

**PHYSICAL SERVICES COMMITTEE MEETING**  
**40 Gleneida Avenue Room #318**  
**Carmel, NY 10512**

**Committee Members: Chairman Gouldman Legislators Castellano & Montgomery**

**Monday**

**June 13, 2023**

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The meeting was called to order at 6:30p.m. by Chairman Gouldman and he led in the Pledge of Allegiance. Upon roll call, Legislators Castellano, Montgomery, and Chairman Gouldman were present.

**Item #3 - Acceptance/ Physical Services Meeting Minutes/ May 16, 2023**

Chairman Gouldman stated the minutes were accepted as submitted.

**Item #4 - Approval/ 2023 Agricultural District Inclusion Recommendations/ Interim Director Putnam County Soil & Water District Neal Tomann**

Chairman Gouldman stated Interim Director Putnam County Soil & Water District Neal Tomann was present to speak to the recommendations for the 2023 Agricultural District.

Interim Director Putnam County Soil & Water District Neal Tomann stated for the record, last year there were no applicants. He stated this year they received two (2) applications. He stated the Putnam County Agriculture & Farmland Protection Board (AFPB) voted “no” on both of the applicants this year. He stated the first application was from BarnDog LLC located in the Town of Southeast. He stated it was basically a wood lot, they had very little in terms of a plan. He stated the second application from Hollister Hills Farm in the Town of Putnam Valley did not have a farm infrastructure. He stated it was a lot that had been cleared, but there were no barns or animals. He stated they plan to raise alpacas and chickens, but they did not have anything in the way to demonstrate how they would do that. He stated the AFPB Members had a close vote, it was 5 nays vs 4 ayes to recommend the parcel for inclusion in 2023. He continued to speak to their review of the applicants. He stated that the AFPB Members believe they need to be thorough in their reviews because once they are approved in the Agricultural District the applicant receives some protection from sights, sounds, smells of farming and the operation.

Chairman Gouldman questioned if recommendations were given to the applicants in terms of actions, they would need to take in order to qualify.

Interim Director Putnam County Soil & Water District Neal Tomann stated they did give each of the applicants several recommendations. He stated the AFPB believes each of the applicants will apply again.

Chairman Gouldman stated the business of farming is important throughout New York and the Country.

Legislator Montgomery stated the Legislators can contact the members of the AFPB to discuss their vote. She questioned if Interim Director of Putnam County Soil & Water District Tomann believes the law needs to be revised. She stated there is a lot of leeway in the current law. She questioned if there was opposition from the neighbors and were they in fact informed there was an application submitted.

Interim Director Putnam County Soil & Water District Neal Tomann stated the message they spread is if people are interested in making an application to the AFPB for Inclusion into the Agricultural District they need to begin by working with the municipality, which in that process the neighbors would be notified. He stated when the application is made to the AFPB they want to make sure the local municipality is aware of the intention of the applicant.

Legislator Montgomery recommended that a revision to the law could be to require that the recommendation of the Town Planning Board would need to be provided before it comes to the County.

Interim Director Putnam County Soil & Water District Neal Tomann stated he agrees with that recommendation. He stated he agrees there is room to tailor the existing law.

Legislator Sayegh stated she did consult with Putnam Valley Supervisor Annabi regarding the Hollister Hills Farm. She stated Supervisor Annabi is in agreement that said farm should not be approved to be in the Agricultural District at this time.

Legislator Nacerino stated she was the Legislative liaison to the AFPB for several years. She stated although the applicants have potential, there is more to be done. She stated there should be a plan that demonstrates the need. She stated in the past there has been adamant difference of opinion between the AFPB and the municipality. She stated the AFPB needs to do their due diligence even if the municipality disagrees. She stated the responsibility to make the decision is on the County and the onerous is on the AFPB.

Legislator Crowley stated she would be in favor of tailoring the language in the law moving forward. She expressed that she believes the law needs to be updated. She spoke to the example of having a horseback riding business. She stated it is her opinion that needs to be looked at,

because there are organizations such as Guardian Revival, Pegasus, etc. that offer horseback riding as a form of therapy, giving back to the community and they are making money.

Legislator Montgomery stated that Legislator Sayegh stated she spoke to Supervisor Annabi and reported that the Town is not in favor. She questioned if the Legislature has any formal record of that such as minutes from their meeting, a resolution, etc. anything. She stated the Town Supervisor is not recommending it but was there a democratic process.

Legislator Nacerino stated the Town Board sends a recommendation or non-recommendation to the AFPB. She stated the final decision does not rest with the Town Board. She stated they do not dictate which parcels are accepted into the Agricultural District, the onerous to make the final decision falls on the AFPB.

Legislator Crowley spoke as the Legislative liaison to the Putnam County AFPB, the submission of paperwork, in terms of their plans with their property, differed from that which was sent to the Town and that which was sent to the AFPB.

Chairman Gouldman made a motion to Approve/ 2023 Agricultural District Inclusion Recommendations; Seconded by Legislator Montgomery. All in favor.

**Item #5 – Approval/ Budgetary Amendment - 23A033/NY Metropolitan Transportation Council (NYMTC) Unified Planning Work Program (UPWP) Funds- Putnam County Intersection Planning and Feasibility Study/ Acting Administrator of Planning John Tully**

Acting Administrator of Planning John Tully stated this is a follow up to the Budgetary Amendment 23A027 last month and was passed by the Full Legislature at the June 6<sup>th</sup> meeting in the amount of \$400,000. He stated the County has received an additional \$200,000 which is reflected in Agenda Items #5 and #6. He explained the UPWP funding is from the New York State Metropolitan Transportation Council. He stated feasibility studies help the County plan for projects. He stated the areas that will be included in the Intersection Planning and Feasibility Study are: areas along Milltown Road, New York State Route 52 near Fair Street, Cornwall Hill Road, Fishkill Road and Route 301, Lower Station Road, and Route 9D. He stated the studies will include but will not be limited to these areas. He referenced 2018 when the County was awarded similar funding. He stated the study was done on Ludingtonville Road and Route 52. He explained the information helped the County petition NYMTC to secure funding and redesign said intersection. He stated that would be the plan with this, if similar information is obtained.

Legislator Nacerino questioned if the area to be studied in Patterson on Cornwall Hill Road will be the intersection at Route 311.

Acting Administrator of Planning John Tully stated he believes that is correct. He stated also in Patterson near the monuments and Haviland Drive and Fairfield Drive the crosswalks may be studied. He stated if it is not done under this program, it may be able to be done under the NY Metropolitan Transportation Council Unified Planning Work Program.

Anne Campbell, resident of Town of Kent, stated she was unaware that funding had been obtained for the redesign of Route 52 and Ludingtonville Road.

Acting Administrator of Planning John Tully stated the County secured funding through brokering sessions. He stated the funding is not funding the County can use until, he believes 2027.

Chairman Gouldman made a motion to Approve/ Budgetary Amendment - 23A033/NY Metropolitan Transportation Council (NYMTC) Unified Planning Work Program (UPWP) Funds- Putnam County Intersection Planning and Feasibility Study; Seconded by Legislator Castellano. All in favor.

**Item #6 - Approval/ Budgetary Amendment - 23A034/NY Metropolitan Transportation Council (NYMTC) Unified Planning Work Program (UPWP) Funds- Putnam County Complete Streets Initiative/ Acting Administrator of Planning John Tully**

Acting Administrator of Planning John Tully stated this is similar funding, as in agenda item #5. He stated this funding will be put towards studying Complete Streets Initiatives in areas that the County identified may need it. He stated they listed the following but are not limited to them: Towners Road and Hill and Dale Road intersection, Fairfield Drive and Haviland Drive intersection, Baldwin Place Road and Myrtle Avenue near the schools, Oscawana Lake Road in Putnam Valley, and Peaceable Hill Road in Brewster. He stated they are the ones currently on the plan to be evaluated. Per the request of Legislator Montgomery he read the mission of the Complete Streets Program. He stated in summary Complete Streets is about roadway safety.

Legislator Montgomery stated for the record she did try to get the County to adopt a Complete Streets Policy, which would have been accepted by the State. She stated she tried to get that done along with the Climate Smart Initiative.

Acting Administrator of Planning John Tully stated there is approximately in total \$70 million that Putnam County will receive. He spoke to that projection.

Chairman Gouldman made a motion to Approve/ Budgetary Amendment - 23A034/NY Metropolitan Transportation Council (NYMTC) Unified Planning Work Program (UPWP)

Funds- Putnam County Complete Streets Initiative; Seconded by Legislator Castellano. All in favor.

**Item #7 - Approval/ SEQR Determination/ Type II/ Tilly Foster Farm Cantina Replacement Building #6/ Acting Administrator of Planning John Tully**

Acting Administrator of Planning John Tully stated the review was conducted by the County and determined this is a Type II Action.

Chairman Gouldman requested confirmation that this is the building that Cornell Cooperative is going to be using.

Acting Administrator of Planning John Tully stated that is correct, to the extent that there may be other participants in the project. He stated before any action for this project can move forward there, it will require Legislative approval in the future.

Legislator Montgomery stated she is in support of Cornell Cooperative and their goal to secure funding for this project. She stated she has been critical of the amount of funding that has been put into Tilly Foster Farm in past years. She stated she will support this because of Cornell Cooperative.

Chairman Gouldman stated he too is a strong supporter of Cornell Cooperative and the fine work that they do.

Chairman Gouldman made a motion to Approve/ SEQR Determination/ Type II/ Tilly Foster Farm Cantina Replacement Building #6; Seconded by Legislator Montgomery. All in favor.

**Item #8 - Approval/ Ratification of Applications Submitted for Grant Funding- 2023 Consolidated Funding Application Program/ Acting Administrator of Planning John Tully**

Acting Administrator of Planning John Tully stated the application is due July 17<sup>th</sup>. He stated with that said not all of the criteria has been vetted on the projects that are listed. He stated they reviewed the Capital Projects list and selected them to conduct a review to see if they meet the criteria in the Consolidated Funding Application (CFA). He stated the ones listed in the proposed resolution are viable candidates for funding and most of them do not compete against each other. He stated that means the County could submit multiple applications and potentially receive multiple awards. He stated that he did clear this list with County Executive Byrne.

Chairman Gouldman stated upon his review of the proposed resolution with the projects listed, he agrees they are all very important projects.

Legislator Montgomery requested clarification that there will be separate grant application for each of the proposed projects.

Acting Administrator of Planning John Tully confirmed that was correct.

Legislator Montgomery questioned if there is an award on an application does it require County contribution.

Acting Administrator of Planning John Tully stated that the amount of contribution would vary between the different projects. He stated on the proposed resolution you will see the title of the project, the location of the project, the estimated cost of the project and the CFA award, the difference between the amounts is what the County would have to cover.

Legislator Montgomery wanted to split the vote to address each project listed, because she is not in favor of all of them.

Legislator Montgomery made a motion to split the question; No Second, Motion Failed.

Legislator Castellano stated he is in support of applying for the CFA funding as the proposed resolution has been presented. He stated if the County is rewarded CFA funding for a project, to approve the receipt of the funding it would come in front of the Legislature for approval. He stated then we can determine at the time if the project and funding details, at that time, are in alignment with the County. He stated he is in full support of making this application for the CFA.

Acting Administrator of Planning John Tully clarified, once the County has fully vetted all of the projects, it may be determined based on the criteria that certain projects are not a good fit, and it would then be removed from the list.

Legislator Montgomery stated that she is in support of most of the projects on this list, but does not support the Golf Course Maintenance and Cart Storage facility project that is listed.

Acting Administrator of Planning John Tully spoke to that project briefly.

Anne Campbell, resident of Town of Kent requested which Dams in the Town of Kent are they looking to apply for.

Acting Administrator of Planning John Tully stated they are Dams related to a request from the Town of Kent Highway Supervisor based on a project they have going on. He confirmed the County's application is for improvements to the South Lake Dams.

Chairman Gouldman made a motion to Approve/ Ratification of Applications Submitted for Grant Funding- 2023 Consolidated Funding Application Program/ Seconded by Legislator Castellano. All in favor.

**Item #9 - Discussion/ Town of Kent with Sunberry Properties LLC Tax Map Section 22, Block 1, Lot 23.2, Town of Kent – County Approval to Grant Easement/ Attorney Jamie Spillane of Hogan, Rossi & Liguori Law Firm**

Chairman Gouldman introduced Attorney Jamie Spillane of Hogan, Rossi & Liguori Law Firm, who was present representing the Town of Kent.

Attorney Jamie Spillane stated also present was Attorney Jennifer Gray, with Keene & Beane Law Firm, representing Sunberry Properties LLC. and Anne Campbell is present and is a member of the Town of Kent Board. She stated this project has been in front of this Legislature in other iterations. She provided a brief overview, the Town of Kent owns Ray Singer Court which is the home of the Town of Kent Recycling Center. She stated behind that property there are 135 acres of un-development land that has an access issue. She briefly reflected on the past times they came to the Legislature with this similar request. She explained Ray Singer Court was deeded to the Town of Kent by the County with a reversionary clause that states if the property is not used for a public use, then it reverts back to the County. She stated in order for the Town to grant an easement over Ray Singer Court drive, they need the County to sign off on that. She stated at this time there are no plans for the 135 acres because of the access issues. She stated for clarification that any plans to develop the land will need to go through the Town of Kent Planning process.

Attorney Jennifer Gray stated Keene & Beane Law Firm represents the property owner of the 135 acres. She stated they appeared before the Town Board, back in September of 2022 and they have met with representatives from the Kent Recycling Center. She stated as a result of said discussions they have made adjustments to the proposed easements. She stated now they are looking for the County's consent to enter into the easement agreement.

Chairman Gouldman questioned what kind of development will be constructed on the 135-acre parcel.

Attorney Jennifer Gray stated Keene & Beane Law Firm stated her client, the Principal of Sunberry Properties LLC is not a developer. She stated he is looking to sell the parcel to a developer. She stated any developer who would want the property for a use that is consistent

with the current residential zoning, or the business park overlay zoning would also need to go through the Town of Kent's process.

Chairman Gouldman questioned if this has all been discussed with the Town of Kent Board.

Attorney Jamie Spillane stated yes, the Town Board is aware and understands there is not a specific plan for the use of the property at this time. She stated and, in the future, based on what is proposed for the parcel the appropriate and thorough Town of Kent process would be carried out.

County Attorney Compton Spain and Deputy Attorney Connor McKiernan were present and requested to speak. County Attorney Spain stated he does not believe the County Law Department has all of the facts regarding this matter. He questioned what the said parcel is zoned for at this time. He presented several questions to Attorney Gray. County Attorney Spain stated relative to the easement it is complicated.

Deputy Attorney Connor McKiernan spoke to some wording on a draft proposed easement document sent to the Town of Kent in 2022. He stated there were some provisions he wanted to clarify. He briefly spoke to them.

County Attorney Compton Spain stated his office reached out to the Keene & Beane Law Firm last week and there has not been a return phone call. He stated there have been some threats of litigation from Keene & Beane Law Firm relative to this matter. He requested confirmation that there has been no transaction of funds to the Town of Kent relative to this matter.

Attorney Jamie Spillane stated no the Town of Kent has not received any funding.

Legislator Jonke stated the finer points of this matter can be debated outside of this room. He stated there is no alternate way to get to the 135 parcel. He stated as a former Assessor of the Town of Kent, he was part of researching if there are other access locations and there were none found. He stated he is a big fan of whatever development goes back there. He stated he knows that the possibility of commercial industrial use has been discussed. He stated he believes that would be a perfect location for something like that and would be beneficial to the Town of Kent taxpayers. He stated he would encourage the Attorneys meet to discuss all of the pending matters and bring this forward in the near future. He stated the Town of Kent Planning Process will take a long time. He stated the property owner addressed the Town of Kent almost one year ago. He stated if the finer points could be ironed out, then the Legislature will be able to consider it in the near future.



County Attorney Compton Spain stated he wants to make sure that it is crystal clear and that the Legislature is made fully aware of what is being proposed. He stated as the County Attorney he wants to make sure he is fully aware and understands what is being proposed so he can inform the Legislature.

Legislative Counsel Robert Firriolo requested clarification on a statement regarding the easement in the proposed agreement “shall deem to run with the land”.

Attorney Jamie Spillane stated it means if a subsequent owner were to buy the property, the easement would continue to the subsequent owner. She stated the easement would run independent of who the owner is.

Legislative Counsel Robert Firriolo stated to be clear the Town of Kent is requesting that the Legislature give written permission for an easement to the current owner, but that permission will inure to the benefit of future owners without any further permission required from Putnam County. He stated he wants to make sure the Committee is clear that once the permission is given now, there would be no further opportunity for Putnam County to give permission or withdraw permission for future use of the property.

Attorney Jamie Spillane stated that is correct. She stated to be clear the Town of Kent approval process would still need to be followed.

Legislator Crowley stated that she believes it to be premature to bring this matter to the Legislature. She stated for the Legislature to have no information on the proposed infrastructure, whether it would be commercial or not, and how it will impact the Town of Kent and its current infrastructure. She stated she would like more detailed information prior to her giving consideration and review of this project.

Susan Kotzur, Chairperson of the Commission of the Kent Recycling Center. She stated this is the third or fourth time that a request has come for this easement from different developers. She stated she has a lot of paperwork related to the past requests, if anyone is interested in reviewing it. She stated the Kent’s Recycling Center Commission Committee (KRCC) does not believe this will help the KRCC. She stated the KRCC provides a free service to the Town. She clarified they do not receive any funding from the Town of Kent. She thanked County Attorney Spain in stating this is a very confusing matter. She stated again the members of the KRCC do not believe this will help their mission. She stated to give permission for a business to use a driveway that was paid for with private monies. She stated it cost the KRCC \$105,000 to build a culvert, a concrete prefab culvert that was put into the stream. She stated she has suggested that the businesses that look at the parcel should also look at getting a couple of culverts and go down the road a bit and enter the Town of Kent property.

Legislator Nacerino stated she would like to reiterate that this is just the start of the process. She stated there is a very stringent review process by the Town and their Home Rule, before any industrial, residential, or business property is entertained.

Chairman Gouldman stated this item was on the agenda as a discussion. He thanked the Attorneys for being present. He encouraged that they meet with the County Attorney and his Attorneys to clear up any and all pending questions and confusion.

**Item #10 – FYI/ County Facility Renovations Capital Reserve/ Interim Commissioner of Finance Michael Lewis**

Purchasing Director John Tully stated he noted that Interim Commissioner of Finance Lewis was not present. He stated he is aware of this. He stated the Finance Department worked with the Highways & Facilities Department in listing these Capital Projects that are now being closed and the surplus funding will be transferred to the Capital Improvement Fund.

**Item #11– Other Business - None**

**Item #12 - Adjournment**

There being no further business at 7:27 P.M. Chairman Gouldman made a motion to adjourn; Seconded by Legislator Castellano. All in favor.

Respectfully submitted by Deputy Clerk Diane Trabulsy.