

Village of Brewster Planning Board

October 25, 2011

Regular Meeting

Board Members in Attendance:

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

Also in Attendance:

Gregory Folchetti-Planning Board Attorney
Bruce Martin- JRFA, Village Engineer
Michael Liguori, Esq., Hogan & Rossi

The **Pledge of Allegiance** was recited.

Call to Order

Chairman Kulo indicated that this was the regular Meeting of the Village of Brewster Planning Board. Chairman Kulo noted that Assistant Chairman Rick Stockburger and Board Members Mark Anderson, Renee Diaz and Tyler Murello were in attendance along with himself. Mr. Anderson made a motion to open the Meeting, which was seconded by Mr. Stockburger. The motion passed by a vote of 5-0.

[Whereupon the Meeting was called to order at 7:31 p.m.]

New Business

Chairman Kulo stated that there was no new business extant for this Meeting of the Planning Board.

Pending Projects

571 North Main Street-Fountain of Faith Church-Site Plan

The Chairman noted that a revised site plan had been submitted, and then asked Mr. Liguori to address the Board concerning this matter. Mr. Liguori stated that he had appeared before the Village of Brewster Zoning Board of Appeals and had received a variance concerning parking at the premises that allowed the number of parking spaces to be reduced from 118 to 35. Mr. Liguori indicated that it would have been “a stretch” to ask for such a substantial variance without it having been conditioned on the use and occupancy table. There had been a question of how to enforce the variance-in response thereto, Mr. Liguori had generated notes on the site plan. Mr. Liguori stated that he did not have the receipt of the final variance but that he had been at the Zoning Board of Appeals Meeting when it had been granted.

Mr. Liguori stated that he had notified the neighbors within 500 feet of the property and had the receipts attesting thereto should the Board opt to go ahead with the public hearing on the matter. Chairman Kulo indicated that he believed the public hearing would occur next month inasmuch as Peter Hansen had advised him to wait for the variance before proceeding. Mr. Folchetti advised that the Board could, in its discretion, waive the public hearing as there was nothing changing on the site; in any event, a SEQRA hearing would still be requisite. Mr. Stockburger noted that the section 239 notices would be needed. Ms. Diaz pointed out that the Minutes from the September 27, 2011 Planning Board Meeting noted that there would be one public hearing for the site plan application and for SEQRA. Mr. Anderson asked if the Planning Board could proceed since the notices had been sent. Chairman Kulo noted that Mr. Hansen hadn't communicated with him since late September, when he had advised the Chairman that the Board had to wait to proceed until the variance and the site plan application were complete. Mr. Liguori declared that

he had sent out the notices to the public to be safe, and indicated that he believed that Mr. Hansen had done the needed newspaper notice. Mr. Stockburger secured a copy of the latest edition of the official newspaper and found no such notice therein, although it was acknowledged that it was possible that the notice had been published in a prior edition thereof. Mr. Liguori indicated that he hoped to avoid the \$200.00 expense attendant to having to re-mail the aforesaid public notices and that he would have to reconfirm the public notice with Mr. Hansen.

Mr. Anderson inquired as to how the public hearing might be waived. Mr. Folchetti responded by saying that the law allows for waiver of the site plan application process under certain conditions. Mr. Liguori added that if the approval process could be waived then inherent therein is the fact that the public hearing could be waived. Mr. Stockburger queried as to what the risk in doing so would be. Mr. Folchetti answered that someone could, for example, state that he or she had received no notice and file an Article 78 challenging the Board's determination. Mr. Folchetti offered that one way for the Board to proceed would be to open the public hearing and then close it; since another Meeting would be requisite in any event for SEQRA were there a defect in the notice the public hearing could be reconvened at this next session. Mr. Liguori handed the Chairman a copy of the notice he had mailed to the neighbors. The Chairman read the notice, which states the following, into the record:

NOTICE OF PUBLIC HEARING

The Planning Board of the Village of Brewster, New York hereby gives notice of a public hearing to be held on Tuesday, October 25, 2011, at 7:30 PM or as soon thereafter as may be heard, at the Village of Brewster Village Hall located at 50 Main Street, Brewster, New York to consider the application of S&L Management of Putnam, Inc. (the property owner) for site development plan approval for assembly uses on site including a church, two dance studios and a karate studio. The property for which said approval is requested is located at 571 North Main Street (Tax Map ID. No. 56.19-2) and the application for said approval is on file at Village Hall where the application may be seen.

Hon. David Kulo

Planning Board Chairman

Chairman Kulo stated that he had not seen the notice before and that apparently it had been inadvertently sent out without his knowledge. The Chairman then suggested that the public hearing be opened. Mr. Stockburger pointed out that it was still necessary to do the lead agency for SEQRA; he then inquired as to how many handicapped spots are needed. The chairman pointed out that there are currently none on the property. Mr. Stockburger asked Mr. Martin to ascertain how many are needed and to advise Mr. Liguori so that the latter could designate it on the site plan; Mr. Stockburger also declared that if Mr. Martin concurred that spots on the left side of the building could be made into handicapped spaces. Mr. Liguori asserted that he would not have a problem showing handicapped spots. There was discussion about the size of handicapped spots; Mr. Stockburger stated that handicapped spaces are the same as nonhandicapped (nine feet by eighteen feet) but room must be left adjacent to the spot so that access can be garnered.

Chairman Kulo pointed out that Mr. Martin had also raised an issue concerning the fact that fire and emergency lanes had to be laid out. The Chairman pointed out that Joe Hernandez, the building inspector, had stated that emergency spaces had to be laid out, with these spots usually being in the front of the building. Mr. Murello noted that there has to be a designated area for emergency vehicles to go through. Mr. Stockburger explained what the procedure for this is. Mr. Martin said that he was of the opinion that the fire lane was okay as there is open access to the front of the building as there is no parking there. Chairman Kulo offered that he assumed the applicant has no intention of repaving the property. Mr. Liguori responded that he could not commit that his client would repave but would restripe as mandated. Mr. Stockburger added that he would want the handicapped spots marked off and the variance resolution attached at least five days in advance of the SEQRA hearing. The Chairman then inquired if there were any other site plan comments at that time, to which the Members responded in the negative.

Mr. Stockburger made a motion to open the public hearing. This motion was seconded by Mr. Anderson and was passed by a vote of 5-0. Chairman Kulo inquired if there were any public comments,

to which question there was no response and no public comments. Mr. Folchetti stated that if the Members were going to choose to hold open the public hearing until the next session that the SEQRA hearing ought be done first at that time.

Mr. Anderson moved to hold over the public hearing until November 29, 2011 [the fifth Tuesday of the month in lieu of the fourth so that the requisite 30 days for SEQRA notices could be complied with] at 7:30 p.m. at Village Hall, 50 Main Street, Brewster, New York. This motion was seconded by Ms. Diaz and passed by a vote of 5-0. Chairman Kulo noted that he would advise Mr. Hansen of this date change.

Mr. Stockburger made a motion to have Greg Folchetti draft a resolution declaring the Planning Board the lead agency for SEQRA. This motion was seconded by Ms. Diaz and passed by a vote of 5-0.

Mr. Anderson made a motion to set the SEQRA public hearing for 7:30 p.m. or as soon thereafter as possible at Village Hall, 50 Main Street, Brewster, New York. Mr. Murello seconded this motion. The motion was passed by a vote of 5-0.

Accept Outstanding Draft Minutes of September 27, 2011

Chairman Kulo stated that the next item of business was the Minutes of September, 2011. He inquired as to whether any Member had any changes he or she sought to have made, to which Mr. Anderson pointed out one change that was required which the Secretary of the Planning Board stated would be made. Mr. Anderson made a motion to accept the Minutes of September 27, 2011 subject to the one change being made. Ms. Diaz seconded the motion, which was passed by a vote of 5-0.

Close Meeting

The Chairman asked if there was anything else that any Member cared to raise, to which question the Members answered no.

Mr. Murello made a motion to close the Meeting, which was seconded by Mr. Stockburger and passed by a vote of 5-0.

[Whereupon the Meeting was closed at 8:04 p.m.]