

**Village of Brewster
Planning Board Meeting Minutes
April 17, 2018**

BOARD MEMBERS IN ATTENDANCE:

Rick Lowell, Chairman
Rick Stockburger, Assistant Chairman
David Kulo
Marti Foster

BOARD MEMBERS ABSENT:

Janet Ward

ALSO IN ATTENDANCE:

Gregory Folchetti, Attorney - Costello & Folchetti
Mr. Todd Atkinson, PE

Chairman Lowell 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 Stockburger and passed unanimously.

571 N. Main St., Fountain of Faith Church:

Attorney Robert Lusardi of Daniels, Porco & Lusardi, LLP representing Fountain of Faith appeared before the Planning Board with Pastor Gladys Rueda. He explained the application to the Board stating the application is for an outdoor play area adjoining the building, which is the location for the Church and Daycare Center that is part of the Church. He said it is a religious daycare center. Mr. Lusardi said the daycare previously had an indoor play area but the Department of Children's Services requires an outdoor play area for licensed daycares. He said the only place as far as he is concerned that the outdoor play area can go is in the area along the side of the building, which is about a 17 by 50 ft. area and has swings, slides, and the usual playground stuff. It has been provided a temporary permit in the past, he said, but the temporary permit expired.

Boardmember Foster said who provided the temporary permit. Mr. Lusardi said the Building Inspector. He said it wasn't a Site Plan, it was a temporary permit. He said they must legalize it in order for them to continue to operate. He said he is on a semi-pro bono as the Church doesn't have a lot of funds and we're trying to do this in as expeditious as way as possible and the plans are not something like would be received from a surveyor or engineer but feels it is sufficient to show what the plan is and the requirements.

**Village of Brewster
Planning Board Meeting Minutes
April 17, 2018**

Boardmember Foster said how long have you been under the temporary permit and Pastor Rueda said a year. Chairman Lowell said why now are you looking to legitimize it and Mr. Lusardi said because the permit is expired.

Boardmember Stockburger said the Code says you have to do a play area and Mr. Lusardi said the regulations of the Department of Children & Family Services that I have seen require an outdoor play area for a licensed daycare.

Chairman Lowell said does the existing play area conform to whatever requirement they have and/or the State has and Mr. Lusardi said yes. Boardmember Foster said have they looked at it lately. Mr. Lusardi said to Pastor Rueda has Children Services been there recently and she responded yes.

Boardmember Stockburger said I walked it a week to 10 days ago and saw it was just a play area with mulch, fenced in with a lock. Chairman Lowell said he says it across from Kobackers with the slide sticking up. He said he never knew there was a daycare there let alone a play area.

Chairman Lowell said Mr. Folchetti is there any pertinent question we should be asking. Mr. Folchetti said there is a provision if the Board is inclined depending on the improvements proposed where there a Waiver of Site Plan Approval that you can consider if the improvements were de minimis in nature. It seems to fall into that category he said.

Boardmember Stockburger said if the applicant would like to ask for a Waiver of the Site Plan... Mr. Lusardi said we certainly would.

Mr. Atkinson said are there any setback requirements on this as there is a fence installed that wasn't there before. He said I just want to make sure there are no issues. Boardmember Stockburger said no because no accessory structure is being placed in there, it's just like placing a picnic table out there.

Chairman Lowell said was everything that's there today there when the Building Inspector gave the temporary permit? Mr. Lusardi said I believe so, yes. Pastor Rueda said yes.

Mr. Atkinson said was that area already a concrete pad underneath or did you have to pour one or what is it. Pastor Rueda said mulch. Mr. Atkinson said mulch OK so storm water is not an issue.

Boardmember Foster said did you put a wall up or was the wall already there. Pastor Rueda said we put a fence.

Mr. Folchetti said so you would move for Waiver of Site Plan Approval pursuant to Village Code Section 182-R if you are inclined to do it. Boardmember Stockburger

**Village of Brewster
Planning Board Meeting Minutes
April 17, 2018**

made a Motion to Waive Site Plan Approval as per Mr. Folchetti's statement, seconded by Boardmember Kulo and passed all in favor.

Mr. Folchetti said he will draft a written Resolution for the Chairman to sign so it's in the Village's records reflecting the unanimous vote tonight.

Chairman Lowell said there is no other new business before us tonight and no old business either.

Boardmember Stockburger said Dominos has not been referred to us by the Village Board yet.

Boardmember Stockburger made changes to the minutes on page 2: change "recreate" to "create" and in the blank put "of use." Boardmember Foster made a motion to approve the amended minutes of December 19, 2017, seconded by Chairman Lowell and passed all in favor.

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