

**Village of Brewster  
Planning Board  
March 25, 2014**

**Board members in attendance:**

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

Also present, Mr. Greg Folchetti, Counsel to Planning Board.

The Pledge of Allegiance was recited, whereupon the proceedings were called to order at 7:30pm.

**Public hearing**

Mr. Kulo made a motion to open the public hearing for the commercial building at 538 North Main Street, 56.82-1-18. This was seconded by Ms. Diaz. and passed 5-0.  
Mr. Nixon presented.

Mr. Kulo asked the public if there were any questions or feedback.

- . Someone in the audience asked if this site was in the blight area. The Board didn't know. Mr. Nixon didn't think this site was in the blight area. Mr. Tyler stated that the dentist, Dr. Raskob's office, was in the Village and in the blight area.
- . Mr. Stockburger stated that even though a property is in the blight area, improvements can still be made.
- . Mr. Kulo restated that this public hearing was for only 538 North Main Street.
- . The audience participant was concerned about making improvements on his property (526 North Main Street) and then having the town take away his property and pay little for it.
- . Mr. Stockburger recommended that he talk to the Village Board.
- . Mr. Folchetti also stated that the municipality can condemn a piece of property and take it away for any public purpose under eminent domain.

Mr. Nixon reviewed the project for the Board.

- . This location was a pizza parlor previously.

- . The plan is to demolish this building and rebuild on the same footprint and going back into the hill.
- . Site is approx. 26' wide and 76' deep.

Mr. Kulo explained that the site plans for this project have been in Village Hall and are available to the public.

Mr. Stockburger made a motion to close the public hearing. Mr. Murrello seconded this and motion was passed 5-0.

### **Regular meeting**

Mr. Kulo made a motion to open the regular meeting. This was seconded by Mr. Stockburger and passed 5-0.

Mr. Kulo took attendance showing all present.

### **First order of business – New business**

876 Route 22, 67.36-2-19 – New site plan application. This site is the current Getty station.

- . Mr. Kulo explained that this is a new site plan to the Board.
- . The original notice was published in error by the Village Clerk and needs to be reposted.

Scope of the project presented by Engineer, Robert Cameron.

- . Remove the current building.
- . Rebuild new building on current site (Getty Station), but expand size from original building. Style to complement Borden Building across the street.
- . Building will be 1600 square feet, a little larger than original.
- . Building will be a convenience store.
- . A canopy will be installed over the pump island. ZBA has provided the variances for the setback for the canopy. Also has a variance for the pumps.
- . New pumps will be installed where the old pumps were installed, only at a slightly different angle for easier entrance and exit.
- . Tanks will be located in the back in a position that they can be accessed by fuel trucks from either direction, and not have to back out and impact traffic. There are no tanks there now. There will be two tanks: 12,000 and 10,000 (split – two grades from same tank).
- . There will be four grades of fuel at the pumps.
- . Curb will be along the same location. Therefore, no permits needed by DOT unless sewer/water connection has to out into the highway.

- . There will be landscaping around and in the back of the building. None in the front.
- . Soil/sediment erosion plan to follow.
- . Air dispensing pump and vacuum is desired but not scoped out yet.
- . No increase in impervious area.

Mr. Kulo asked about having propane and vacuums.

- . Owner said that he'd like to have propane, but needs a permit. The engineer will need to see where the propane tank could be positioned relative to the location of the building.

Ms. Diaz asked about residents around/behind garage. Engineer stated that there are residents behind and above the property.

Mr. Tyler mentioned the paper road behind the property that goes to Allview Avenue from Route 22 to ensure no infringement.

Engineer confirmed that his survey is consistent with the Village's survey. Board was comfortable with this confirmation.

Mr. Stockburger asked if the Engineer had a copy of the Village's engineer's report and the Engineer said, Yes.

RE: Demolition plan

The Engineer stated that they will provide a demolition plan as a layer on the site plan.

Re: Spill plan

NYSDEC plan already on file with the Village, which the Engineer reviewed.

Engineer stated that soil contamination remediated, however, more to do (and will be done) and a site plan will be revised once grading is determined.

- . Mr. Anderson asked if the Engineer's client was the owner or lessee and the Engineer responded that his client is the owner.
- . Engineer also stated that Getty has an obligation clean up the contamination and that the new gas station will be a Citgo gas station.

The Engineer stated that details of piping to be provided with final construction plan, and preferred not to include this on the site plan. The Village Engineer needs to agree to this.

Re: Sizing of drywell for roof leaders: Details to follow.

Re: Cut and fill details: To be provided.

Re: Sewer/water connections: Details to follow.

Re: Air tire inflation device: To be positioned near dumpster and details to follow.

Re: Back of the building: To be a retaining wall. Information on how to support hillside will be provided once excavator's details submitted.

Engineer did not see any problems meeting all of the Village Engineer's comments.

Mr. Kulo stated that the Board's job was to review the site plan as far as details are concerned and final details will be on the Village Engineer's report.

Ms. Diaz questioned the increase in size of the building, and asked about what type of retail is permissible in a B5 zone.

. Mr. Stockburger read from the code and confirmed that the increased size fits and that this comes under the retail, taverns, restaurants, gas stations and personal services section, which is where this project is considered. Engineer reiterated that he reviewed this with the Code Enforcement Officer, who had no problem with it.

Ms. Diaz asked where the sign was to be positioned and the Engineer responded that it will be in the same place, just refaced.

Mr. Stockburger asked the Engineer how soon he would be able to respond to the Village Engineer's comments and get those details onto the drawings. They are needed ten days before the next meeting (April 22, 2014) so the public has access to review. The Engineer responded that he wouldn't have any problem meeting that deadline.

Mr. Murrello asked about the parking size requirement of 7.5 feet/spot.

. Engineer responded that they are providing ten spots (including four spots at the pumps).

. Mr. Murrello wasn't in favor of considering spots at the pumps as parking spots; would like to see them elsewhere and asked the Engineer about locating two more in another location and eliminate the four at the pump as parking spots. Mr. Murrello recognized that it's tight since there are already six positioned in the front.

Mr. Kulo asked that the Engineer make an alternative recommendation, perhaps getting DOT involved.

Mr. Stockburger suggested two on the left side. The Engineer said, No, because this would interfere with the flow of traffic.

The Engineer suggested placing them parallel to where the trucks enter to deliver gas. Mr. Kulo said you can't have spots there, but Engineer said he has seen that since the truck only comes occasionally.

For a retail store, the rules say that only three parking spots are required, and the Engineer is including six.

Mr. Kulo stated that putting the additional spots where the trucks deliver gas wouldn't really resolve the issue because this could interfere with truck deliveries.

The Engineer stated that with the parking spots directly in front of the store there shouldn't be any problem with cars entering and exiting. Cars at the pumps and cars in front of the store and truck deliveries should all be able to occur simultaneously with no interferences with each other. He reminded the Board that this is a "quickie site" with customers coming in and leaving quickly.

Mr. Kulo asked Mr. Murrello if he was satisfied after hearing this discussion. Mr. Murrello acknowledged that it was a tough situation, and recognized no other alternative.

Mr. Kulo asked for any other comments.

Mr. Stockburger asked about making the handicap spot 9' wide just in the car area (9' x 20') to accommodate handicap parking and the Engineer said, Yes.

Mr. Stockburger asked the Engineer if he'd have any problem responding to all of the Village Engineer's comments by April 12, and the Engineer said he didn't think there would be an issue. He didn't think that the Engineer's comments were difficult to address.

Mr. Kulo reminded the Board that there still needs to be a public hearing and that the application needs to be available for the public to view it in advance of the public hearing.

Mr. Stockburger stated he didn't see any major changes to the current site plan.

The Engineer stated that the propane and tire inflation inclusions would be the only additions to the current drawings.

- . Owner would like to have propane filling station as a dispenser, but if he can't get a permit, he will settle for accommodations to exchange propane tanks.

- . Mr. Anderson asked if the large tanks could go underground. The Engineer stated that there would then need to be a space designated where people could park near it.

- . Someone in the audience stated that there used to be an above ground tank, but space would be impacted with the new, larger building.

- . The Engineer stated that the site wouldn't be able to accommodate a large tank above ground, and it would have to be a distance away from the building (near the dumpster) and an attendant would be needed to dispense it.

- . Owner stated to let it go and would settle with rack with propane bottles.

- . Mr. Anderson suggested putting tank on the gable side of the building, but the Engineer said that the fire inspector would never permit it. Gable side might be used as storage, only.

Mr. Kulo stated that without having the propane tank on the site plan, the site plan wouldn't be complete for public viewing. The Engineer stated that they'd have a decision made and if it were to be included, he'd have that modification on the site plan. But he didn't think the propane tank would be included.

Board was comfortable with setting up the public hearing with the current site plan with the modifications discussed to be incorporated in order to accommodate the applicant.

Mr. Stockburger made a motion to set the public hearing on Tuesday, April 22, 2014 at 7:30 at 50 Main Street, Brewster, NY. This was seconded by Mr. Kulo and there were “yeas” from Mr. Murello and Mr. Anderson. Ms. Diaz asked if there would be enough time for the Village Engineer to do what he needs to do. The Engineer stated he has already e-mailed the responses back to the Village Engineer. Ms. Diaz stated that she was in favor as long as it doesn’t create a burden for the Village Engineer. Therefore, the motion passed 5-0.

Mr. Kulo reiterated that the public hearing is contingent upon a completed application, and the Engineer said he could do this to meet the schedule. Mr. Kulo also recognized that it’s a tight schedule.

**Second order of business**

196 East Main Street – Advance Auto Parts – Waive moratorium for sign design changes.

Mr. Kulo introduced this second order of business for the Board to discuss waiving the moratorium to make sign changes, which are minor, based on pictures received. On April 2, 2014, this applicant will be going before the Village Board and they would like a letter from the Planning Board recommending waiver of the moratorium.

. Mr. Kulo asked the Board if there were any objections to recommending this waiver request.

. Mr. Anderson had no objection, particularly since they have made recommendations to waive the moratorium for moving buildings.

. Mr. Stockburger stated that they need a building permit and a variance because the sign doesn’t meet the code. This is a first step in recommending to waive the moratorium and then they move to the ZBA.

Mr. Anderson made a motion to make a recommendation to the Village Board that we would not object to waiving the moratorium because there is no impact on the comprehensive plan.

This was seconded by Mr. Murrello and passed 5-0.

## **New Topic**

Mr. Anderson stated that the people from El Dorado walked out of this meeting, and asked why they were here.

- . Mr. Stockburger said that they have a request to waive the moratorium on the El Dorado.
- . Mr. Anderson said that they already made the waiver themselves and they already built it.
- . Mr. Stockburger said that it may already be up but in order to get a C of O they need a waiver.
- . The Board heard these people say that they were at the wrong meeting when they walked out.
- . Mr. Stockburger said that they were referred to the Planning Board from Mr. Hanson through an email dated March 20, 2014.
- . Mr. Folchetti stated that the application is outdated. And they now have thirty days to reapply.

Mr. Anderson stated that about two weeks ago every tire on four vehicles at 534 North Main Street, one of the residences he manages two doors down from El Dorado. Police reports were filed. Suspicion was that this was bar traffic.

- . Mr. Stockburger asked if there were any security cameras. Mr. Anderson responded that there are cameras inside, but doesn't know about outside.
- . Mr. Anderson asked if this could be discussed and Ms. Diaz stated that they couldn't because the applicant wasn't present.
- . In addition, Mr. Anderson stated that they've had ongoing instances. Ms. Diaz reminded the Board that this shouldn't be discussed since this applicant isn't present.
- . Mr. Anderson asked about the hours of operation and Mr. Murrello thought that they were dictated by the County.
- . Mr. Stockburger suggested 24/7 police supervision.

Mr. Kulo asked if there were any other comments on El Dorado.

Ms. Diaz stated that the El Dorado application should be tabled until the April 22, 2014 meeting.

- . Mr. Stockburger added that this application should go back to the Village Board saying that the application is incomplete, and that it should be dated, filled out correctly and returned.

No motion necessary. Mr. Kulo will handle this communication.



**Pending business:**

Mr. Kulo asked if there was any further discussion of the commercial building at 538 North Main Street, 56.82-1-18.

. Mr. Folchetti asked about a SEQR on this property. Mr. Kulo responded, No.

. Mr. Folchetti advised doing a SEQR Declaration. He advised the Board that they can make a motion to adopt the declaration that he reads at this meeting, which is as follows:

The Planning Board of the Village of Brewster is conducting an uncoordinated SEQR review for the 538 North Main Street site plan as Lead Agency. And as Lead Agency it has determined that the proposed action is an unlisted action and will not have a significant effect on the environment for the reasons as follows:

1. There will be minimal site disturbance and only a small increase in the overall footprint of existing buildings on the property.
2. No negative impacts of surface water features result.
3. Any new storm water management facilities prior to final approval would have to be approved by the Village Engineer in conformance with storm water pollution prevention plans and the filing of the NYSDEC Safe Pollution Discharge Elimination System (SPEDES) General Permit, if needed.
4. It will result in minimal excavation and site disturbances.
5. No short-term or long-term noise impacts are anticipated.
6. Solid waste generated by the project shall be collected on site and disposed of at a certified solid waste disposal facility. Similarly, all recyclables shall be similarly disposed of.
7. No disposal system required as there are no improvements proposed. Therefore, it can be concluded that the project will not result in any adverse impacts to subsurface groundwater resources.
8. No flooding impacts anticipated; no flood plains are located in the vicinity of the site.
9. There will be no negative impacts on wetland resources.
10. There will be no impact on a significant habitat area.
11. Minimal generation of additional vehicular trips is anticipated.
12. No material conflict with the community's current development plans, goals or master plan.
13. No adverse impact to the character of the surrounding neighborhood.

14. It will not impair the character or quality of important historical, archaeological or architectural resources. No resources are located on or in the vicinity of a state Historic Preservation Office.
15. It will not result in a change in the way energy is currently used on the site and it does not present any opportunity to adversely affect public safety nor would it create a hazard to human health.
16. It is not related to another action which would be funded or approved by an agency which, when considered cumulatively, would meet one or any of the aforementioned criteria.

Upon Mr. Folchetti's completion of this reading, Mr. Stockburger made a motion to adopt the SEQR declaration as read by Mr. Folchetti. This was seconded by Mr. Morrello and passed 5-0.

Mr. Morrello made a motion to approve the 538 North Main Street, 56.82-1-18 site plan. This was seconded by Mr. Kulo and passed 5-0. The plan was then signed by Mr. Kulo, Ms. Arvan (secretary) and Durquinn Inc. (applicant).

Mr. Stockburger asked if there was any referral for a new project at St. Lawrence O'Toole.

. Mr. Folchetti stated that this should be put on the April 22, 2014 agenda.

Mr. Kulo recapped that the Board was recommending waiving the moratorium for Advanced Auto Parts and recommending that El Dorado return to the Village Board as they were not on the agenda.

Mr. Kulo asked if there were any other comments. There were none.

#### **Acceptance of draft minutes of February 25, 2014**

Ms. Diaz stated change on page 2, second paragraph, second line. Should be from:

Mr. Stockburger stated that the Village Board is asking the Planning Board to waive the moratorium on this project.

To:

Mr. Stockburger stated that the Village Board is asking the Planning Board *for a recommendation* to waive the moratorium on this project.

Mr. Stockburger made a motion to accept amended minutes from the February 25, 2014 Planning Board meeting. This was seconded by Ms. Diaz and passed 4-0, with one abstention due to absence from meeting.

**Miscellaneous**

Saratoga meeting: March 30 – April 1, 2014 - Mr. Stockburger attending.  
Mr. Anderson is moving to Southeast and may not be able to remain on the Village Planning Board.

Mr. Stockburger made a motion to adjourn the meeting. This was seconded by Ms. Diaz and passed 5-0.

Meeting adjourned at 8:45pm.