

**Village of Brewster
Planning Board Meeting Minutes
February 16, 2016**

BOARDMEMBERS IN ATTENDANCE:

George Gaspar, Chairman
Rick Stockburger, Assistant Chairman
David Kulo
Tyler Murello
Rick Lowell

ALSO IN ATTENDANCE:

Mr. Greg Folchetti –VOB Counsel
Mr. Todd Atkinson – VOB Engineer

Mr. Gaspar led the Board in the Pledge of Allegiance, whereupon the proceedings were called to order at 7:30pm.

PUBLIC HEARING: This is a continuation of a Public Hearing that took place January 12, 2016 with regards to the Urban Renewal Plan. Mr. Stockburger recused himself. Mr. Gaspar opened the floor for any further comments regarding the Urban Renewal Plan.

Mr. Richard Stockburger of 50 Oak Street said I would like to extend my comments I made on the 12th. I reviewed this and tried to get a handle on the cost and longevity of this thing and it seems like it's a 10, 20, 30 year plan. Some of the stuff that's in the the Renewal Area comes from the Comprehensive Plan which does not appear to be funded by any developer or anything else, it seems to be "the nice to have" from the Comprehensive Plan like the sidewalks and everything else, he said, and I question my property is on the north of Oak Street, I look at them and the only possible thing I can see for the inclusion of my property into the Renewal Plan is the sidewalks that are listed for wanting to have sidewalks on both sides of the street. When I look at the properties up and down to Wells Park in here there's multiple fire hydrants, there's multiple telephone poles and with a lot of these properties 6 ft. from the edge of the road is already owned by the Village and if the Village wanted to come through now and put a sidewalk in front of my property they'd have a 100 percent right to do that so I can't find any reason for my property or the ones on the north side of Oak Street to be included in the Renewal Plan. He continued: in looking at the depth and breadth of this whole thing, I've reviewed the General Municipal Law on Urban Renewal and it's allowed that Urban Renewal be phased in and I would like the Board to make the recommendation that Phase 1 which is the area between Main Street and Marvin bordered by Park and Railroad Avenue and the Garden Street School property be included as Phase 1 and these other sections, Phases 2, 3, and 4, be added at a later time because there doesn't appear to be any reason to hold those properties up in the Urban Renewal Area if there's going to be no plans to do anything for 10 or 20 years and they can always be added at a later date.

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Mr. Gaspar asked the audience if there were any other comments and there were none. Mr. Gaspar made a Motion to close the Public Hearing. This was seconded by Mr. Kulo and approved unanimously, 4-0. Board vote as follows:

Mr. Gaspar	Aye
Mr. Kulo	Aye
Mr. Murello	Aye
Mr. Lowell	Aye

REGULAR MEETING:

Mr. Stockburger made a motion to open the regular meeting. This was seconded by Mr. Murello and passed unanimously.

John and Josephine Gress / Town of Southeast Lot Line change Oak Street 67.27-1-2, 67.27-1-3 and 67.35-1-39: Mr. Atkinson, of Folchetti and Associates appeared before the Board to present his findings. He said that it is completely within the zoning. One of the parcels is in the Residential District and one is in the Conservation District so there is no issue with the Zoning Districts based on what has been shown on the plan. Mr. Atkinson made a couple comments: the Town of Southeast Supervisor should sign the Planning Board application and that has since been done. The plan should demonstrate the bulk zoning requirements and it does demonstrate the bulk zoning as far as the actual property size. Mr. Atkinson said that the Village Code for lot line change does not go into particulars about side yards and such but he checked it out and the new lots will be 100 percent zoning compliant. His last comment was that the Town of Southeast had been called out as the Planning Board so that will have to be changed to the Village of Brewster but everything is in order with respect to the Code Section 182 Article 3.

Mr. Gress appeared before the Board and said that before he addressed the application he wanted to comment on the information provided by Folchetti & Associates. He said the amended application which was recommended has been completed and he had 10 copies with the signature from the Town of Southeast and myself and my wife. The signature that is on the plan was changed by hand and initialed by the Bergendorff Collins staff as it was a mistake by them but rather than going through the cost of drawing up another map Mr. Gress requested that the Chairman accept it and put his name on it. Mr. Gaspar asked Mr. Folchetti if he had an issue with that and he didn't as long as Putnam County didn't have a problem filing it that way.

Mr. Gress explained that the property with Tax Map ID 67.35-1-39 is the dog-leg shaped property and doesn't have a building on it so there are not setbacks or bulk zoning requirements to consider for where the lot line adjustment is going to take place. He continued: the building on 67.27-1-3 already meets the setback requirements. He said that once the property in the back is donated to the Town of Southeast two things will happen: It will increase the setback on the building so anything that will refer to bulk building in that zone will actually be improved. Once the property is donated to the Town those two buildings that are on there will then be in compliance with setbacks

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from the Town property. Mr. Gress said that the lot line adjustment will take place first and then the merging of the properties will occur but he incorporated everything into the application so that the Board would know what his intentions were. He said that the tax records people in Carmel have been wanting to have this landlocked piece of property attached to the roadway coming in as one parcel because something in the State laws that when a single owner owns both pieces of property they should be merged as one. He said that he submitted all the paperwork but that he couldn't find anything in the new Local Law 182 requiring that property owners within 500 ft. be notified and only stated that he give the names of those people but he didn't think it was fair to his neighbors so he took the liberty of notifying them via registered mail and gave the Board this information. He did get phone calls asking what was happening and he was glad he sent them.

Mr. Gaspar said that this is new to everyone and noted that a legend including all of the names of adjacent owners within 500 ft. so to me saying a legend, it should be on the Platt so maybe this is something...Mr. Atkinson interjected that he reached out to the County and he is actually able to attach that to the map, the list of everyone, because that list is pretty extensive.

Mr. Gress noted that no construction is going to take place, no physical alterations are going to take place and in essence everything is going to happen on paper. He continued that he would like the Planning Board to declare themselves as Lead Agency, declare a Negative Declaration, and respectfully ask for the Public Hearing that was recommended be waived. He added when Local Law 182 was created and removed from Zoning the lot line adjustment does not require a Public Hearing as he interprets it and he believes the Planning Board does have the option to waive the Public Hearing. Mr. Stockburger said under the SEQR Law 617.5 Type 2 Actions, Subparagraph C-12 as a Type 2 Action granting of individual setback and lot line variances is a Type 2 Action therefore no further action should be required. Mr. Folchetti said it's a lot line adjustment so it's an unlisted. You can declare yourself as Lead Agent and circulate or you can conceivably do an uncoordinated review, it's up to you. That's the Zoning provision in there for Zoning Board of Appeals when entertaining area variances. You can actually meet Friday about the application, I just think it's an unlisted but your entitled to do an uncoordinated review which doesn't require circulation as there are no physical improvements it's just hard to believe there is going to be any environmental impact.

Mr. Gaspar asked about declaring themselves Lead Agency. Mr. Folchetti responded you can do that and you can declare your notice of intent or when you are ready to do it you can do an uncoordinated review and declare that and make a determination if you found you have taken the environmental components of the application, Mr. Atkinson's memorandum. He said there are no design modifications that are required or suggested under the memo so my suggestion is he going to be on for another matter you can put it on for a SEQR determination then and I will draft a proposed resolution for the Board to consider at that time.

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Mr. Gress said March 1 is the deadline to get this in with the County and was hoping to resolve the matter this evening so that we could get this on this year's tax rules and resolve this mess that's been there for 30 years as nothing is being changed. Mr. Gaspar asked Mr. Folchetti if the Board was bound by a 60-day statute and Mr. Folchetti answered you have a maximum of 60 days from this circumstance to closing the Public Hearing or completion of the application to act so you can close it sooner but I don't know how you can make a SEQR Determination tonight. You are either going to do a coordinated review, he said, and if you're not you still have an obligation to make a SEQR Determination that involves a resolution where you consider the project, it's scope, and the impact and you actually make findings on the record regarding SEQR which I don't know that you are going to have any issue making it, I just don't know that the Board is prepared to do that tonight.

Mr. Gress was under the impression the Board would waive the SEQR review. Mr. Folchetti said if it's a Type 2 they could have done it right now so there's no further environmental review necessary but it's not a Type 2, it's an unlisted. It doesn't delay the projected indeterminately, he said, but I wasn't aware of the taxable status being a component of the application. Mr. Folchetti said the lot line provision in the Code does not require a Public Hearing so no waiver is needed.

Mr. Gaspar asked how the Board felt about SEQR. Mr. Stockburger said it appears that the Board has to do it so I think we should declare ourselves Lead Agency. He said I don't think we need a coordinated review since the Town has already signed off on it.

Mr. Stockburger made a motion to declare the Board Lead Agency for an uncoordinated review and was seconded by Mr. Kulo and Mr. Murello and passed all in favor.

Mr. Gaspar noted that because it was a lot line change there was nothing in the short environmental assessment form that stood out. Mr. Stockburger said we need a 239 Declaration to the County for the SEQR review. Mr. Folchetti said when the application came in a 239m referral should have been done as typically that's done when the application comes in. Mr. Folchetti said he would draft a SEQR resolution and presumably a resolution to consider an approval for the next meeting.

Mr. Gress asked if there was any possibility that the box on the map could be signed pending the SEQR review. Mr. Folchetti said no. Mr. Gaspar told Mr. Gress to check with the County to make sure they will accept a scratch as it's indicated here because otherwise he will have to prepare another map.

Brewster Honda Sales Center – 899 Route 22 – Tax Map ID 67.36-2-6: Mr. Gaspar informed the Board that Brewster Honda is here to explain to the Board what they intend to do with the site on Route 6 and there are some deficiencies with regard to the preliminary layout and there are some things the Board should discuss. Mr. Atkinson of Folchetti & Associated produced a report on this application. Mr. Tim Allen, Senior

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Partner Bibbo Associates, Michael Liguori attorney at Hogan & Rossi, and Eric Masterson of BBL appeared before the Board.

Mr. Allen explained that Brewster Honda would like to bring the showroom on Route 22 up to Honda standards and showed a drawing of the existing building with a proposed decking which takes down a section of the property that was declared unsafe. He said the footprint doesn't change much at all, parking doesn't change at all and essentially it's a bigger and better showroom being proposed. Mr. Allen said he understands they have some issues through Mr. Atkinson's memo with the front parking but essentially the building doesn't change a whole lot. The entrances will not change, he said.

Mr. Atkinson reviewed his memo and the biggest two items are: the new Code now calls this a B-2 Zone instead of a B-4 and one of the big issues now in a B-2 zone there is a 10 ft. landscaping buffer along the frontage of the property required and the parking right now that's being shown on the property line is going to have to be altered to either accommodate that 10 ft. buffer or a variance would have to be sought. The second major issue, he said, is the fact that they are unsure if there are any rights across the MetroNorth railroad parcel to include parking, an entrance, and access to the back portion into Southeast for parking. He said if that's not allowed through MetroNorth or whoever the current property owner is, a substantial piece of the parking goes away which is a key aspect of this project. They are proposing a reduction in the side yard variance down to 0.8 ft. on the upper north side so there is at least one variance required, he said. The parking deck, the existing showroom, and the addition to the existing showroom is something that's going to better the site, he said.

Mr. Murello asked if the parking in the back was preexisting with MetroNorth. Mr. Liguori, Attorney for Lia Auto who is the owner of the property, was involved with the purchase from Demarsico Pontiac. He explained the layout of the property based using a map on the wall in the boardroom as well as a railroad taking map. Mr. Allen explained the layout of the building on the land and its relationship to the surrounding properties. Mr. Liguori gave a history of the section of the property where MetroNorth was involved. He said that since 1869 there has been use of this area and there is no record of any ejectment or litigation in connection with ejecting anyone from the use of the area that next to the trestle so it has been used uninterrupted by various uses over the years. He noted that Demarsico Pontiac had consistently used that area for their operation and that continued when they leased the property to Brewster Honda and then Brewster Honda bought it and that continued. He said his task is to determine who is in title right now and the assessor's records reflect that it's MetroNorth but there's a possibility that the County may be entitled to it because it's being converted from railroad to bike path so we have to figure out how that conversion is taking place either by easement or condemnation.

Mr. Murello asked who the physical owner is right now and Mr. Liguori said he didn't know but he was going to find that out tomorrow. Mr. Liguori said if it's MetroNorth we could make a claim for adverse possession and they have all the criteria to prove that

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it's been used for decades of use but they want to take the least resistive path to resolve this. Mr. Murello said that it seems that they should know who owns the property and Mr. Liguori responded that they knew it was Conrail and then MetroNorth but the thing that has made them question it is the improvement by the County with the bike trail. He continued: whether it's MetroNorth or the County neither one is using this area as a railroad so neither has a vested interest in what goes on below the tracks. He is confident they will be able to resolve this with either permission or some other form of approval which would give the Board the authority to approve a Site Plan that has a use that extends off our property.

Mr. Kulo asked about the buffer zone and how far the property line is from the Croton River. Mr. Liguori said it's right on it and they actually own the riverbed and indicated where on the map.

Mr. Stockburger asked about the area of the parking deck and if they were going to demolish the structure there now and rebuild and Mr. Liguori said that's correct. Mr. Stockburger said the question for the ZBA would be if you get a variance for the building could you not move it back the 10 ft. for the landscaping buffer. Mr. Atkinson thought they could move it back for the landscaping buffer but the issue is going to be the parking across the front because they are going to lose approximately 20 parking spots. Mr. Allen said that is an issue for them as well as the access to the deck.

Mr. Gaspar reminded everyone that there is a new book with new regulations. One of the deficiencies in the Code is for parking spaces in facilities such as this one. He said that next time they appear before the Board he would like to see a breakdown of spaces and what they're being used for. He read from the Code "our current calculations read one space for 200 sq. ft. of sales area." Mr. Atkinson said that would be 90 parking spaces as they have just under 18,000 sq. ft. of sales area.

Mr. Gaspar asked about the service area on the lower level and what it means since they have a service facility down the street. Mr. Allen said it was left potentially for a Sunday service or something that would be used on off hours of the service area. Mr. Gaspar asked how many service bays there will be. Mr. Allen wasn't sure but guessed 10. Mr. Gaspar explained that this is where there is a deficiency. Mr. Allen said clearly right now the service is maintained under that area and they would like to continue some level of service in the backside of the building if they can.

Mr. Gaspar said the first order of business is to comply with the current Code and see how it affects your layout and if the building moves it moves. Mr. Allen said they would prefer not to move the building and would go to the ZBA for the setback variances. Mr. Gaspar said you will actually have less of an impact because there won't be any building impact because visually it will open up that corner. Mr. Gaspar noted with regard to the front buffer and that he would not want to see them go to the Zoning Board of Appeals for a waiver to the area in the front with regards to planting without at least make some gesture to add some green space along Route 6.

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Mr. Murello asked Mr. Allen how much of a variance he would need for the building and Mr. Allen said the full variance of 10 ft.

Mr. Stockburger asked about parking spaces for the service area in the back because the parking Code indicates that you must have sufficient parking for all the vehicles that can be serviced so that may be an additional count needed to be considered and if you have 12 service bays you will need 12 parking spots. Mr. Gaspar said we are used to seeing 3 parking spaces for each parking bay even though that's not what our Code says but that's the reality of the situation. Mr. Atkinson noted that he understood the Code to read that for every 200 sq. ft. of sales area you need one parking spot but that doesn't include your employees or service, it's just for sales.

Mr. Gaspar asked if there was any way to make the ingress and egress, especially the one to the northeast as a one-way in and leave the ingress and egress at the south end? Mr. Allen said technically it's not our property and we have to make sure we have that legal access and if that all goes away we have a totally different problem. He said the first step is to make sure we are legal through MetroNorth. Mr. Atkinson said one other option is if you make the parking spots in the front on a diagonal it would actually show more of the car and save you space.

Mr. Gaspar would like to see the revised plans before it is moved on to other Boards. Mr. Stockburger noted that the Planning Board cannot approve anything without it first going to the ZBA if there are variances needed and Mr. Gaspar said he would still like to see the plan prior to that. Mr. Stockburger said he doesn't think that can happen because the ZBA must approve it before the Planning Board sees it and the Planning Board cannot influence the ZBA. Mr. Gaspar said we can make recommendations to the ZBA. Mr. Stockburger said he doesn't think they can make recommendations on something that is not legally in front of the Board and it won't be if it has to go to the ZBA first. Mr. Folchetti said they need to know generally what the layout is going to be and right now you have multiple uncertainties with respect to the access points one of which is off the property, the parking is off the property, whether or not you are going to try to implement the buffer strip but you could go to the ZBA and may get the buffer waived and get certain other things waived but if it comes back there are conceptual changes to the plan it may change the release that they got from the ZBA so they should only go once. Mr. Liguori said it's more efficient for us to come to the Planning Board with a plan that we want to go to the Zoning Board with because it costs so much money to have us all standing here because the Planning Board is the final yes.

Mr. Stockburger said his recommendation would be get rid of the variance for the parking deck by moving the building back and go with a variance where you go from 3 ft. to 0.8 ft. where you increase the size of the building. Mr. Allen said you have to remember that the access to that deck is that grade on the front and the property slopes back very significantly and we need to get onto that deck somehow.

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494 North Main Street: No one is here from 494 North Main Street. The Board has not signed the drawings. Mr. Stockburger said that they needed a bond and once the bond was in place the Board could sign off on it. They have the bond in place, he said, because the Board received notice of that. The Board discussed the bond and what was noted in the minutes from the 19th. Mr. Folchetti asked if the original bond was here. Mr. Gaspar has not seen an original bond and the Board discussed who has it. Mr. Folchetti will send something to the Board to review so they can sign it. This item has been moved to the March 15 meeting.

URBAN RENEWAL PLAN DISCUSSION AND RESOLUTION: Mr. Stockburger recused himself. Mr. Gaspar said he sent out information regarding the information he reviewed in the minutes of the 19th and pulled out various bullet points to read into the minutes and wanted to be sure Mr. Kulo agreed with them. Mr. Kulo said he didn't have anything to deviate from those. Mr. Gaspar said his recommendation is that we give the Urban Renewal Plan a qualified approval with recommendations for modifications. Mr. Folchetti recommended Mr. Gaspar read the resolution in its entirety along with any recommendations the Board wishes to add.

URBAN RENEWAL PLAN
RESOLUTION OF QUALIFIED APPROVAL
WITH RECOMMENDATIONS FOR MODIFICATION

WHEREAS, pursuant to NY General Municipal Law 505(2) the Village of Brewster Board of Trustees has referred to the Village of Brewster the Planning Board the instrument entitled an "Urban Renewal Plan for the Brewster Urban Renewal Area A," dated August 2015 (hereinafter called "The Urban Renewal Plan" and

WHEREAS, the Village Board and its membership have had due opportunity to review the Urban Renewal Plan and duly deliberate and consider all components and aspects of the Urban Renewal Plan; and

WHEREAS, pursuant to NY General Municipal Law 505(2) a public hearing on the Urban Renewal Plan was duly noticed and published in the official newspapers of the Village of Brewster, and

WHEREAS, said public hearing on the Urban Renewal Plan was commenced on January 12, 2016; and

WHEREAS, said public hearing on the Urban Renewal Plan was held open and continued through February 16, 2016; and

WHEREAS after all parties wishing to be heard at said public hearing on the Urban Renewal Plan having been given and afforded due opportunity to be so heard; and

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WHEREAS by a duly held majority vote of the Village of Brewster Planning Board, said public hearing on the Urban Renewal Plan was thereafter closed on February 16, 2016; and

WHEREAS, the Village of Brewster Planning Board in recognition of its duties and responsibilities under NY General Municipal Law, wishes to make its determination on the Urban Renewal Plan with respect to compliance with General Municipal Law 502(7); 504 and 505(2);

NOW THEREFORE BE IT RESOLVED, that the Village of Brewster Planning Board hereby determines that The Urban Renewal Plan is in conformance with the provisions of NY General Municipal Law 502(7) in that the Urban Renewal Plan is in conformance with the current Village of Brewster Comprehensive Plan for the development of the municipality as a whole and that the same is consistent with local objectives; and

BE IT FURTHER RESOLVED that the Village of Brewster Planning Board hereby determines that The Urban Renewal Plan is in conformance with the provisions of the NY General Municipal Law 504 in that the area of urban renewal designated in the Urban Renewal Plan is appropriate for the urban renewal as the same is defined in NY General Municipal Law 502(3); and

BE IT FURTHER RESOLVED that pursuant to NY General Municipal Law 505(2), the Village of Brewster Planning Board does hereby certify its qualified approval of the Urban Renewal Plan; and

BE IT FURTHER RESOLVED that pursuant to NY General Municipal Law 505(2), the Village of Brewster Planning Board does hereby certify such qualified approval with the expressed recommendations for modifications to the Urban Renewal Plan set forth as follows:

- The Urban Renewal Plan Exhibit 1 is confusing in its color and we are asking for clarification of its distinctions.
- The Urban Renewal Plan page 2, last paragraph, second sentence, insert *may* and remove *will*. That is with regards to the taking of property.
- The Urban Renewal Plan Exhibit 2 indicates lot at the east side of Prospect at the intersection of Eastview Avenue as conservation. This lot is currently indicated as R. The Comprehensive Plan indicates the same as Residential.
- Clarify Area 3 and its uses, Exhibit 1 and 2 do not appear to match.
- The Urban Renewal Plan Exhibit 2 indicates Casino Street and a new street on the western edge of Garden Street Extension of the Garden Street School as thru roads. Clarify the feasibility of this or eliminate from the exhibit. Casino Street is in conflict with the current zoning map and the North/South road connecting to Oak Street requires further study.
- The Urban Renewal Plan page 9, please indicate emergency permits as of right.

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- Clarify the North side of Oak Street as possible bike and/or sidewalk installation and not necessarily the full depth of the properties in the Urban Renewal Plan.

In general, the Board finds the Urban Renewal Plan as a working document with adjustments possible as developments are planned.

BE IT FINALLY RESOLVED that this resolution of Qualified Approval shall have an effective date of February 16, 2016.

Mr. Gaspar offered this resolution as read. It was seconded by Mr. Kulo and passed unanimously with a roll call vote of 3 to 0 with 1 abstaining (Mr. Lowell) and 1 recused (Mr. Stockburger).

Roll call vote:

Gaspar	Aye
Mr. Kulo	Aye
Mr. Murello	Aye

Pertaining to this item, there is an informational meeting being held by the Village Board of Trustees to further inform the public regarding the proposed Urban Renewal Plan and revitalization of the Village on February 24, 2015 at 7:00pm in the St. Lawrence O'Toole gymnasium at 3436 Prospect Street. Snow date is February 27, 2016.

ACCEPT MINUTES OF JANUARY 19, 2016:

Mr. Stockburger made a motion to accept the minutes of January 16, 2016. This was seconded by Mr. Kulo and passed 3 to 0 with 1 abstention from Mr. Murello. Mr. Gaspar said we will revisit the minutes from December 22, 2015 and he will redistribute them.

Mr. Stockburger made a motion to adjourn the meeting. This was seconded by Mr Kulo and passed unanimously.

Meeting adjourned at 8:45 pm.

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