

**Village of Brewster
Planning Board Meeting Minutes
May 17, 2016**

BOARDMEMBERS IN ATTENDANCE:

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

ABSENT:

Tyler Murello
Greg Folchetti – VOB Counsel

ALSO IN ATTENDANCE:

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.

REGULAR MEETING:

Chairman Gaspar made a motion to open the regular meeting. This was seconded by Boardmember Kulo and passed unanimously.

20 Putnam Terrace, Tax Map #56.81-1-8 R Zoning: Continued application. Contractor Chris DeBellis and engineer Jaime LoGuidice appeared before the Board to continue the presentation of his application.

Chairman Gaspar noted that Mr. DeBellis was not at the last meeting and that there was a question as to why the applicants were before the Board because a single family residence is not under the Code regulation. He said through discussions between myself and Mr. Atkinson as well as a communication with the Highway Department, Dan Crawford, it was felt that this was an area in the Village that needed special attention and it was felt that this project should be reviewed. There are some issues regarding extending Putnam Terrace which is a paper road at this point and there is a residence currently off that paper road so now it will be the responsibility of the two property owners to come up with some sort of mechanism, which should be reviewed by counsel, as to how these families are going to take care of the road especially in the wintertime.

Boardmember Stockburger asked if the road was going beyond where the two-family is across the street or are they before that. Ms. LoGuidice said it was beyond. Boardmember Stockburger reviewed the history of the area with the Board stating that the two-family across the street made an appearance before the Village Board where they requested a Resolution and the Village Board made a Determination that it would be a private road and it would be up to the residents to maintain it so it might be good to

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get that stated formally stated by the Village Board on the record so there is not ambiguity.

Chairman Gaspar asked if it was the resident's responsibility to appear before the Village Board or should it be a recommendation by the Planning Board. Boardmember Stockburger said it would be their request to the Village Board for a Determination for the status of the road because they are going to extend the road down a little bit more and clarify the resident's responsibility.

Mr. Atkinson reviewed his comments. They need to figure out how to get this finalized since a Public Hearing is not required or can be waived if need be. SEQR, it's a single family home so there's no issue there. They are going to put on the plans the actual easement that we asked to have put on there. Ms. LoGuidice said she sent that over today. He continued: the architectural plans need to be signed and sealed by an architect or professional engineer. The cross section of the road, they will just want to rename it to call it out as a roadway cross section. Detail for the level spreader shown on the plans and Mr. Crawford should look at the plans and give his okay on it. Mr. Atkinson noted that Mr. Crawford had given his okay for the cross section that was sent over. Some sort of mechanism for the maintenance of the road with need to be developed so that everyone knows it's a private road and the residents are going to maintain it. The sewer profile should be provided from the house to the main.

Chairman Gaspar said regarding the architectural plans along with the site plan, the architectural plans are generic however there are some discrepancies. It calls for a poured foundation and then in other places it calls for a block foundation and that should be clarified. The plans also show a deck on the same side of the building as in the site plan but much larger so the deck size should be put on the site plan. Mr. DeBellis said that he didn't get the stamped and sealed because he didn't know what would happen after this meeting and if something was going to change. Chairman Gaspar said to clarify the type of rebarbs that are being used in various places because there seems to be a discrepancy with that as well.

Boardmember Stockburger thought that the procedure once it is done would be a Resolution by the Board just to approve the site plan rather than a formal signing because there really is not procedure to formally sign it and then they will have something to take to the Building Department for approval.

Mr. Atkinson said he thought the way Mr. Folchetti left it knowing that he wasn't going to be at the meeting was that if the Board thinks they are at a point where they can move forward with him preparing a Resolution then he just need the word from the Board.

Chairman Gaspar noted that no SEQR is required because it is a single family house and no Public Hearing is needed and since there is no requirement there is no need to waive it. A Resolution will be written with the requirement at the comments by the Town Engineer are completed.

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Chairman Gaspar asked if the Fire Department needed to review the road and Mr. Atkinson responded they could but there is a hydrant right across the street. He said that it will be easier to get in and out because they are going to put a hammerhead on the end. Chairman Gaspar would like Mr. Crawford to give the Board something formal to indicate that he is okay. Mr. Atkinson told Ms. LoGuidice to email the Town Clerk, Mr. Hansen and carbon copy him and let Mr. Hansen know what the Village Planning Board was looking for to discuss with the Village Board and see if he can get this application on tomorrow night's agenda.

Boardmember Stockburger said Mr. Crawford should indicate that it will be a private road. Chairman Gaspar said he would send a report to Mr. Hansen and will be at the Village Board Meeting.

Brewster Honda Sales Center, 899 Route 22, B-2 Zoning, Tax Map #67.36-2-6:

Nicholas Gavery of Bibbo Associates, Eric Masterson of BBL Construction and Michael Liguori, Attorney appeared before the Board in support of this application.

Mr. Gavery spoke on behalf of Tim Allen of Bibbo Associates. He reviewed what they had presented to the Board the last time they were in front of the Board and the changes that have been implemented. The old plan had a partial renovation of the old building and after consideration it was decided to do a fully new construction, new building. Part of the changes that went into that consideration were Zoning requirements of the new Zoning District that is in the area. The project now meets the 10 ft. minimum sidewalk setback and the front yard setback is better as the previous building was almost right up to the corner of the property. A 10 ft. landscape buffer was also added in as per the Zoning requirements. The building was moved to be more centered with one entrance, which eliminates the 2 entrances and will be one curbed cut with a continuous curb across the front. The building footprint is smaller with the large parking deck being removed from the southern side of the building. The parking layout is generally similar to the previous with restriping and customer parking in the front, display vehicles on the front property line as well as along the side, and employee parking in the rear. Drainage improvements at this stage are minimal but that is still under review with a full SWPPP.

Mr. Masterson asked if a full SWPPP was required if the property is less than one acre. Mr. Gavery responded that they will do what is required by the State so they will go back to the Code and verify that. They would like to at least capture the roof and as much of the parking in the front as possible and at least treat with a hydrodynamic separator onsite prior to exiting into the river.

Mr. Atkinson said there is a reduction in the impervious surface so the way the DEP is going to look at it is doing some sort of water quality is the key to this.

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Mr. Liguori updated the Board on his progress with the MTA (Metropolitan Transit Area). The original contact was in January or February and it took approximately six weeks for the MTA to respond for a contact. Mr. Liguori had some help from the County because the County is presently leasing the area that is occupied by the MTA so County Planning gave me their contact's name of David Roth. They now have a Use and Occupancy Permit application that's pending before the MTA. Mr. Liguori said the MTA did not know Brewster Honda was using their property. He sent his contact at the MTA a history lesson on the property. The process for the application is lengthy. There are two Boards that it will go to. They deal with the MTA but the entity the owner of the property is an entity called Midtown Tracking Ventures LLC. They have reached out to the County as originally they were supposed to grade all the way down the hillside and reduce their parking but now they are only partially grading and putting in a staircase.

Mr. Gavery stated it will reduce the parking in that area by two spaces.

Mr. Liguori related to the Board that his client knows they need to go to the Zoning Board for a variance but their Use and Occupancy Permit could take up to 120 days according to the information he received from his contact at the MTA. He is approximately 60 to 70 days into that process. Their concern is that if they get to the point where the Board is ready to issue a site plan approval and they still don't have the permit that they may be allowed a conditional final where they would be done with the Planning Board but not be able to go to the Planning Board without the Use and Occupancy Permit. They would like to start the SEQR process and make sure that they can move forward toward getting their Negative Declaration and be able to go to the Zoning Board.

Boardmember Stockburger asked how many variances are needed and Mr. Liguori replied one. Mr. Atkinson said he believes they got rid of them all but he still has a question on the parking requirement because the requirement as written now states that the parking for the actual public is based on the square footage of the building. The square footage before was at 19,000 and that constituted 1 per 200 meaning when you have cars for display those are not included in the parking numbers so they will not meet that parking number. He said he thinks they are showing 30 spaces for the public to come in and look at cars. Mr. Atkinson continued: another question is how many parking spots are being provided for cars for storage on the new site? Mr. Liguori was not sure because he doesn't represent Lia in connection with the Town but he will get the answer.

Mr. Gavery stated that the parking between this site and the service center will be approximately 433 spaces. Mr. Masterson added that there are no spaces on the other side of the road for vehicle storage as that was a requirement of the Town. As he understood it employees, vehicles in the shop and customers are allowed.

Boardmember Stockburger asked if they owned the property across the street as they could provide employee parking across the street and Mr. Masterson said they lease it.

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Mr. Atkinson said that even if the employee parking is removed from that site they will still be under the number needed. Boardmember Kulo asked about improvements to this area. Chairman Gaspar said the chart says they need 67 parking spaces and they are providing 110. Mr. Gavery said the parking on the plan needed to be revised as they have since met with Mr. Atkinson and they straightened out that issue. Boardmember Stockburger said when going for the variance to say that there will not be 67 customers on the property at any given time.

Boardmember Kulo asked whether deliveries will continue where they have been. Chairman Gaspar asked if all deliveries will be done at the new facilities. Mr. Masterson said currently they are offloading cars on Route 22 and they know that is a potential issue but when the service center is open across the street all deliveries will be done on that site.

Mr. Atkinson and Chairman Gaspar both stated that this plan was a huge improvement from the first plan.

Chairman Gaspar made some comments on the plan. On the southern portion of the plan it shows six to eight cars going parallel with Route 22. It is also indicated that there's a retaining wall with a 5 ft. maximum height but he was not able to verify that with the topos that are there and he wants to be sure it is indicated somewhere that the wall will be 5 ft. maximum. He would like to see some topos going up along Route 6. Mr. Gavery said when they removed the parking deck from the plan they left a void space where they went from the front elevation to the rear so making that difference up will be a little tricky. There is a low block wall between Norms and the Honda site and continuing and improving that wall was the goal for that corner but they will add additional topos to give a better feel of the site.

Boardmember Stockburger asked about the green area just northeast of the building where there is parking and how they will access this area if they don't get their permit from the MTA. Mr. Masterson said they can't.

Boardmember Kulo the façade of the new sales center and the architecture is not consistent with the other buildings on that stretch of Route 22 and more like something you would see along a stretch of highway. Would Brewster Honda consider changing the aesthetics to be more brick-like to be more consistent with the other buildings on that stretch? Mr. Masterson said that it is Brewster Honda's new branding and would have to go formally back to American Honda for a variance with them. Boardmember Kulo said it is something he would like to see pursued. Mr. Masterson asked for a specific list of amendments he would like to see for the building so that he could have something he could propose to Honda. Typically it is difficult to get branding changed. Boardmember Kulo said you could maintain the Honda logo with its colors and the window structure but would like to see rather than the blank white to have a brick façade that shows some sort of blending with the architecture surrounding it. Mr. Masterson felt that they would not get a red brick but would have the same similar color-scheme.

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Mr. Atkinson suggested the research to see if there are other areas that are historic that have dealerships. In Rhinebeck for example there is a Subaru dealership in their historic area and it doesn't look anything like a Subaru dealership but they did it that way because it was a historic area.

Boardmember Stockburger informed Mr. Liguori that they will need a sign variance as it is not the Village color palette. Mr. Masterson said the signage will be a separate permit process. Mr. Liguori said there is a color palette provided by the Village to work through.

Boardmember Kulo asked about the traffic on Route 22 and noted that right now there is not a crosswalk in that area. Mr. Atkinson said he believes that the traffic issue may be corrected by the rail trail as they are contemplating putting in a set of stairs so that people can go up and over on the rail trail to cross from one side to the other. Mr. Liguori said on the site plan for the service center there is a follow-up traffic study that's required with a bond in place should the numbers trigger the need for a traffic light. Boardmember Stockburger suggested a stop light on either side of the trestle timed together. Mr. Liguori said there is a lot of growth in this corridor that doesn't include Brewster Honda and to put the burden on the existing dealership to solve the problem is unfair for this site as this site has been there the whole time. Mr. Atkinson said they are also removing three curb cuts and creating one which will allow for safer access which will be an improvement to the traffic flow.

Boardmember Lowell asked if service was still going to be provided in the new building as in the first plan there were some service bays still. Mr. Masterson said it is eliminated.

Chairman Gaspar said the other reason he would like to see the contours along Route 6 is that he would like to see where the existing utility poles are as currently there are street lights off those utility poles and on top of that there are also lights that are lighting up their parking area. When coming toward Town from the east those lights that light up the parking area are shining in your face but if they were angled just a little bit more it may not be an issue. Mr. Masterson said a new site lighting plan has been done and those site lights along Route 6 would go away and propose a new plan. Chairman Gaspar asked if they will be LED lights and Mr. Masterson said they would. Mr. Atkinson asked how the electric transitioned with the trestle. Mr. Masterson said there currently a 400 amp transformer on that pole. Mr. Atkinson meant by the trestle and he thinks it goes under the trestle and then underground and he said that putting it underground along the front of the building would be ideal.

Chairman Gaspar noted that the first two (one and two) parking spaces that it seems to be hard to maneuver the cars in and out although they seem to be staged cars and they may want to look at that. Mr. Atkinson commented that angling the cars in the front may allow for more visibility of the cars instead of just the nose.

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Mr. Atkinson recommended to the Board that some of their operations be moved during this process and a written plan on how to accomplish that would be appropriate to provide to the Town. Mr. Masterson said they are currently thinking that they would use the trailer on the Allview site for their sales office but that is in the Town of Southeast and they would need approval from the Town to do that. The trailer is in the Village. Boardmember Kulo said the driveway is in the Village and Mr. Liguori said just passed the neck it opens up into the Town property. Mr. Masterson said another option was to utilize a corner of the site across the street that they lease and put temporary sales offices there but they have not made that decision yet. Mr. Atkinson asked where the cars for sale will be located. Mr. Masterson said they do have offsite parking for those as well as their auxiliary lot. Mr. Liguori was wondering if there was room in the Village part of the driveway so that it is located on Village property because if it stays in the Village they don't have to go to the Town. Mr. Atkinson said if that is the route they are considering they will need to amend their application to include the other two tax maps with a step guide showing the process of the construction.

Mr. Atkinson asked how long the process is estimated to take to complete. Mr. Masterson said from building permit approval through completion would be less than a year depending on the timeframe of receiving the building permit and weather.

Boardmember Stockburger asked Mr. Liguori to show him the area for the Use Permit and what happens if it doesn't get approved. Mr. Liguori replied everything in gray to the North. Mr. Atkinson said they may want to get a variance minus those parking spots so that they already know they are moving forward even if they don't get the approval and then if they go get the permit they can just add those parking spots in. Boardmember Stockburger noted that they will need the two variances before they go ahead with SEQR but would also need the Use Permit for SEQR. Mr. Liguori said no, SEQR requires them to do their review as early as possible but they don't anticipate their being an issue because it's not an active train line and they already lease it to someone else. Mr. Masterson said if MTA does not allow the use of this property I don't think you're going to see this building built.

Chairman Gaspar commented on the North side of the site right adjacent to the building you have what appears to be a sidewalk that goes back and wraps around. The elevations are telling me something else and that should be addressed to correct the conflict on paper. Mr. Masterson said he will look at that as he knows there is a door on that side to bring vehicles into the display room.

Chairman Gaspar wanted to make sure that the surface water exiting into the river is as pristine as it can be so as to not ruin the trout stream. Boardmember Kulo added that this should be even during construction. Mr. Atkinson said with the amount of roof they have and the discharge down the DEP might bring up thermal loading so be sure to take a look at that. Chairman Gaspar asked about a green roof. Mr. Masterson had not looked at that yet but they could bring that up to the architect for discussion. Mr. Atkinson said it would help with the DEP. Mr. Masterson said he is going on Monday for

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a DID (Design Intent Document) presentation by Honda and he knows they have initiatives for green buildings so they may be onboard with it.

Mr. Gavery said the new building is 2559 sq. ft. less than the existing building.

Mr. Atkinson said he would like to have a meeting to go over how they are going to do their move and how they are going to deal with the DEP as well as the operations staging, electrical plan, etc. Chairman Gaspar said that would be good and he would have no problem being a part of that.

Boardmember Stockburger, Boardmember Kulo and Mr. Masterson discussed the lighting plan and the removal of the light fixtures that shine on the lot to reduce the impact on the street. By using LEDs they will be able to focus the light on the cars with the spillover lighting the sidewalk to reduce the impact on traffic.

BOS:

Mr. Atkinson discussed a letter from April 18th regarding BOS Development Project on 2 Palmer Road. The DEP approval on the Land Use Permit for access on Palmer Road which traverses over DEP property and they denied their request to access their property over 2 Palmer Road. Mr. Stockburger said they didn't actually deny it, they said if they do it they will cancel the Town's access. Mr. Atkinson talked to Judy Offermer, owner of the property and her attorney, Mike Bartilotti and they provided some new plans but he suggested they not look at those yet until they get further on because without the ability to get to the site they don't have a project. They agreed and asked to be removed from tonight's agenda. They are sending a letter to Ira Stern to request a sit-down meeting. They asked for the Village Board's letter of recommendation to allow this to happen. They also asked for one from the Town as well. There are two other options for entry into that site: Allview which would be a very bad situation and a property that is just south of the Getty Station which is the old Goldsand office. They would have to put in a 30 ft. span bridge to get across the wetland. Boardmember Kulo commented that the letter was clear and they are going to defend the natural resources and he would tend to side with them on this. Mr. Atkinson said Palmer Road could be called a prescriptive easement where once you've been traveling on it for a certain amount of time it becomes a road and you gain some rights. Another thing he asked was has Palmer Road received any Federal CHIPS funds to be repaved or installed because if federal money had been put in then there is another set of legal obligations that come along with that. Ms. Meagher asked if there had been any site history on the property. She thought there had been one for condos back in 1988 and wondered how they had accessed it in the past.

Mr. Atkinson said they are able to demonstrate they can meet storm water requirements; there is no water or sewer issue other than a variance being granted to get them into the sewer district.

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

Meeting adjourned at 9:00 pm.