

**Village of Brewster  
Planning Board  
May 27, 2008**

**Regular Meeting**

1. Pledge to the flag
2. Call to order. Attendance:

Rick Stockberger  
Mark Anderson  
Kathleen Meyerson  
David Kulo  
Guy Cilenti

David Kulo motioned to open the Village of Brewster Planning Board Meeting at 7:30 pm. Kathleen Meyerson seconds.

AYES: 5                    NAYS: 0

3. New Business

- **New member** - Guy Cilenti has joined the Village of Brewster Planning Board.
  
- **174 Main St.** - Permit #08-23

**Wasek Safieh** appeared. He is seeking approval to convert 174 to 184 main street to a convenience store. The interior conversion was approved by the building department, and they then referred him to the Planning Board for all the external work. Mr. Safieh had submitted seven copies of the plan, although only one was received by the Planning Board. Mark Anderson – you’ll still be selling gas? Mr. Safieh. yes, gas, but no repairs or mechanic. David Kulo – did Bob Serino (code enforcement) have any questions? Mr. Safieh - no just to clarify that it needs to go to the Planning Board. Mr. Safieh - it will be much more attractive than it is now. It will be stucco, with nice landscaping. David Kulo– I believe Bob was talking about the billboards that were on the property. Mr. Safieh - that’s different questions, the billboard are on a different property and it’s non-conforming/existing. The billboard is at 182 Main Street. Mark Anderson - is it separate tax parcels or just separate numbers? Mr. Safieh - it’s separate tax bills. Mr. Folchetti – I would like the opportunity to review the plans and comment ahead of time before the Board taking action, and I have not gotten this information. Mr. Safieh - we are not changing the building in any way, so that’s

why we didn't have to go to Zoning. Rick Stockburger – you need to complete a full site plan, since it's a change of use. Rick Stockburger continued - it's a permitted use, but you still have to follow a site plan application. David Kulo – regardless of whether the building is being changed, it's a change of use. Mr. Safieh, so you just need a site plan? David Kulo – that and an application – it's a two page paper. Mr. Safieh - We'd be more than happy to take down the billboard, but it's rental income, and the village won't give us any abatement on the taxes to do that, and in fact our taxes would go up on the lot. David Kulo – we don't have the authorization to discuss the billboard, or any tax relief. These plans here show the parking spaces, plans, etc. but it doesn't describe the changes for use. On the surface it looks fine, I know Bob Serino is aware that the use was going to change to a convenience store, but we need to have that submitted with the application, otherwise based on the code enforcers report, I don't see any problem with this plan going forward. Mark Anderson – my curiosity is with given the number of people selling potato chips and soda, is it really profitable? Mr. Safieh - the problem is more that it's an older station, and with the constant inspection, and the environmental concerns. It's a constant expense, and fines. Rick Stockburger provided to Mr. Safieh (page 17-054 – site plan approval from the Brewster Code). Anthony Mole – the new zoning may be going through as early as next week, and we'll have a new chapter 170. I think if your application is submitted before then you can proceed under the old code. John Folchetti – in accordance with the code, you need to submit the application and 10 copies, 10 days prior to the next meeting. Rick Stockburger – you can go down to John Folchetti's office to get all the topographical information for a nominal fee, vs. paying a surveyor \$800 or so. Mr. Safieh so any consideration for removing the billboards – do you have any power? David Kulo – we have no power, it's your prerogative to leave it. Mark Anderson – if you remove the improvements, you should be able to go in front of the assessor to discuss it. When you get your tax bill you get the land value and total value, but you need to talk to Bill Ford, the Village Assessor.

- **22 Eastview Ave** – Subdivision – Tax map No. 56.19-2-11

Robert Morini and Theresa Ryan from Insite Engineering presenting What you see in front of you is for a five lot subdivision. It's 3.3 acres that was purchased from St. Lawrence O'Toole. We are coming in with conforming lots for the new zoning, single family homes on ½ acre lots. What we'd like to do is reduce the size of the developed areas, to smaller lots, and donate the rest of the land to Wells Park, etc. Anthony Mole was that abandoned at some time? Mr. Morini – it was never developed. Our research indicates that we own a ½ of the paper road, since our research shows it wasn't abandoned, it was just never developed. Robert Morini - What we'd love to do if there's a way to do under village law, is put them on smaller lots, and cluster them. John Folchetti – would the intent be to cluster them as 2 family homes or single? Mr. Morini – as single family homes. John Folchetti - asked about the large culvert. Theresa Ryan – I think

it's on the park property. John Folchetti - these are issues that we need to look at as there's impact with storm water. I think that the lot area and number of lots you could prove out a 5 lot subdivision. The thing we need to determine is that if they could prove out the 5 lots, are you willing to consider clustering the development? We'd have to have an easement done deeding the remainder of the land. The important consideration here is if you're (the Planning Board) willing to consider it, Mr. Morini needs to here that now? Mark Anderson - what is the piece that would get spun off, how much open area. Mr. Morini - approximately 1/2 the site. Mark Anderson- so we'd get two acres of never to be developed land. We understand the intent of the change in the village zoning, practically the houses around this are not on 1/2 acre lots, they are on less than that. The lots will conform to the lots around it. Theresa Ryan - with 5 developed, it would not allow for any open space. I know we have to prove it out, we wouldn't need any variances for this. I know I can grade it all out, the only thing we didn't assess was the storm water runoff. Rick Stockburger - a lot of the reason for the R20 is to not have to grade it all out. Anthony Mole - The only trick is we don't know when the new code is going to be officially adopted. Mr. Morini - we think this is something that can work for us, and also work within the spirit of the new code. Mark Anderson - the concept of clustering is valuable in a few ways, clustering is energy conservation from start to finish, it adds open space. Rick Stockburger - part of the development with the R20 was to take lots that couldn't be developed in R75, could now be developed. Mr. Morini - while homes are not designed, our intent would be homes of 1500 - 1800 square feet. Rick Stockburger - handed out subdivision NYS law copy .

Rick Stockburger - clustering is in the new code. John Folchetti - we didn't propose any new subdivision code. Theresa Ryan - we kind of adapted the application, there's not a separate application for subdivisions is there? David Kulo - no one application fits all. Mr Morini - would the concept of clustering be interesting? All Planning Board members were interested in the concept of clustering. Mr Morini - do you think the new code will be adopted in the next few months? Guy Cilenti - we can notify him when it's done? I'm sure John Folchetti can let you know when to come back. Mr. Morini and Theresa Ryan will be working further with John Folchetti's office.

- **145 Main St** - Bob Serino advised David Kulo that Joel Ramirez wants to request a permit to sell merchandise from a shed in the parking lot.

Anthony Mole - is this proposed to be permanent? The shed is not for storage of something he's going to sell in the store? Kathleen Meyerson - no it's to sell actually out of the shed. John Folchetti - there's no shed there now? You need to make him submit a complete site plan, etc. Anthony Mole - and he may need a variance also. Rick Stockburger - it's currently a B1 and will go to a B3 (retail stores,) John Folchetti - what we should do is give me a copy of that and I'll provide a set of comments. When he comes back, and has invested his time, we can consider it. David Kulo - what Bob Serino is saying here is that he

reviewed this request and he has told him to come to us. Is his intent to say I got this request and is it worth him even filling it out if we're not going to approve it. Anthony Mole— they always have the opportunity to come into the Planning Board, and if it needs any variances, it needs to go in front of the Zoning Board. David Kulo— all we have is an intention, no details. Anthony Mole – the Board can't even do anything at this point. David Kulo – so we can't make a judgment on something like this? Anthony Mole – no there's not enough information

#### 4. Other Business

- **50 Main St.** - Revisions to site plan. On April 22<sup>nd</sup>, the Planning Board accepted a motion that applicant appear before the Board in compliance with the terms of the motion.

David Kulo - I mentioned to the Trustees at last weeks meeting, about the motion we made on this. Rick Stockburger— did anyone send a letter? Anthony Mole – I thought the plan was that Bob Serino was going to send a letter about that? David Kulo – if I'm lucky enough to find communications that I sent out, I did try to ensure Bob Serino and the Board knew about the terms. The thing I'm frustrated at this point was why John Folchetti did not have any copies of any of the documents that we had tonight. It seems like there were just partial packages made. Mark Anderson – the gas station guy said he made seven copies, so where did they go? David Kulo – when I went before the Board, I mentioned that there were two problems, one is that we have applicants that are e-mailing me for the applications, I made it clear that I'm not an employee here, and that it was inappropriate that I receive the applications. It should be received here and that copies are made. Bob Serino should have his copy, collect the fees, and make his recommendations to the Planning Board. I did make the statement that these loose ends need to be addressed? Mark Anderson – did you make the comment about getting the application on the website? David Kulo – I had spoken to Peter months ago, the only thing that's out there is parade permits. It just seems really off course for the priorities – if people are going to be encouraged to make improvements in the Village, there should be the tools on the website that describe exactly what they have to do, the forms, a checklist, etc. and that whatever permits/applications/site plans, that they be distributed to the right people and everyone is on board with what's going on. Rick Stockburger – that was part of our training – that everything should go through Bob Serino. David Kulo – Bob needs to manage it or delegate it, that's his prerogative. John shouldn't be calling saying I don't have anything on the agenda in my inbox. So these are the issues that we need to resolve. Mark Anderson – so we don't even know 50 Main Street was even communicated with. David Kulo – if we make a motion at this meeting, who's responsibility is it to communicate? Anthony Mole – it's whoever the board delegates. David Kulo – on April 23, I sent an email to Bob Serino regarding the motion that we made on 50 Main Street – and Bob's response was that he sent something to the architect. Mark Anderson – so we're barking up the wrong tree, the applicant just didn't show up. John Folchetti – in the future – the letters should be sent to the owner, vs to the architect. The

architect is not obligated to respond or amend the site plan, that is the Owner's responsibility. You can rectify it by directing all correspondence from the Board to the owner, and direct that it be sent certified return receipt. Then you know that the owner received the communications, and know that they're blowing you off.

**ACTION:** David Kulo to direct Bob Serino to send a letter to the owner of 50 Main Street, as per the motion on April 22, 2008, and to send the letter certified.

- **Training** – Continuation of required training with John Folchetti.

John Folchetti – when do you want to do the next training? Mark Anderson - any suggestions? Kathleen Meyerson – after the 14<sup>th</sup> would work better for me, unless you really need to do it earlier than that. David Kulo – how about June 17? 6:30 pm at John's office on Monday, June 16. Guy Cilenti – how long do they last? Rick Stockburger – no more than 90 minutes. Training set for Monday, June 16, at 6:30 pm.

Anthony Mole a question for the Board – I got a phone call from Chris Green – regarding AYC development the last name was Young, and he passed away and that he had a bond, and I knew nothing about it. Nobody knew anything about this, and it was determined may be the Town of Southeast vs. the Village.

Additional conversations took place on the merits of clustering. Mark Anderson – in other communities – if you build in certain parts of town (senior housing) you get this huge density bonus... John Folchetti – we didn't build in a density bonus we wanted people to do it from a conservation perspective. Guy Cilenti – that storm water is going to go down toward the park? John Folchetti – yes, like when they did the subdivision off Crosby, it caused the problem with waste.

Rick Stockburger – I have 1 more comment, I sent a letter into the ZBA how do I get a condition of variance for my pull down stairs? This is just to let you know that they are sending me back to the ZBA. My garage has to have pull down stairs, because I can't have a regular staircase, and I want regular stairs so I have to go back to the ZBA.

5. Accept Minutes – April 22, 2008

Kathleen Meyerson motions to accept the minutes of April 22, 2008. Mark Anderson seconds the motion.

AYES: 4      NAYS: 0      ABSTAIN: 1

6. Close Meeting

Rick Stockburger motions to close the meeting, Mark Anderson seconds that motion.

AYES: 5      NAYS: 0