

D R A F T

**VILLAGE OF BREWSTER
PLANNING BOARD REGULAR MEETING
November 30, 2006**

MINUTES

Present: Chairperson Christine Piccini; Board Members: James Bruen, Mark Anderson, Richard Stockburger

Not present: David Kulo and Village Attorney Gary Kropkowski

Others present: James Nixon, architect for the Starks, and Mr. & Mrs. Stark

The Pledge of Allegiance was said and the meeting was called to order at 7:40 p.m.

I. Housekeeping

Item 3: Minutes Were Accepted from September 28, 2006 Regular Meeting with changes of 50 Main Street (from 20 Main Street).

New Business: Applications received by November 15, 2006 cut off date for the meeting tonight.

Chairperson Piccini: We have the referral from the Board Of Trustees for comments on the Special Use Permit requested by the Starks and review of documents from the engineers on this application.

Our assignment on this is to make a comment back to the Village Board based on our own input and the input we received from the engineers.

The Starks own the building at _____, Brewster, NY and would like to have a tenant who owns Dunkin Donuts franchises in the area move into his building where Stark Communications and _____ is now located.

Chairperson Piccini asks the board members if they have comments.

Mark Anderson: Number 19 of the application; Is the site located in a substantial contiguous to a critical environmental area designated pursuant to article 8 of the ECL.

The applicant has check "No". My question is what is the article 8 of the ECL and what about the lands that are part of the parking area across the way? These are not critical environmental lands?

James Nixon: Well the river is across the street. **Mark Anderson:** 50 feet at best? From my understanding of this the DEP lands are actually being used by this project. So I was curious as to why "no" was checked and would the river, itself, be considered that?

James Nixon: Our reason for checking “no” is that although the river is near, it is not contiguous. But maybe it’s not “No”.

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Mark Anderson: Jim I am not familiar with Article 8 of the ECL or the 6NYCRR6117. Do you know what those two things are, specifically. **James Nixon:** No I do not.

Mark Anderson: Under Project Description; Number of off street parking spaces existing. You list 50+. My first question is where? Although, I think you are talking about the DEC lands next to it.

Is there an agreement of continuity in writing regarding the right for your property to always use these lands in perpetuity?

James Nixon hands the board members copies of the Starks’ agreement with DEC regarding the DEC land.

Chairperson Piccini: Regarding the second item on the Engineer’s Comments, talks about circulation for the site and any proposed changes on that. The is one of the big concerns that has been raised here, traffic. On site, in and out. Do you have any particular material?

James Nixon: I don’t think there has been a change since it’s been submitted, no.

Mr. Nixon brings the plans in front of the board and describes the plans.

Facing the building, the existing driveway is to the right. Which is the one closest to the traffic light, where is states “entrance” on the plans. The other driveway is where I have drawn “exit” and is intended to be a “right turn only”. With or without the change of use we see this as the better flow of traffic. I think the concern is going in and out of the site and the intersection, which can be busy. The owner intends to put up signs to restrict vehicles going out of the driveway which states “entrance”. Signs are already ordered. The signs were there previously but they were removed by unknown persons.

Christine Piccini: Can curbing which forces a right turn be put there to remedy the situations of the signs being taken down? **Mr. Stark:** The D.O.T. put the curbing in.

Mr. Nixon: When I was looking at the survey, I think I misdrew the front lot line on my site plans. As I read the survey again I think that the front lot line is actually 2 feet from the building and therefore, the curb that is on the site plan is not on the property. D.O.T. put it there.

Mark Anderson: The agreement that you gave us talks about the subservice septic area and it also states, “The permittee is not authorized to use the SSTS area under this permit were to cause the SSTS area to be used for any purpose whatsoever including the parking of vehicles for any

purpose except for the maintenance and use of the subsurface treatment system.” My question is, the septic system is also, apparently, in the area?

Mr. Stark: There is the septic and then the fields are beyond the fence where the pump station is located. **Mark Anderson:** So from what you are showing this parking doesn't

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have the septic system in it? **James Nixon:** No, not in the parking area. **Mr. Stark:** The septic is adjacent to the building. See the windows on the side? There is a clean-out over here, where we have it pumped annually, and the fields that run beyond the fence. The tank is close to the building and then there is a pipe that goes out **Mark Anderson:** O.K., the question is are you allowed to use this area here if the septic system is there, according to this permit? It may be come mute once the sewer system is complete, but we asked to see what this was and as I quickly read it I see that one of those rules is separation of these two functions. **James Nixon:** I had that question also, but if I am interpreting it correctly, I think they are clear that there is a parking area involved. **Mr. Stark:** When we took the building, this back area was not available to us and they (D.O.T.) allowed us to open it up and use it for parking on that permit. There was a fence straight across. The fence went all the way to the top part. **Mark Anderson:** So what you are saying is you have expanded the parking area from the day you first walked into the property? **Mr. Stark:** We took over the parking, there was no septic back there, they knew it and they approved that. **Christine Piccini:** Is the dashed line is fence? **Mr. Nixon:** This much dashed line is fence, the rest of the dashed line is not. It is where the gravel ends.

The Board agrees to go down the list of engineer's comments and decide if they are in agreement with those comments.

Rick Stockberger: The Village Board has already been cc'd on this. **C. Piccini:** Yes, they have already seen this application.

Item # 1 On Engineer's Comments:

Parking lot. How many spaces will fit in the lot and demarcation of the lot and if this Board feels it should be included on the site plan.

For 30 spaces, one space is allowed per every 400 square foot. There are 45 plus spaces on the site plan in this application, therefore both calculations have been presented to the Board by Mr. Nixon.

Mr. Stark: Parking occupancy/usage can vary depending on the dance studio having recitals.

The Planning Board agrees that this information should be included and requests parking lot car count and demarcation of the parking lot in accordance with the engineer's comments.

Item #2 on Engineer's Comments:

Existing Vehicular Circulation Diagram For The Site - the way vehicles will move within the parking lot.

The Engineer's comments recommend an immediate area should be provided, as required, and changes should be indicated.

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The Board discusses traffic control within the parking lot; one-way signs, no left turn, triangle curbing so that it is possible to only go one way, RR ties of flower pot for entrance. The exit is on DEP lot so there are limitations on what can be done/used to make it one way only.

The Planning Board agrees that this information should be included and also verbiage which would include the owner/applicant putting back up any signs or curbing which get taken or knocked down.

Item #3 on the Engineer's Comments:

Site Plan Should Show Existing Structures Within 100 feet Of All Lot Lines.

The Planning Board does not have a comment for this item.

Item #4 on the Engineer's Comments:

The Location, Type Size, Wording, Design or Illumination of Proposed Sign Should Be Provided.

The Planning Board agrees that this information should be included on the site plan.

Item #5 on the Engineer's Comments:

The Lay-out, Finished Grade, Pavement Specifications And Curbing For Parking, Driveway, Sidewalks Should Be Shown On The Site Plan.

The Planning Board agrees that this information should be included on the site plan.

Item #6 on the Engineer's Comments:
Schematic Architectural Plans Including Exterior Elevations And Signs
Should Be Provided As Per Village Code.

James Nixon: The building is existing so at this point we have no proposed changes to the building exterior or interior. That would be proposed later by the franchisee/tenant. That is why we have not shown anything on the plan. **Christine Piccini:** Do you have what exists now?
James Nixon: No.

The Planning Board agrees that this information should be included on the site plan and requests front and side shots which face the parking and driving areas.

Item #7 on the Engineer's Comments:
Right's Of Way and Traffic Controls.

The Planning Board agrees that this information should be included on the site plan

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Item #8 on the Engineer's Comments:

The Planning Board agrees that this information should be included on the site plan so it can determine if the existing lot can handle the traffic and parking. It is also requested to include average traffic volume entering and leaving the site and average lot occupancy Monday through Friday between the hours of 2:30pm-7pm when the dance studio is open for normal business hours, five days a week, i.e., 20 cars parked, 5 cars leave, peaks between 2:30pm-3:30pm, 4:30pm-5:30pm, etc.

Number 17 on the Application:
Will the project involve the disposal of solid waste?

This was check "No" by the applicant on the application.
Mr. Stark states that right now the building is sharing a six yard dumpster and is located at the rear straight back from the light at the bridge.

The Planning Board requests this information be included; location and screening be shown on the site plan.

Number 11 on the Application:

Will The Proposed Action Create A Demand For Community Provided Services, Police & Fire Protection.

This was check “No” by the applicant on the application.

James Nixon: The building already exists and they feel that the project will not create additional demand.

The Planning Board brings up a concern that with more traffic that there is likely to be more of a risk of accidents and believes this question should have been marked “Yes” by the applicant.

Lighting

Currently there exists a utility pole and high hat along side the building.

The Planning Board requests any illumination currently existing be included on the site plan.

The Planning Board’s Recommendation To The Village Of Brewster Planning Board is that Based On The Engineer’s Comments, the Application Is Incomplete.

The Planning Board needs the information requested 10 days prior to it’s next meeting.

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II. Other Business

Item 1: Village Of Brewster Requests Waiver Of Submittal Deadline For Waste Water Treatment Plan.

Mayor Degnan explains to the Board the reason for the request.

The Planning Board is to receive a copy of the survey.

Mark Anderson motions for the waiver. **Chairperson Piccini** seconds the motion. All Board member are in favor. The Planning Board grants the waiver.

Item 2: Training Sessions

The Planning Board will set up a schedule with John or Paul Folchetti for board members to better understand and receive training regarding SECRA and any other subjects, to be discussed.

Item 4: Future Planning Board Meetings To Be Moved To Wednesday. To Start January, 2007.

Item 5: 50 Main Street

The Planning Board received the amended application on November 29, 2006.

It is to be put on the agenda for the next meeting.

Item 6: Minutes - corrections.

October 26, 2006 Minutes to be accepted at next meeting noting corrections from June and August, 2006 minutes.

Item 7: Next Meeting Scheduled For December 14, 2006.

Mark Anderson motions to end meeting. **Jim Bruen** seconds the motion. Meeting ends at 10:25pm.