

**Village of Brewster  
Planning Board Meeting Minutes  
March 19, 2019**

**BOARD MEMBERS IN ATTENDANCE:**

Rick Lowell, Chairman  
Rick Stockburger  
David Kulo  
Marti Foster  
Janet Ward

**OTHERS IN ATTENDANCE:**

Mr. Todd Atkinson, PE  
Bill Scorca, Brewster Village Building Inspector  
Joe Hernandez, Brewster Village, Building Inspector

**ABSENT:**

Gregory Folchetti, Attorney - Costello & Folchetti  
Cathy Chiudina, Secretary

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 Ward and passed unanimously.

**PUBLIC HEARING - 530 North Main Street:**

Boardmember Ward made a motion to open the Public Hearing. This was seconded by Boardmember Stockburger and passed unanimously.

**Christine McGann:** I don't know enough about it. I'm just curious what the 12 units are going to look like and what the parking is going to be like there. Nassar Aqueel, owner of the building at 530 North Main Street, said there will be 12 units with parking in the front of the building and showed renderings of the building as well as described the building and view. He said there will be a small wall in the front to block any potential headlights going onto North Main Street and the front will be landscaped. Mr. Atkinson said the parking requirements for the site require one parking spot per unit as well as a handicap parking spot so that's a requirement of 13 parking spots and they are providing 15 parking spots plus a loading spot. He said I think that's what you asked about, yes? **Christine McGann:** Yes, I was just curious because that's kind of a busy corner. Mr. Atkinson said one of the things that both the Village and Planning Boards were concerned about was the entrance that currently exists off Wells Street and that entrance will be eliminated and residents will be entering from the south on North Main Street so we believe that's actually going to help that intersection especially during the time when there is one-way traffic on Wells Street. Mr. Aqueel said we are moving the entrance from Wells onto North Main Street, which is about 70-80 ft. from the corner.

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Mr. Aqueel said I'm not using the whole lot; there's maybe another 1/4 of an acre in the rear that will stay wooded. Boardmember Ward said the building is pushed back from where the existing building is. **Christine McGann:** I understand if you're having parking in the front you have to do that; I've been to other hearings before about it. Mr. Atkinson said I think it's about 1/8 of an acre in the back. Boardmember Ward said were you able to go to the Village and look at the plans? **Christine McGann:** I have not. Boardmember Ward said is there any other information you would like to see? **Christine McGann:** No, as I said I've been to the meetings before; I didn't remember what it looked like and it just seemed to me that it was a smaller building before and all of those people coming out of there is a concern. Chairman Lowell said it is going to be one car per unit. Chairman Lowell said any other public comments?

Mr. Atkinson said you can't close the Public Hearing because you haven't made a SEQR Determination and that was the issue last month. You will have to convey the Public Hearing over to next month, close it on that day, and that's when you are going to do SEQR. You will also have to hold the next meeting toward the end of the month as it won't be 30 days to publish the coordinated review; Unlisted Action coordinated review is the requirement for this.

Boardmember Stockburger made a Motion to Continue the Public Hearing to 7:30 pm on March 23, 2019 at 50 Main Street, seconded by Boardmember Ward and passed all in favor.

Mr. Aqueel handed in the registered mailings for the Public Hearing.

The Board discussed SEQR process. Mr. Atkinson said it's an Unlisted Action as per his conversation with Greg Folchetti, Village Counsel. Mr. Folchetti provided Mr. Atkinson with a Lead Agency Selection Form to bring to the meeting. The form states that the Involved Agencies are Village of Brewster Planning Board, Putnam County Department of Planning, and Putnam County Department of Health, he said. The Site Plan application form and Environmental Assessment Form are included, he said. Mr. Atkinson said the Board will need to do a vote at this time indicating this is an Unlisted Action with a coordinated review and that it is the Board's intent to be Lead Agency for the project. Chairman Lowell asked if that was all one motion. Mr. Atkinson said yes it is all one motion. Boardmember Ward said is the Planning Board filing SEQR or the applicant? Mr. Atkinson said the applicant provided you with an Environmental Assessment Form so the Board is taking that form and utilizing that as part of a coordinated review with the three agencies. He said we discussed last month that this had already been done as part of the Village Board, but the issue is that was just for the Special Use and did not take into account the Site Plan itself so we're trying to make sure that everything is done properly. This means that next month, he said, unless there are any other comments that need to be addressed you could declare yourself Lead Agency, close SEQR, and then be able to take action on the application.

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Boardmember Stockburger said should the Town of Southeast should be an Interested Agency due to Markel Park? Mr. Atkinson said the Town doesn't own Markel Park; the DEP owns it and the Town has a permit on it. Chairman Lowell said do we need to send to the DEP? Mr. Atkinson said in the past I have included the DEP but that is something that could be discussed with counsel and then addressed before it gets sent out. It is under an acre of disturbance and in the watershed, he said, but when it comes down to it they are meeting all the requirements that the DEP would put on it.

Boardmember Stockburger made a Motion for the Intent to declare the Village of Brewster Planning Board Lead Agency under the understanding that this project is an Unlisted Action with a coordinated review, seconded by Chairman Lowell and passed all in favor.

Mr. Atkinson said that form should be signed by Mr. Hansen and have it sent to the Putnam County Planning Department and Health Department and Mr. Hansen has already received electronic copies of these from Mr. Folchetti.

Mr. Atkinson said the Board would now hold the Public Hearing over to April 23, 2019 and people would still be able to make comments at that next meeting. Boardmember Ward said they can also email or mail in comments.

Chairman Lowell said we did receive an emailed comment that will be added to the minutes.

Chairman Lowell said there was one other question that came up and that was that the height of the building is restricted to 40 ft. Mr. Aqueel said I believe it was 45 ft. and we are under that. Mr. Atkinson said I believe that was before the Special Exemption Use was put into play; I don't have it off the top of my head but I think it is 45 ft. Chairman Lowell said that will be an individual consideration on each property assuming that they come to the Village because they're all special exemptions. Boardmember Ward said can we just make sure that the Site Plan that will be signed has the correct numbers? Chairman Lowell said the engineer will be checking all the plans before we do that and they should be corrected for the next meeting. Boardmember Ward said do the plans get signed then? Chairman Lowell said we would need 6 copies. Mr. Atkinson said if the Board is OK with this, have Mr. Scott send me the plans electronically and I will review them to make sure they are good and then I will tell the applicant to print 6 copies.

Boardmember Ward said so at the next meeting we would potentially close the Public Hearing, declare Lead Agency, make our findings on SEQR, and if we want we can vote to approve it; but does the attorney have to draft a Resolution? Boardmember Stockburger said if the attorney does the Resolution and we pass SEQR we can sign them. Mr. Atkinson said typically the Board approves a conditional Resolution which has a couple conditions so you typically don't sign the plans until those conditions get met. He said you could have one member sign but the Chairman won't sign until after

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the requirements of the Resolution are met. Chairman Lowell said we will talk to counsel about that.

Chairman Lowell said I have a question about the height: where is the baseline for the 45 ft.; it is in the front at the parking lot or in the back at the hill? Mr. Atkinson said the median is 35 ft. because you are burying in the back and you have the front exposed so when you take the height from the midpoint on each one of those sides it's 35 ft. He said even though it's almost 45 ft. at one point out of the ground. Mr. Aqueel explained using the plans where the slope on Wells is and how the base is different depending on where you look on the building. He said to answer your question it is 35 ft. in the front and 35 ft. in the back to the peak. Mr. Atkinson said but if you're looking from the front is actually another 10 ft. higher so it's more like 45 ft. Mr. Aqueel said if you measure from the parking lot to the peak is 45 ft. but if I'm standing in the backyard and I measure to the peak it's 35 ft. Boardmember Foster said so both buildings are the same height but it's just higher because the ground is higher. Chairman Lowell said it's actually one building. Mr. Atkinson said the actual height but doesn't require a variance anymore because of the Special Exemption Use so all the yeses need to be changed to a no on the plans.

Mr. Atkinson read from his memo stating architectural plans like structure, signs and such will be provided as part of the Building Department application. Storm water analysis: there is a portion that talks about the Town of Southeast Code, it needs to be corrected to say the Village of Brewster Code, he said. He said the existing plan shows a single point of discharge and that's not realistic on the site so I will work with them to get that done. When it comes down to it, he said, Mr. Aqueel is taking the impervious surface that was there now and then the impervious surface once the new site is complete; the delta there is what he's going to take and treat onsite utilizing an infiltration system. He said there's no requirement to do so but the Village requests that to be done so there is no issue with the command system downstream or the neighboring properties. Chairman Lowell said so what we're saying is when the property is done there will not be any additional runoff. Mr. Atkinson said there will actually be less, but if you were trying to meet DEC requirements you would not be able to put it under concrete but since they are not doing this for the DEC they are putting it under the concrete. Mr. Atkinson said soil test and perc test results need to be submitted and the applicant has requested that we make this a condition in the resolution to be done afterwards because when they rip the building down they will have a machine out there that will do the test to make sure that the soils are adequate. He said right now there is Type B soil which should be more than adequate although I do have a concern about the rock. When you get ready to do the retaining walls you'll have to submit signed plans from a professional engineer to the Building Department. Boardmember Stockburger said what you are essentially saying is we will not sign off on the Final Approval until after he does the soil check. Mr. Atkinson said yes and he needs to be able to perc 1 in. within 2 hours.

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Mr. Aqueel said I would like to get the demo and building permit at the same time so as soon as I demo I can start construction because I don't want to leave a hole there. Boardmember Ward said I would rather have Site Plan Approval first. Mr. Atkinson said I would rather you get a machine out there sooner so that we know the condition of the soil and we don't need a condition in the resolution.

Mr. Aqueel said water, sewer and electric have already been cut from the property and it is ready to be demolished. Mr. Atkinson said we don't know the exact elevation of the sewer line so we'll have to get a profile back to the building by the engineer, signed and sealed. Chairman Lowell said it will have to be larger with 12 units. Mr. Atkinson said 6 in. is adequate.

Boardmember Foster said Mr. Atkinson, in #2 you state additional runoff will be conveyed off the site resulting in no effect on the existing storm water conveyance, is that the path that the water takes? Mr. Atkinson said yes and the actual catch basins and piping system, which is why providing the infiltration system will help decrease any runoff in that area.

Mr. Hernandez said in doing this perc test and the demo, if any tanks or abandoned septic are on the property would you know? Mr. Atkinson said there will be an abandoned septic in the front and I believe it will be removed because that area is going to be taken down so the infiltration system can be put in.

Boardmember Foster said in the letter that was sent they raised a concern by saying "over the last three snowstorms the property has never been maintained and the March 2nd snowstorm was never touched" so was the snow not removed in a timely manner? Village Code is 24 hours, he said. Mr. Aqueel said I can show you pictures that it was done because my contractor sends me pictures each time so I know it was done.

Boardmember Foster said is an apartment building on the outside of our Village really what our Village vision is? Boardmember Stockburger said that's what the Village Board approved and it's not for us to question. Boardmember Ward said it's not really on the outskirts as that is a residential area right there. Boardmember Stockburger said that's what the Special Exemption Use Permit was for that the Village approved and once it was approved we cannot object to it now. Boardmember Foster said as a Planning Board can't we say 'is this really what our Plan should be?' Boardmember Stockburger said you can make the comment to the Village Board but as the Planning Board, no. Boardmember Ward said we should have made those comments to the Village Board when the Special Exception Use was being considered. Boardmember Foster said so any concerns I have about whether this helps the Village or the Plan I really can't say. Chairman Lowell said the Village Board seems to feel that it's going to be beneficial. Boardmember Stockburger said the Village Board referred it to us for comment and we didn't make comment at that time so we lost our shot. Trustee Gaspar said it was extensively discussed and reviewed with the options that were put before the

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Board were evaluated and it was decided by a 4 to 1 that the parking in the front was best for this particular site.

Mr. Aqueel said I'm putting up a Class A building and it will be well-constructed, well landscaped; it's not going to be an eyesore. Boardmember Foster said my opinion is that people are going to come to us and say 'is this what they've done for the plan', putting up an apartment building. Boardmember Ward said the apartment building is needed; there's no housing available in the Village so putting an apartment building there is meeting a need in the Village. Boardmember Foster said but it's on the outskirts of the Village.

Boardmember Foster showed a picture of the site from Google depicting what it looks like presently and said how much of the tree line will be visible once the building goes up? Mr. Aqueel said most of the tree line will be visible because the rear 50 ft. of the property is not being touched although some of the trees may come down due to the building being recessed. He said if there are trees that are unstable though I will take the appropriate action to ensure safety. Mr. Atkinson said the back 35 ft. is going to be untouched.

The Motion to approve the Minutes from January 8, 2019 was approved as amended by Chairman Lowell, seconded by Boardmember Foster and passed all in favor.

Chairman Lowell made a motion to adjourn the meeting, seconded by Boardmember Foster and passed all in favor.