

**Village of Brewster
Planning Board Meeting Minutes
June 21, 2016**

BOARDMEMBERS IN ATTENDANCE:

George Gaspar, Chairman
Rick Stockburger, Assistant Chairman
David Kulo
Rick Lowell
Tyler Murello

ALSO IN ATTENDANCE:

Mr. Todd Atkinson, PE
Greg Folchetti – Attorney, Costello & Folchetti

Mr. Gaspar led the Board in the Pledge of Allegiance, whereupon the proceedings were called to order at 7:30pm.

REGULAR MEETING:

Vice Chairman Stockburger made a motion to open the regular meeting. This was seconded by Boardmember Murello and passed unanimously.

20 Putnam Terrace, Tax Map #56.81-1-8 R Zoning: Continued application. No one came to represent this application.

Brewster Honda Sales Center, 899 Route 22, B-2 Zoning, Tax Map #67.36-2-6: Nicholas Gavery of Bibbo Associates and Eric Masterson of BBL Construction appeared before the Board in support of this application.

Chairman Gaspar informed the Board that Vice Chairman Stockburger and he met with Mr. Gavery, Mr. Masterson, and Mr. Atkinson, VOB Engineer to discuss some of their issues and new developments and gave their input.

Mr. Gavery updated the Board on the bike path with regard to obtaining a lease document for an approximately three quarter acre area that they currently use. They are still waiting for cost information on how much it will cost them to lease this area. The two parking spaces that were in conflict with the bike path were removed from the site plan and they have an updated parking table. The Code requires one parking space per 200 sq. ft. of showroom. Their original calculation was the entire building of approximately 13,000 sq. ft. If just the customer area is used then the area is 9,500 sq. ft. with a total of 48 spaces. The total available spaces for customers and employees is 35 on their plan with 20 employee spots in the rear and 15 customer spaces in the front, which is still below the required number from the Code but there are additional spaces that are for vehicle display purposes.

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Chairman Gaspar asked if the vehicle display was at their discretion and they just have to comply with the Code for what the building produces and Mr. Atkinson said that was correct.

Mr. Gavery asked if these spaces could also be used as customer spaces and Mr. Atkinson believed they needed to be dedicated customer spaces and they may need to go to the ZBA (Zoning Board of Appeals) for a parking variance. Boardmember Stockburger indicated that if they made them customer spaces and then display cars in there later then you would be in violation.

Mr. Folchetti, VOB Counsel suggested a two-prong approach: they could ask for an Interpretation that the display spaces could be utilized as customer spaces on some ratio and then you could ask for a variance for the bulk parking requirements and the calculation will be based on the floor area. If Brewster Honda represents that 60-70 percent of their display is going to be out on the lot then they may interpret it a certain way. If not then you need the variance. Mr. Folchetti added they could ask for a size variance and that may get them their count by adjusting the size of the spaces.

Mr. Atkinson gave his view that they are already operating a sales center so how many normal customers do you have on a daily basis at any given time? Brewster Honda should be able to project that based on the years of operation they have.

Mr. Gavery said one of their goals tonight was to get a referral to the ZBA to get the parking issue resolved as well as the lot coverage which is over the required lot coverage.

Mr. Folchetti noted that the Board could deny the application based on nonconformance. They can be referred or with an area variance they can go directly but they will probably want to do it once and what you end up doing with the County and how many spaces you end up with then you may need to amend your application for relief from the ZBA so I don't know if it's cart before the horse going there now.

Mr. Stockburger said they will need to go to the ZBA for their sign and for their color scheme.

Mr. Gavery informed the Board that the Rapp property may be over the lot coverage currently existing, non-conforming. The in B-2 Zone it's a 50% impervious coverage, development coverage.

Mr. Stockburger said that paved surface doesn't count as coverage and it is really only structures that count.

Mr. Folchetti said that was correct but that the building surface does count. Mr. Gavery misinterpreted the Code.

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Mr. Lowell stated that in regard to the lot across the street if they take down the two buildings across the street and they put one up it is considered new construction unless it's a temporary building. Mr. Masterson said he believed they still need to pull a Building Permit for it. Mr. Lowell said the parking lot is impervious and the structure is impervious, do they still need to capture that water and shunt it somewhere? Mr. Atkinson said they are working with the DEP to get an agreement that they wouldn't have to because they're actually going to be reducing the amount of impervious surface by adding the buffers on both sides of the road. Mr. Gavery told the Board that the grade is pretty steep behind the existing buildings so there really is nowhere else to expand out and they would like to try to stay as much as possible inside the existing framework and creating a landscape buffer in front makes sense.

Mr. Kulo asked about during the excavation on the east side of Route 22, will there be a retaining wall because of the elevation change? Mr. Gavery said there was currently a small railroad tie retaining wall and yes they will need some sort of retaining structure. Mr. Masterson said this was the best guess in four days. He said that this lot still needs more development and the survey is getting done this week. Once the survey is done, he said, the civil engineer can take a much better look at the area as there was discussion of potentially tiering the lot to bring the rear portion of the lot up a little bit so that the grade in the back is not so great.

Mr. Kulo also asked if there was still going to be automobiles stored on the other side of the street during the reconstruction and people will still need to be going across the street to the sales office. Mr. Masterson said that any potential customer will get into a Lia owned vehicle and a sales person will drive them over through a designated route. Mr. Atkinson said that part of the agreement was that there would not be a crosswalk so that they can control the movement through the construction site.

Mr. Lowell asked if the construction site would be fenced with a solid fence and Mr. Masterson responded that it can be although typically we would a chain link fence with a vinyl slat that runs through it to limit the visibility.

Mr. Stockburger said he noticed with the impervious surface that there is an existing gravel area and assumed that this would be paved, which would go into their calculations if they are increasing their impervious area. Mr. Atkinson said that the drawing is topo that was shot in 2002. Mr. Gavery said he looked at this and it is broken up pavement that transitions into gravel.

Mr. Masterson updated the Board with regard to the building being brick versus the Honda specified metal panel look. He said that he met with the architects and came up with this design. He indicated that the brick wraps around the side of the building and that brick will be carried along the back of the building because customers still go around the backside and if people are on the new bike path they will be able to view the back of the building. Mr. Masterson said that Honda has not given permission. Chairman Gaspar said they are looking for approval of the minutes from the last

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session, which is when we suggested the change and that should suffice for their opportunity to go back to Corporate and ask for the change. Mr. Masterson said as soon as he has a copy of the official minutes he can submit their rendering along with the Village Board's official request to Honda and that will make their case must stronger. He noted that brick buildings have been approved by Honda in the past so they are confident this will be approved. Mr. Masterson said the exterior will be a brick veneer. The Board was satisfied with the change.

Mr. Kulo asked about the exterior of the building across the street. Mr. Masterson said he was looking into two options: one would be a standard construction or sales trailer but there are some newer modular designed type buildings because this is going to be the sales office so he is going to suggest to the owners that they go in that direction.

Mr. Gavary said construction should take between 8 and 10 months. Mr. Masterson said that was correct but that winter could impact that schedule.

Chairman Gaspar asked for real samples for color as the application progresses through the process. Mr. Masterson said he would get those for the Board.

Mr. Kulo asked if the temporary sales office would be removed upon the completion of the new sales building but if they do decide to have a building there it would be good for it to have the same façade as this building. Mr. Masterson said the plan currently is that the Lia's do not want a structure on the temporary sales site. Mr. Kulo said he just wanted to state for the record that if in the future they decide to put a building there that it be the same façade. Mr. Stockburger offered that if any building were to be proposed in the future the applicant would have to go through the application process. Mr. Masterson said once the new sales office is complete the temporary sales office will be removed and the site will be cleaned up and used for car storage and such. He is hoping to have the final design of the lot completed in the next couple of months so they can have it all approved together with the sales site with the understanding that the final construction and completion of that site will be done phase two, after the building. Mr. Stockburger said that they will need to have some sort of agreement with the landowner, the Rapps, for the temporary sales site before a final approval could be done. Mr. Masterson said they currently lease the lot and have permission to put a temporary sales office on the existing lot as it currently is. He understands that the Lias and the Rapps are discussing the possible sale of the lot as well.

Mr. Folchetti said they will need a copy of the contract for sale or lease with the understanding that with that particular lot, that the applicant is not entitled to as part of the site plan application. It can be finalized in whatever method, even a letter of consent letter at this point from the owner saying that they are in negotiation and they consent to it being part of the application ultimately before it's approved.

Mr. Atkinson said they will need the long EAF and the application needs to be amended to include that other property as well with a copy of the letter.

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Mr. Stockburger said there was nothing to stop the applicant from going forward with the variances. Mr. Gavery asked that they make an application directly to the ZBA for parking variance? Mr. Stockburger confirmed yes a variance or interpretation but the sign will need a variance.

Mr. Folchetti said they could go directly and that they should keep all their zoning issues together in one application. He said that the zoning meetings should be relatively short, one or two meetings, but they have property owned by Rapp, property owned by the County, and still hammering out some of the design elements so that will probably take longer. They can put an application in but they will need to feel comfortable enough in their design that they won't have to go back.

Mr. Atkinson said with regard to SEQR there are now five pieces property that from an operations standpoint, all revolve around each other. Two of those pieces are in the Town and three are in the Village. From their long EAF should they only deal with what is in the Village? Mr. Folchetti asked if there were parts of this site plan located in the Town and Mr. Atkinson answered that it was all in the Village. Mr. Folchetti said if there is no jurisdictional component to Southeast then this Board will probably end up being Lead Agency and Southeast would be an interested party.

Mr. Lowell asked if in the event that they don't come to an agreement with the MTA and they lose the right to use the spaces and they are still allowed access to the other property because of the right of way, would they be able to expand the other lot a little bit to cover the loss? Mr. Gavery didn't think so because of the setbacks from the river. Mr. Atkinson said he would recommend not touching that property due to the gravel and the changes in regulation with the DEP.

20 PUTNAM TERRACE:

Chairman Gaspar said that this applicant isn't here but they were looking for a draft recommendation and the Board wasn't required to draft a resolution because the applicant was not required to be here. Mr. Folchetti said it doesn't need to be read. The recommendation is with regard to 20 Putnam Terrace, DeBellis Construction Corp. It is addressed to Mayor Shoening and the Boardmembers. *'As you may be aware the above owner has appeared before the Planning Board regarding the construction of a single family residence at the address shown. It is the position of this Board as confirmed by our engineering consultant and legal counsel that the proposed project needs neither site plan approval nor subdivision approval. Accordingly this Board will be taking no action on the project. It is my understanding that there exist other components of the project with respect to the property conveyance that is outside the scope of our approval authority and solely within the purview of the Village Board of Trustees. Truly yours, George Gaspar, Chairman.'* Mr. Stockburger suggested that the recommendation be addressed to the Building Department. Mr. Folchetti said to carbon copy the Building Department and Highway. Mr. Atkinson asked the Board if they were aware that the applicant has already obtained a building permit and has a foundation

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in? The Board was not aware. Mr. Stockburger recommended that the Board was in favor of Chairman Gaspar signing the letter and all agreed.

CODE MODIFICATION:

The Board needs a copy of the Code from Peter Hansen, Town Clerk & Treasurer. Chairman Gaspar asked Mr. Atkinson if anything had been done with the Code regarding lot line changes and he replied that the Board had wanted the Planning Board to put together a list of all the issues they want to discuss. Chairman Gaspar just wanted to be sure that with regard to lot line changes the wording states "all associated costs." Mr. Atkinson said that was on the actual fee schedule. Mr. Stockburger said it needs to be in the Code. He said that for lot lines the Code said engineering fees must be paid but doesn't say all fees/services. The fee schedule must reference the Code. Mr. Atkinson said with the fee schedule professional fees are covered and actual legitimate numbers are being charged for building permits.

Mr. Kulo made a motion to approve the minutes from April 26, 2016 and Mr. Murello seconded and passed all in favor. Chairman Gaspar made a motion to approve the minutes of May 17, 2016 and Mr. Stockburger seconded and passed all in favor.

Boardmember Stockburger made a motion to adjourn the meeting. This was seconded by Boardmember Murello and passed unanimously.

Meeting adjourned at 8:30 pm.