

**Village of Brewster
Planning Board Meeting Minutes
November 21, 2017**

BOARD MEMBERS IN ATTENDANCE:

George Gaspar, Chairman
David Kulo
Tyler Murello
Rick Lowell

NOT IN ATTENDANCE:

Rick Stockburger, Assistant Chairman
Gregory Folchetti, Attorney - Costello & Folchetti

ALSO IN ATTENDANCE:

Mr. Todd Atkinson, PE

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

REGULAR MEETING:

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

538 North Main Street – Tax Map ID 56.82-1-18:

Boardmember Murello made a motion to open the Public Hearing, seconded by Boardmember Lowell and passed all in favor.

Mr. Nixon appeared before the Board and gave a brief overview of the project as there has been a change in use of the interior of the building and the additional items with regard to a retaining wall and parking. He said it is a proposed new mixed-use building previously approved in 2014 for 2 stories with a commercial ground floor and the second floor business use and 1 apartment. Mr. Nixon said the Site Plan was revised to make the second floor 2 residential units and remove the commercial use on the second floor. There are 4 parking spaces for the entire site which is non-conforming but a variance was granted by the Zoning Board of Appeals last month. Since the last meeting the pre-existing retaining walls have been indicated on the Site Plan explaining how they will be repaired because the building encroaches the wall, he said. The parking has been indicated on the Site Plan and detail regarding the sidewalk has been added as well, he said, as there is a slight elevation difference between the first floor and the curb. He said this was corrected with a very low pitch ramp. Mr. Nixon said a locking gate has been added for the alley between this building and the neighboring property to the north, which is El Dorado Restaurant.

Boardmember Lowell asked how high the gate was and Mr. Nixon responded that he is inclined towards 6 ft. but that can be discussed. Boardmember Lowell asked if there

**Village of Brewster
Planning Board Meeting Minutes
November 21, 2017**

was anything in the Code regarding the height of fences and Chairman Gaspar said I don't see why we couldn't go to 6 ft. as a safety measure.

Chairman Gaspar asked the Zoning Board of Appeals had supplied anything in writing regarding the variance approval for the parking spaces and Mr. Nixon replied that he had not received anything yet.

Mr. Ruchala asked about Code for the fence as when he bought his building it could be 6 ft. on the side but 4 ft. on the main street. Chairman Gaspar said this is for security reasons. Mr. Atkinson said he would check on the fence.

Mr. Atkinson said he received plans from Paul Lynch today for the retaining wall redesign incorporating the existing wall into the building and based on his current design dated 11/15/17, the design and calculations are appropriate at this time so we have no more concerns about that. He said regarding the new sidewalk he and Mr. Dan Crawford, DPW Superintendent, met at the site and laid out the parameters for the sidewalk. He said that Mr. Crawford would like to see on the south side of the building the sidewalk replacement extend about 3 more ft. to the construction joint. Mr. Durkin will meet Mr. Crawford at the site to be sure they understand where to continue to replacement of the sidewalk to. Mr. Atkinson said the parking area between the building and the parcel to the south should be paved although it doesn't show this on the plans so it takes the drainage away from the building. Mr. Durkin said they are going to pave part of it with stone in the back and Mr. Atkinson said that was fine. Mr. Atkinson said he would like to see the pitch such that the area drains out toward the road.

Mr. Atkinson had one other comment about double parking and the fact that it does not allow for an aisle way for people to get to the back doors because when you park two cars there you have little room for anything else. He said it is exactly 18 ft. Chairman Gaspar said it meets the requirement but if there are two cars parked there the occupants of the second floor have no means of egress without climbing over cars. Mr. Nixon said we are providing four spaces and they are not for the residents specifically which only requires two spaces: one per unit. He said we have four because they are double deep. Chairman Gaspar said unfortunately double deep is not part of our Code. Mr. Nixon said yes but you only need two for the apartments. Mr. Atkinson said actually one and two family dwellings require two parking spaces for each dwelling. He said if they are designated solely for the residences then that might be the way the Building Inspector would interpret it differently. Mr. Ruchala said we can really only count it as two spaces but landlords tend to figure this type of issue out and do the right thing as a general rule.

Chairman Gaspar said two items that need to be taken care of are: we need a SEQRA designation before we get to a Site Plan approval or an approval with conditions. Mr. Atkinson asked if anyone recalled if Mr. Folchetti mentioned at the last meeting if this would be a Type II action or an Unlisted action. Chairman Gaspar did not know what

**Village of Brewster
Planning Board Meeting Minutes
November 21, 2017**

Mr. Folchetti had determined. Chairman Gaspar said we can continue this until next month in order to make sure we have the correct conditions.

Mr. Durkin said he would like to continue working so he can get the concrete done if the Village is okay with him doing so until this issue gets resolved next month as the weather will start to get colder soon. Mr. Durkin said other than that he believed it would just be the CO they would be waiting for and Mr. Nixon agreed. Chairman Gaspar said that is his understanding as well so long as the three conditions are met: 1) issue with regards to parking; 2) the retaining wall which Mr. Atkinson recommends that being done as soon as possible; 3) the sidewalk out front.

Mr. Atkinson said he would prefer to hold the project over to next month as they do not have a copy of the ZBA variance and Chairman Gaspar said he knows they received it but it should be part of the approval. Chairman Gaspar said that they should be able to continue to work on the project as they have a Building Permit and will just need the CO once the Board completes the approval process next month.

Mr. Atkinson said it would be best if they paved after the retaining wall and sidewalk were completed and Mr. Durkin said they would probably wait until spring to pave.

Chairman Gaspar asked Mr. Nixon leave six copies of the plans to give to Mr. Hansen so that after December 19 they can be signed.

Chairman Gaspar said they will leave the Public Hearing open until next month.

DISCUSSION:

Verizon:

Mr. Douglas Warden, Attorney from Snyder & Snyder LLP and Mr. Richard Ruchala appeared before the Board with regard to this application. Chairman Gaspar said the Village Board sent this applicant here with regard to a Special Permit and there is a comment letter from Mr. Atkinson.

Mr. Atkinson asked what the security measures are to prevent unauthorized access to the system and Mr. Ruchala said there is going to be a gate that you have to get over. He said the real equipment is going to be on the front part of the building and the other part is going to be in the back top of the building which will be access from 8 thru 16. It cannot be seen from the street, he said, the only thing you will see from the street are two 12x12 antennas on each side and they will matching the tone of the roof line. Chairman Gaspar said the drawings indicate an antenna on the roof and Mr. Atkinson said it is existing.

Chairman Gaspar asked the Board for their input. Mr. Atkinson said he was satisfied with the responses he received from his comment letter. He said that all the equipment being placed up there is light, 55 lb., so there doesn't appear to be any issues with

**Village of Brewster
Planning Board Meeting Minutes
November 21, 2017**

weight. The only thing they should watch for is the brick façade and Mr. Ruchala said it is real brick. Mr. Atkinson said then that is not an issue either.

Chairman Gaspar said there are no general comments from the Board and you are satisfying the comments from the engineer so there are no outstanding issues from this Board.

El Pueblo:

Chairman Gaspar said this is a discussion regarding a Special Permit for a cabaret and was sent to us by the Village Board. Nelson Colon, owner, appeared before the Board with regard to this application.

Mr. Colon explained to the Board his intentions for the Special Permit for a cabaret. He said he would like to bring in light music and occasionally comedians like he did at the Whistle Stop.

Chairman Gaspar said he noticed the lease goes back a number of years and the applicant is operating essentially on a month to month basis. Mr. Colon responded that he had a 5 year extension on it in a rider. Mr. Atkinson said it is there but it expired this year since that was in 2012. Mr. Colon said it was originally a 10 year lease plus the 5 year rider and he has only been there going on 8 years.

Chairman Gaspar said the concern he would have is similar to the one he had before which is how do they document the floor plan and exits. Mr. Colon said there are three exits. Mr. Atkinson said there is some stuff that was in there already where they did the fire review by the fire inspector. He asked what modifications are being made to the building and Mr. Colon said none.

Chairman Gaspar asked what the second floor is used for and Mr. Colon said it was vacant but it used to be studio apartments.

Boardmember Murello asked what the occupancy was and Mr. Colon said it is 170. Mr. Atkinson asked if it was published by the Building Inspector to which Mr. Colon replied yes. Mr. Atkinson recommended that the Building Inspector to review the occupancy for the establishment and Chairman Gaspar agreed that the Board should make it a condition to verify the occupancy load.

Mr. Atkinson commented that the term cabaret in the Code does agree with the description Mr. Colon gave for what he would like to do. Chairman Gaspar said there is also a timeframe listed as well which he believed to be 2:00am. Mr. Atkinson asked Mr. Colon what the hours of operation will be. Mr. Colon said until 3:00am on the weekend and 2:00am on Sundays. Chairman Gaspar said there is a timeframe for the cabaret which he believed to be 2:00am. He said you can stay open until 3:00am but the live music must stop at 2:00am. Mr. Colon said that is okay.

**Village of Brewster
Planning Board Meeting Minutes
November 21, 2017**

Boardmember Kulo asked about street parking in that area.

Mr. Atkinson said you were already doing something like this last year? Mr. Colon said I was doing it last year as it was allowed by the Town to do it and then they told me they were going to come up with a new regulation and a permit and that I had to stop doing what I was doing so that they could apply for the Special Use Permit but I was doing it for about a year or so.

Chairman Gaspar said the Board has a couple of comments but overall no objection to the Special Exception Use with regards to El Pueblo.

Brewster Honda:

Mr. Atkinson said that Brewster Honda is getting close to finishing up. He said they put the rail along Allview Avenue and they put in the trees and grass. They are waiting for the façade for the circular portion of the building in the front and the light stanchions are there but they are waiting for fixtures. Mr. Atkinson said he was told they should be done right around Christmas.

Chairman Gaspar asked about the gas station across the street and Mr. Atkinson said they are waiting for materials so they have stopped again.

Boardmember Murello made a motion to approve the minutes of October 17, 2017 as amended, seconded by Boardmember Lowell and passed all in favor with Boardmember Stockburger absent.

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