

Village of Brewster Planning Board

June 7, 2011

Regular Meeting

Board Members in Attendance:

David Kulo, Chairman
Rick Stockburger, Assistant Chairman
Mark Anderson
Renee Diaz
Tyler Murello

Also in Attendance:

Greg Folchetti-Planning Board Attorney
Bruce Martin- JRFA, Village Engineer
Charles Fowler
Lynn Marrison
Michael Liguori, Esq., Hogan & Rossi, Attorneys for Charles

Fowler

The **Pledge of Allegiance** was recited.

Call to Order

Chairman Kulo welcomed everyone to this June 7, 2011 session of the Village of Brewster Planning Board. To the acclaim of the Members, the Chairman welcomed Tyler Murello as a new Member of the Planning Board. Chairman Kulo made a motion to open the Public Hearing, which was seconded by Ms. Diaz. The motion passed by a vote of 5-0.

[Whereupon the Public Hearing was called to order at 7:33 p.m.]

Public Hearing

- Public comment on Village of Brewster Planning Board acting as Lead Agency under SEQR, regarding proposed subdivision at 5-7 Putnam Avenue SBL No. 56.19-2-1.

Chairman Kulo stated that the first item was a Public Hearing concerning Village of Brewster Planning Board acting as Lead Agency under SEQR, regarding proposed subdivision at 5-7 Putnam Avenue SBL No. 56.19-2-1. The Chairman inquired as to whether there was any public comment about this or concerning SEQR. No response from the public was forthcoming. Chairman Kulo made a motion to close this Public Hearing, which was seconded by Mr. Stockburger. The motion was passed by a vote of 5-0.

Public Hearing

- 5-7 Putnam Avenue Subdivision SBL No. 56.19-2-1 – SEQR review and public comment.

Chairman Kulo advised that the next order of business was the SEQR determination of significance and a negative declaration, and made a motion to open the public hearing thereon. This motion was seconded by Mr. Anderson and passed by a vote of 5-0. Mr. Murello noted that nothing would actually be changing under the proposal, which proposition Mr. Anderson agreed with-no new buildings, no change in wastewater, etc., all of which meant there was no significant impact. The Chairman inquired as to whether there was any public comment about this. No response from the public was forthcoming. Mr. Stockburger moved to accept the following Resolution, which motion was seconded by Mr. Anderson. The motion was passed by a vote of 5-0, and the Resolution was accordingly duly adopted.

***RESOLUTION OF THE
PLANNING BOARD OF THE VILLAGE OF BREWSTER
June 7, 2011
Tax Map 56.19-2-1
CHARLES FOWLER SUBDIVISION
SEQR DETERMINATION OF SIGNIFICANCE***

NEGATIVE DECLARATION

WHEREAS, the Planning Board of the Village of Brewster is conducting a coordinated SEQR Review of an Unlisted Action, known as the Charles Fowler Subdivision; and

WHEREAS, the plan shows the re-subdivision of the site into two (2) parcels of approximately 68,128 square feet, and 14 777 square feet respectively, served by separate driveways and municipal water and sewer facilities; and

WHEREAS, the Village of Brewster Planning Board, as lead agency is conducting a coordinated SEQR Review of the Action;

NOW THEREFORE BE IT RESOLVED, that pursuant to 6 NYCRR Part 617, State Environmental Quality Review, Village of Brewster Planning Board, hereby designates itself Lead Agency for the SEQR Review of this Unlisted Action, and

BE IT FURTHER RESOLVED, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Lead Agency has determined that the proposed Unlisted Action will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration Form.

**PLANNING BOARD
VILLAGE OF BREWSTER**

Chairman

Dated _____

Public Hearing

- 5-7 Putnam Avenue Subdivision SBL No. 56.19-2-1 – Site Plan Review and public comment.

The Chairman made a motion to open the public hearing on the Site Plan Review for 5-7 Putnam Avenue. This motion was seconded by Ms. Diaz and passed by a vote of 5-0. Chairman Kulo stated that the purpose of this public hearing was for public comment before voting on the proposed subdivision and inquired if any one wished to be heard. Mr. Liguori stated that he desired to be allowed to speak, which request was assented to by the Chairman.

Mr. Liguori stated that he was from the law firm of Hogan & Rossi and was before the Planning Board representing Charles Fowler. He noted that the plan being presented to the Planning Board had been changed as per the suggestions contained in a memo promulgated by Bruce Martin from JRFA, the Village Engineer. Mr. Liguori noted that the plan envisioned a 2 lot subdivision with frontage on Putnam and Carmel Avenues. He stated that Lot 2 fully conforms to the Village's bulk requirements. One of the changes made was that the lot line had been pulled back so it did not extend past the easement area. As to the water service to Mr. Fowler's house and the three houses to the west of Mr. Fowler's house that are in the Town of Southeast, Mr. Liguori noted that Mr. Martin now wanted the easement extended and be granted to the Village so that the Village could shut off the water if need be; Mr. Liguori stated that this would be an easy fix. Mr. Liguori went *seriatim* through the items that had been raised in a June 7, 2011 Memo from Bruce Martin; these items included an update from the Village of Brewster Zoning Board of Appeals Meeting of June 6, 2011, the sufficiency of parking at the property, the extension of the aforesaid easement, an easement for Charles Fowler to ingress and egress the proposed Lot 2 from and to Putnam Avenue, (Chairman Kulo stated that this last easement had be stated; Mr. Anderson wondered whether the easement would be two-way for the Putnam Avenue residents, to which Mr. Fowler answered that it would be, which would continue the situation as currently extant with nothing changing), the necessity for a further extension of the easement so that the Village could come onto and shut off water on the Town's portion of the property ((Ms. Diaz inquired as to whether this easement would be reciprocal between the Village and the Town, to which Mr. Liguori responded that the Town was not part of the easement), an easement to the Village had been provided in the event water shutoff to certain individuals was required, and the fact that the ZBA had at its

Meeting the prior night ruled that no variance would be required in connection with the instant Site Plan Application.

Mr. Liguori stated that he would submit the plat in its final form addressing all of the things that had been raised. He noted that they would be able to show the requisite 5 foot setback for the accessory structures. Chairman Kulo inquired whether anyone had anything else to say, to which there was no affirmative response. Chairman Kulo made a motion to close the public hearing. This motion was seconded by Mr. Anderson. The motion passed by a vote of 5-0.

Mr. Folchetti stated that some determination had to be made on the Site Plan Application (which could be done this evening; if not, the law provided that it had to be made within 45 days of the closure of the public hearing); Mr. Folchetti thus further stated that the Board had a choice, *viz.*: it could either grant final approval at the Meeting (subject to conditions being met) or it could wait until the comments had been addressed. Mr. Stockburger stated that the question was whether the Members desired to see all of the final comments on the plat before voting or did the Members want to list them all as conditions, including any jurisdictional issues. Mr. Anderson said that the conditions largely involved lines being slightly altered on a plat and felt that the items involved were not particularly onerous and if what was submitted for signature was not in accord with these discussions then the Board would decline to ratify the document. It was pointed out that it was the Chairman who would be signing the document and the Members voiced their confidence in the Chairman's ability to perform this task. The matters delineated by the engineer were reviewed:

- Mr. Fowler had already gone to the ZBA, which had stated that a variance was not required;

- There is sufficient parking at the premises, as per the engineer;

- The plat has to be revised with the easement extending beyond the property line and has to be shown on the chart-this is **Condition 1** of the conditional approval concerning the Site Plan Application;

- The easement from Route 6 to Putnam Avenue across the driveway will be reciprocal-this is **Condition 2** of the conditional approval concerning the Site Plan Application;

- The Village of Brewster will have the right to shut off water service; this is **Condition 3** of the conditional approval concerning the Site Plan Application;

-A legal instrument reflecting all of the above must be crafted and approved; this will come with metes and bounds descriptions of the easement areas-this is **Condition 4** of the conditional approval concerning the Site Plan Application; and

- A new lot line showing the distance from it to the accessory structure (a garage) on Lot 1, demonstrating the required 5 foot setback, must be shown-this is **Condition 5** of the conditional approval concerning the Site Plan Application;

The Chairman asked whether anyone else, including any member of the public, had anything he or she wished to add, to which inquiry there was no response. Mr. Anderson made a motion to close the public hearing. This motion was seconded by Mr. Murello. The motion was passed by a vote of 5-0.

Mr. Stockburger made a motion to accept the Site Plan Application, subject to compliance with the conditions enumerated above as well as any other jurisdictional prerequisites. This motion was seconded by Mr. Anderson. The motion was passed by a vote of 5-0. Mr. Liguori stated that he would submit the requisite documentation electronically as well as by a hard copy to Mr. Folchetti. Mr. Liguori thanked the Members of the Planning Board for their time and courtesy that had been afforded to him and his client, at which juncture he and Mr. Fowler departed the Meeting.

Regular Meeting

Chairman Kulo made a motion to open the Regular Meeting of the Village of Brewster Planning Board. This motion was seconded by Mr. Anderson and was passed by a vote of 5-0.

New Business

There was no new business presented requiring the attention of the Members.

Training for Planning Board Members

Chairman Kulo stated that he wanted to discuss training for the Members of the Planning Board. He reminded the Members that it was required that each Member receive at least four hours of training per year in order to continue serving on the Planning Board. Chairman Kulo noted that one possibility for training was to go to the offices of JRFA, the Village engineer, as had been done last year. Mr. Stockburger informed that there had been several new developments for the Members to be apprised of if they hadn't already been. Mr. Anderson noted that parking requirements in the Village had been lessened in an effort to spur redevelopment therein. Mr. Anderson then pointed out that there is training offered by the New York State Planning Federation, which is approved by the State, at various locales in the State each year where Members of different Planning Boards from throughout New York meet, receive training and have an opportunity to enlighten each other concerning interesting matters that have come before them. In years past, this training had been held in Saratoga and Lake Placid while this year it will be in Albany. The Village will reimburse Members for the cost of classes but not for hotels and meals and because the training is in Albany it is possible to go up and return the same day, thereby obviating the Members having to procure lodging at their own expense. Mr. Stockburger noted the availability of online training as another possibility.

Accept Outstanding Draft Minutes for March 1 and April 26, 2011

The Minutes of March 1, 2011 were held in abeyance by agreement of the Members to afford additional time for the review thereof.

Ms. Diaz made a motion to accept the Minutes of April 26, 2011. Chairman Kulo seconded this motion. The motion passed by a vote of 4-0, Mr. Murello abstaining.

Close Meeting

Mr. Anderson made a motion to close the Meeting. This motion was seconded by Chairman Kulo. The motion was passed by a vote of 5-0.

[Whereupon the Meeting was closed at 8:21 p.m.]

