

VILLAGE OF BREWSTER

County of Putnam, State of New York

RESOLUTION 010917-2

RESOLUTION OF APPROVAL OF THE LAND ACQUISITION AND DEVELOPMENT
AGREEMENT WITH COVINGTON DEVELOPMENT LLC

INTRODUCED BY: MAYOR SCHEONIG

SECONDED BY: DEPUTY MAYOR PICCINI

DATE OF CONSIDERATION/ADOPTION: JANUARY 4, 2017

WHEREAS, in furtherance of the objectives of Articles 15 and 15-A of the General Municipal Law of the State of New York, as amended (the "GML"), the Village has undertaken a program for the acquisition, clearance, building demolition, re-planning, reconstruction and neighborhood rehabilitation of certain areas in the Village and has been engaged in an urban renewal program of certain areas in the Village downtown area, resulting in the preparation and adoption of an update to the Village's Comprehensive; and

WHEREAS, on May 18, 2016 the Board of Trustees of the Village of Brewster (hereinafter referred to as the "Board" or the "Village") adopted an "Urban Renewal Plan for the Brewster Urban Renewal Area" which sets forth the proposed actions and objectives related to the development of the urban renewal area of the Village of Brewster as defined therein, in order to implement the Comprehensive Plan of the Village of Brewster adopted by the Board of Trustees on June 17, 2015, consistent with the amendments of the Village of Brewster zoning code adopted by the Board of Trustees on November 18, 2015; and

WHEREAS, in accordance with the requirements of Article 15 of the General Municipal Law of the State of New York (hereinafter referred to as the "Urban Renewal Law"), the Urban Renewal Plan for the Brewster Urban Renewal Area has been prepared based upon the findings of the Blight Study for the Brewster Study Area dated February 2015 and adopted by the Village of Brewster Board of Trustees on February 18, 2015; and

WHEREAS, the Comprehensive Plan update followed, and is consistent with, certain other plans and studies obtained by, or submitted to, the Village, including (i) a "Niche Marketing Plan" dated March 2009 prepared by E.M. Pemrick & Company; (ii) a plan entitled "Envision Brewster" prepared by Hudson Valley Pattern for Progress Fellows; (iii) a "Blight Study" referred to above prepared by VHB Engineering, Surveying and Landscape Architecture, P.C. ("VHB") dated September, 2014, revised to February 2015; and (iv) a "Preliminary Market Feasibility Analysis of the Brewster NY Market for Transit Oriented Development" prepared by Goman & York dated June, 2014 (collectively, the "Studies"), which, collectively, assessed existing conditions in the study areas and identified areas which would be appropriate for urban

renewal, recommended methods for the revitalization of blighted areas to promote economic growth of the Village, the maintenance of the historic character of the Village, the removal of existing blighted, substandard and insanitary conditions and, generally, to benefit the public health, safety and welfare; and

WHEREAS, prior to its adoption, and pursuant to GML Section 505(2), the Board of Trustees referred to the Village Planning Board a draft of the “Urban Renewal Plan for the Brewster Urban Renewal Area” dated August 2015, which was approved by the Village Planning Board, with recommendations for modifications, by resolution adopted on February 17, 2016; and

WHEREAS, by resolution adopted on May 18, 2016, in furtherance of the goals of the Comprehensive Plan, the Village Board of Trustees, pursuant to and in accordance with the applicable provisions of the GML, adopted the “Urban Renewal Plan for the Brewster Urban Renewal Area” (the “URP”), which incorporated the modifications recommended by the Planning Board, establishing an Urban Renewal Area (alternatively, the “URA” or the “Project Area”) which is shown in the URP and includes various sub-areas as described therein; and

WHEREAS, on June 17, 2015, the Village accepted a “Final Generic Environmental Impact Statement for the 2015 Update to the Comprehensive Plan, Related Zoning Amendments and Urban Renewal Actions” which set forth responses to questions raised in the “Draft Generic Environmental Impact Statement for the 2015 Update to the Brewster Comprehensive Plan, Related Zoning Amendments and Urban Renewal Actions”, all in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the implementing regulations set forth in 6 NYCRR Part 617 (“SEQRA”); and

WHEREAS, the Village entered into a certain Memorandum of Understanding (the “MOU”) with Covington Development LLC dated July 22, 2013, whereby Covington was authorized, upon completion of the CPU or, at its option, concurrently with the CPU process, to develop a conceptual planning and program analysis (a “Designed Development Plan”), subject to the acceptance and approval of the Village, for the redevelopment of those areas of the Village within the Project Area (the “Project”); and

WHEREAS, the MOU, *inter alia*, provided that the Village and Covington will enter into a public-private partnership pursuant to a land acquisition and development agreement (“LADA”), a copy of which is annexed hereto as Exhibit “A,” setting forth the rights and obligations of the Parties for the implementation of a Designed Development Plan; and

WHEREAS, a designed development plan (the “DDP”) entitled “Envision Brewster” dated September 26, 2016 and prepared for Covington by Tecton Architects has been submitted to the Village, which depicts conceptual plans for the sub-areas of the URA, together with detailed plans for Phase I of the Project to be located in the sub-area designated as “Main South” in the DDP; and

WHEREAS, the various phases of the DDP, to be implemented, will require, *inter alia*, (i) the obtaining of site plan and all other approvals, and all required permits, from all

governmental agencies having jurisdiction of the Project Area; (ii) all required infrastructure, including, but not limited to, sewer, water, utility supply, parking and traffic improvements; (iii) stormwater management facilities; (iv) compliance with the New York State Environmental Quality Review Act ("SEQRA"), 6 NYCRR Part 617 *et seq.*, and any and all other governmental laws, rules and regulations applicable to the Project; and (v) the acquisition and disposition of lands, including buildings and improvements situated thereon, within the Project Area as necessary or desirable for the implementation of the DDP, including private acquisition of parcels located in the Project Area and acquisitions and dispositions via the Village's exercise of condemnation and eminent domain; and

WHEREAS, the properties designated by the Village as being within the URA are shown on the map entitled "Urban Renewal Area and Redevelopment Sub-Area" which is attached to the LADA as Exhibit A, and other areas that the Village deems appropriate within the boundaries of the Comprehensive Plan Area (said other areas being included within the term "Project Area" as used herein) include (i) certain properties owned by the Village (each, a "Village Property", and, collectively, the "Village Properties") which are listed on Exhibit B of the LADA, which are currently contemplated to remain in Village ownership; (ii) certain properties in private and/or non-governmental ownership (the "Privately Owned Parcels") as shown on Exhibit "C" of the LADA; and (iii) other properties owned by other governmental entities, authorities or agencies, including any used for transit related purposes (the "Transit Properties") which are listed on Exhibit "D" of the LADA, with the Privately Owned Parcels and Transit Properties being hereinafter collectively referred to as "Other Development Parcels" or "ODPs"; and

WHEREAS, the Village desires to facilitate redevelopment, enhance neighborhood attractiveness, and advance economic development for the Project Area with the participation of as many ODPs as possible through a mixture of residential, commercial, retail, hospitality, parking, recreational and other appropriate uses on, in and adjacent to the Project Area; and

WHEREAS, in furtherance of the objectives of the Project, and subject to the terms and conditions of this LADA, Covington will endeavor to acquire the Privately Owned Parcels through private negotiation and purchase, but, if unable to do so, may request the Village to acquire one or more, or all Privately Owned Parcels, by condemnation, whereupon the Village will acquire the Privately Owned Parcels either through private negotiation pursuant to the procedures more particularly described in the LADA, or through the exercise of the power of eminent domain and condemnation under the New York Eminent Domain Procedure Law (the "EDPL") and thereafter dispose of same to Covington by sale or lease; and

WHEREAS, the Village has, by resolution dated January 4, 2017, adopted the "Village of Brewster Redeveloper Requirements and Designation Procedures Policy" (the "Redeveloper Policy") to be followed in order to designate Covington as the "qualified and eligible sponsor" pursuant to GML §507 for the Project as it relates to the URA and the entire Project Area (the "QES Resolution"); and

WHEREAS, Covington has submitted to the Village a Redeveloper's Statement of Qualifications and Responsibility or other proof of financial capacity to undertake and complete

the Project which (i) the Village has determined meets the standards of the Village Redeveloper Policy as adopted by the QES Resolution; and (ii) shall be kept confidential by the Village and/or its representatives; and

WHEREAS, the Village Board of Trustees desires to designate Covington as the “qualified and eligible sponsor” for the Project; and

WHEREAS, the Parties contemplate that Covington may, at its option, consider forming strategic alliances with owners of ODPs in the Project Area as it deems appropriate consistent with the Final Development Plans and the Project Goals (both terms being defined in Section 1.01 of the LADA); and

WHEREAS, Covington and the Village, with their respective consultants and with the input of the Comprehensive Master Plan Committee and input of the public elicited at several public informational meetings, have collaboratively formulated, and the Village has adopted, by resolutions of the Village Board of Trustees adopted on November 18, 2015, zoning code amendments, sign code amendments, and Planning amendments to the Brewster Village Code (the “Code Amendments”) applying to properties in the Village both within and outside the URA that would give effect to the Comprehensive Plan, and be consistent with the FGEIS and Findings, and accommodate the Project; and

WHEREAS, the Parties wish to enter into the LADA to set forth certain respective understandings and intentions of Covington and the Village, as the basis for Covington to undertake the Project, as well as to address the acquisition and/or redevelopment of Village Properties and the ODPs in the Project Area; and

WHEREAS, the Village and Covington wish that the development of the Project Area take place in a timely and expeditious manner; and

WHEREAS, in furtherance of the above, the Board of Trustees of the Village desires to approve the LADA and authorize execution thereof by the Mayor on behalf of the Village; and

WHEREAS, in accordance with Article 8 of the Environmental Conservation Law (the State Environmental Quality Review Act) and 6 NYCRR Part 617 of the implementing regulations the action under consideration constitutes a TYPE II action and therefore requires no further review under 6 NYCRR Part 617; and

WHEREAS, any specific projects that are proposed regarding the Urban Renewal Plan will be subject to review under SEQRA; and

WHEREAS, the Board of Trustees has carefully and fully considered the LADA and finds that approval thereof promotes the health, safety and general welfare of the public of the Village of Brewster; and

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of Trustees hereby designates Covington as the qualified and eligible sponsor for the Project; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Brewster hereby approves the LADA in substantially the same form as annexed hereto and hereby made a part hereof as Exhibit "A;" and

BE IT FURTHER RESOLVED that the Mayor of the Village of Brewster is hereby authorized and directed to execute the LADA on behalf of the Village of Brewster, and to take any and all other actions as are necessary to give full effect to the terms of this resolution.

VOTE:

Mayor Schoenig AYE Deputy Mayor/ Trustee Piccini AYE

Trustee Bryde AYE Trustee Meagher Recused

Trustee Boissonnault AYE

VOTE: RESOLUTION CARRIED BY A VOTE OF 4 TO 0

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

I, PETER BREWSTER HANSEN, Village Clerk of the Village of Brewster, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Board of Trustees of the Village of Brewster at a meeting of said Board on January 4, 2017.

DATED: January 4, 2017



PETER BREWSTER HANSEN, Village Clerk