

**TOWN BOARD
TOWN OF SOUTHEAST**

**DETERMINATION OF NO ENVIRONMENTAL IMPACT
WITH RESPECT TO HOME RULE REQUEST FOR ALIENATION OF PARKLAND**

RESOLUTION No. 11 /2020

Dated: February 20, 2020

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Larca

WHEREAS, the Town Board of the Town of Southeast, Putnam County, New York (respectively, the “Town Board” and the “Town”) is considering the swap of certain Town-owned property located on Pugsley Road which is currently designated “open space” land for a parcel of property located on Starr Ridge Road which would be designated and dedicated as public open space; and

WHEREAS, before the Town Board may actively pursue the swap of designated open space property for other lands to be designated open space, the Town Board must seek and obtain the approval of the New York State Legislature *via* a Home Rule Request for Approval of Alienation of Parkland; and

WHEREAS, the Town Board held a duly noticed public hearing on February 13, 2020, to receive public comment in favor of and against the proposal to seek approval for the alienation of public open space property and invited written comments to be submitted after the close of the public hearing; and

WHEREAS, the Town Board has determined that the Project is a Type I action pursuant to the regulations promulgated pursuant to the State Environmental Quality Review Act (“SEQR”); and

WHEREAS, the Town Board has evaluated whether the proposed alienation of open space land in exchange for the dedication of other open space land may have a potential significant adverse environmental impact and, in connection with such evaluation, has prepared the State Environmental Quality Review Notice of Determination of Non-Significance, a copy of which is annexed hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED that:

(1) The Town Board determines that the application to the New York State Legislature seeking permission for the Alienation of Parkland is a Type I SEQR action.

(2) The Town Board determines, as more fully set forth in the attached State Environmental Quality Review Notice of Determination of Non-Significance, dated February 20, 2020, attached hereto and made a part hereof, and after due consideration of all documents, materials and public testimony, both oral and written, and after consideration of whether the

proposed alienation of designated open space may result in a significant adverse impact on the environment, that no potential significant adverse impacts have been identified, and that there will be no adverse impact on historical resources.

This resolution was prepared in accordance with Article 8 of the Environmental Conservation Law.

ON A ROLL CALL VOTE:

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

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

TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF PUTNAM)

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution duly adopted by the Town Board of the Town of Southeast at a Regular Meeting of said board held the 20th day of February, 2020.


MICHELE STANCATI
Town Clerk

State Environmental Quality Review
NEGATIVE DECLARATION
 Notice of Determination of Non-Significance

Date: February 20, 2020

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Southeast Town Board as lead agency has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Alienation of Town Owned Parkland on Pugsley Road

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The Town Board of the Town of Southeast (the "Town Board") proposes to trade 82.1 acres of public parkland located on Pugsley Road in the Town of Southeast to Proswing Sports Realty, Inc. ("Proswing") in exchange for 94.9 acres of property owned by Proswing located on Starr Ridge Road in the Town of Southeast.

Proswing contemplates future recreational development, as permitted by the Zoning Code of the Town of Southeast, on the Pugsley Road parcel. However, given the uncertainty of ownership, no specific development plans are set forth at this time. The Town of Southeast intends to acquire the Starr Ridge Road parcel for dedicated open space and parkland. Any future development on either parcel is speculative, has independent utility from the alienation of parkland and land transfer actions, and would be subject to compliance with the State Environmental Quality Review Act ("SEQRA").

The Town Board believes the Pugsley Road property, which is owned by the Town and is designated for open space, will serve a greater public benefit if it were owned and developed for recreational use by a private project sponsor. Any conveyance of the Pugsley Road site shall be specifically conditioned upon such site being deed restricted to prohibit the site from being used for any purpose other than Recreation as may be defined by the Town of Southeast Zoning Code. Further, the Town Board believes the Starr Ridge Road site will serve a greater public benefit if it were acquired by the Town for preservation as permanent open space because Starr Ridge Road property is located along a Scenic and Historic Route designated by the Town of Southeast (§ 83-5C of the Town Code and shown in Historic & Cultural Resources Figure 2-3 in the 2014 Comprehensive Plan Update) and has linkages to nearby open space/recreation land in Peach Lake Natural Area owned by the Putnam County Land Trust.

Location: Town-owned parkland on Pugsley Road, in the Town of Southeast, Putnam County, New York, known and designated Tax Map 45, Block 1, Lots 10, 11 & 5.3.

Reasons Supporting This Determination:

The following materials have been reviewed:

- Full Environmental Assessment Form (EAF), dated January 29, 2020
- Letter from Richard O'Rourke, with enclosures, to the Town Board dated February 3, 2020
- Letter from Richard O'Rourke, with enclosures, to the Town Board dated February 13, 2020

In addition to the factors considered above, the Town Board considered the following guidance from the State Environmental Quality Review Act and its implementing regulations and determined that the Proposed Action would:

- (i) Not result in "a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;" (§617.7(c)(1)(i))

- (ii) Not result in "the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;" (§617.7(c)(1)(ii))
 - (iii) Not result in "the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;" (§617.7(c)(1)(iii))
 - (iv) Not result in "the creation of a material conflict with a community's current plans or goals as officially approved or adopted;" (§617.7(c)(1)(iv))
 - (v) Not result in "the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;" (§617.7(c)(1)(v))
 - (vi) Not result in "a major change in the use of either the quantity or type of energy;" (§617.7(c)(1)(vi))
 - (vii) Not result in "the creation of a hazard to human health;" (§617.7(c)(1)(vii))
 - (viii) Not result in "a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;" (§617.7(c)(1)(viii))
 - (ix) Not result in "the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;" (§617.7(c)(1)(ix))
 - (x) Not result in "the creation of a material demand for other actions that would result in one of the above consequences;" (§617.7(c)(1)(x))
 - (xi) Not result in "changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or" (§617.7(c)(1)(xi))
 - (xii) Not result in "two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision." (§617.7(c)(1)(xii))
- In conclusion, the Proposed Action will not have any significant adverse environmental impacts.

For Further Information:

Contact Person: Michele Stancati, Town Clerk
 Address: Town of Southeast Town Hall
 1360 Route 22
 Brewster, NY 10509
 Telephone Number: (845) 279-4313

A Copy of this Notice has been filed with:

- Hon. Tony Hay, Supervisor, Town of Southeast
- Michele Stancati, Town Clerk, Town of Southeast
- Putnam County Department of Planning/Development & Public Transportation, 841 Fair Street, Carmel, NY 10512

**TOWN BOARD
TOWN OF SOUTHEAST, NEW YORK**

**REQUESTING THE NEW YORK STATE LEGISLATURE INTRODUCE
HOME RULE LEGISLATION TO AUTHORIZE THE DISCONTINUANCE
AND ALIENATION OF PARKLAND LOCATED ON PUGSLEY ROAD**

RESOLUTION NO. 12 / 2020

Date: February 20, 2020

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Alvarez

WHEREAS, the Town Board of the Town of Southeast (the “Town Board”) requests authorization to sell public parkland located on Pugsley Road in the Town of Southeast, Putnam County to Proswing Sports Realty, Inc. for future development as permitted by the Zoning Code of the Town of Southeast; and

WHEREAS, in exchange, the Town Board shall acquire and dedicate property owned by Proswing Sports Realty, Inc. located on Starr Ridge Road as parkland; and

WHEREAS, the proposed sale and transfer of property requires parkland alienation legislation by the New York State Legislature and compliance with the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Town Board of the Town of Southeast has carefully considered the potential environmental impacts related to the alienation of public parkland on Pugsley Road, acquisition of the Starr Ridge Road property by the Town and the sale of Pugsley Road property by the Town (the “Proposed Action”); and

WHEREAS, after conducting a public hearing and other public meetings on the subject, the Town Board has confirmed that the Proposed Action will not result in any significant adverse environmental impacts and, as such, has issued a Negative Declaration pursuant to the requirements of SEQRA; and

WHEREAS, the Town Board believes the Pugsley Road site, which is owned by the Town and is designated for open space, will serve a greater public benefit if it were owned and developed for recreational use by a private project sponsor; and

WHEREAS, the Town Board also believes the Starr Ridge Road site will serve a greater public benefit if it were acquired by the Town for preservation as permanent open space because Starr Ridge Road property is located along a Scenic and Historic Route

designated by the Town of Southeast (§ 83-5C of the Town Code and shown in Historic & Cultural Resources Figure 2-3 in the 2014 Comprehensive Plan Update) and has linkages to nearby open space/recreation land in Peach Lake Natural Area owned by the Putnam County Land Trust; and

WHEREAS, a transfer of the Pugsley Road site for the Starr Ridge Road site, is only possible after legislative approval of the alienation of the Pugsley Road site; and

WHEREAS, to assist Members of the New York State Senate and Assembly who will be sponsoring legislation authorizing the alienation and the Office of Parks, Recreation and Historic Preservation, the Town Board has prepared the Parkland Alienation Form Municipal Information attached hereto as Exhibit "A."

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southeast hereby requests the New York State Legislature introduce Home Rule Legislation to authorize the Town Board to alienate a portion of Town-owned parkland on Pugsley Road, known and designated Tax Map 45, Block 1, Lots 10 & 11; and

BE IT FURTHER RESOLVED, that if such alienation is approved by the New York State Legislature, any conveyance of the Pugsley Road site shall be specifically conditioned upon such site being deed restricted to prohibit the site from being used for any purpose other than Recreation as may be defined by the Town of Southeast Zoning Code; and

BE IT FURTHER RESOLVED, the Supervisor of the Town of Southeast, or a duly authorized representative, is hereby empowered and directed to execute any and all documents, agreements, or other papers as may be necessary to implement the intent and purpose of this Resolution; and

BE IT FURTHER RESOLVED, the Clerk of the Town of Southeast, in conjunction with any other duly authorized representatives, is hereby directed to send certified copies of this Resolution and all supporting documentation to the New York State and Assembly Home Rule offices of Senator Pete Harkham and Assemblyman Kevin Byrne.

UPON 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.

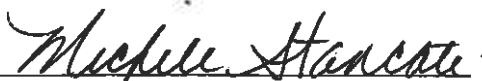
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MICHELE STANCATI
Town Clerk