussed at the September workshop.

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

a. Justice Reports – July 2023

Received and filed.

b. Police Report – July 2023

Received and filed.

c. Highway Report – July 2023

Received and filed.

d. Wastewater Treatment Plant – July 2023

Received and filed.

e. Building Department – June 2023

Received and filed.

f. Buchanan Engine Company – July 2023

Received and filed.

g. Prosecutor's Report – no report

h. Attorney's Report

Village Attorney Porteus has one litigation and one contract item for executive session.

i. Administrator's Report

Village Administrator Serrano stated that about a year ago we received a grant from Senator Harckham's office for \$100,000. After some review, Village Engineer Pommer recommended that we apply for the grant to repaint the steel beams at the pavilion because they are beginning to rust. Trustee Laker asked if that was the only item the grant could be used for. Village Administrator Serrano will send the Board the grant information. Village Administrator Serrano stated that they met with contractor for the paving and they estimate the starting date will be September 18th. Mayor Knickerbocker stated there is another \$100,000 grant available this year.

j. Trustee's Report

Trustee Wheeler asked about the status of the electronic sign. Village Administrator Serrano said that he is still waiting on a quote from Sign's Inc. Trustee Wheeler stated that five trees have been lost at the Circle over the last 10 years. Trustee Wheeler said that school is open so be careful when you are driving. He also wants to remind people that you are not suppose to pass the sanitation truck.

Trustee Capicotti touched on the comments made earlier and said that election day is in March and if anybody would like to run for this position because it is that easy, then feel free to do it. He stated that we take this job very seriously. Trustee Capicotti stated that previously the battery storage company wanted to come into the Village and they offered us millions of dollars. Trustee Capicotti and other trustees were looking into this as an obligation to the Village. The company has decided not to come into the Village. Trustee Capicotti believes in this project on Albany Post Road. It is our future. He doesn't feel that this is an infringement on the outskirts of the Village to any community member. It is only a positive for us as a Village who will struggle for the next couple of years to find our way without the money we need to get through this. Trustee Wheeler believes that everyone on this Board is doing what is right for the Village. He

has talked to a lot of people about this project and has heard good and bad. We are listening to everyone. We are doing what we think is right for the Village and its future.

Trustee Stewart reiterated what Trustee Capicotti and Trustee Wheeler said. He wants to see what is best for the future of the Village. Trustee Stewart mentioned the passing of longtime resident Pat Wassil and condolences to the Wassil family. Trustee Stewart feels that since the Village is in a situation since the Governor signed legislation to no longer allow release of the water into the Hudson, that the Village needs to be on record with the Governor about our concerns. The cessation fund needs to be looked at again and the State needs to come up with some ideas to help our Village along if this process is going to be held up. Mayor Knickerbocker would like to do a letter to the Governor from the Board.

Trustee Laker stated in response to the resident concerning the Albany Post Road Development Project that there has been no agreement made by this Board. There is a long process for this development. He still has not submitted a site plan and there will be a lot of tweaks and changes and discussions that will be made. There was a point made by the resident about a salary. As a Board, they receive a small stipend which is public information. This takes time away from our families and other businesses we have and things we could be doing. To be the target of that anger is unnecessary. Trustee Laker asked Building Inspector Peter Cook for an update on the property on the corner of White Street. Building Inspector Cook responded that the owner was allowed to have a permit to remove the unsafe canopy and repair the roof. They have not reapplied to the Planning Board. Trustee Laker asked who is responsible for the overhead wires and vines and trees overhanging into the road. Trustee Laker asked if DOT could be notified. Trustee Laker asked Mayor Knickerbocker if there could be a special meeting with the whole Board for the meeting with Holtec. Trustee Laker asked who is responsible for opening the pavilion because it is locked. Village Administrator Serrano said he will talk to the Highway Department about opening it. Buchanan Day is September 16th.

k. Mayor's Report

Mayor Knickerbocker asked Trustee Wheeler to look at the information about the Village signs and talk with the Beautification Committee about the signs. Trustee Stewart suggested going to our larger corporate entities within the Village and ask them if they want to sponsor a sign. Mayor Knickerbocker stated that she went to the meeting with Clear Path and they will be going into the Peekskill bay, up Louisa Street and right down Rt. 9. They also gave us a donation for Buchanan Day. Mayor Knickerbocker will be having coffee with Mayor once a month. On Friday, October 13th, there will be a movie night at the

pavilion. The Buchanan Running Club is having a 5K on September 16th. Buchanan Day is from 11:00am – 3:00pm.

6. **COMMENTS FROM THE FLOOR:**

Lisa Wenz, 206 Tate Avenue, suggested putting the Decommissioning Meetings on the website and why it is important to attend.

Eileen Absenger, 138 Tate Avenue, asked who was surveying at the parking lot across from Fat Sal's. She asked that if the NRC is a Federal Agency, don't they take precedence over the State.

7. **EXECUTIVE SESSION:**

At 9:06 P.M. a Motion to enter into Executive Session to discuss contractual and litigation was made by Mayor Knickerbocker, seconded by Trustee Stewart with all in favor.

8. **ADJOURNMENT:**

At 9:43 P.M. a Motion to exit executive session was made by Mayor Knickerbocker, seconded by Trustee Laker with all in favor.

At 9:43 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.