

**Village of Brewster  
Planning Board Meeting Minutes  
September 20, 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  
Christine Piccini, Deputy Mayor

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

**REGULAR MEETING:**

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

**Brewster Honda Sales Center, 899 Route 22, B-2 Zoning, Tax Map #67.36-2-6:**

Nicholas Gavery of Bibbo Associates, Eric Masterson of BBL Construction, and Michael Liguori, Attorney at Hogan & Rossi appeared before the Board in support of this application.

Mr. Atkinson updated the Board on the status of Brewster Honda Sales Center with regard to working with his office. His office has received and reviewed their stormwater prevention plan and noted that there are some additional items that they would like to see. He asked the applicant to give an update on their plans, MetroNorth and anything else they have that they are working on and then he will go into his comments indicated in his memo.

Mr. Gavery updated the Board noting that at the last meeting they had a rough representation of the Rapp parcel, which is the parcel that has been added to the project on the other side and separate from the existing showroom. The Rapp parcel has been field shot topo-ed by their surveyor, a full property survey has been prepared and that has been incorporated into the plan with elevation, spot grades, and grading shown on that site. This was also added to the stormwater prevention plan in accordance of Chapter 9 of the DEC regulations considering this as a redevelopment project of an existing developed site.

Mr. Gavery updated the Board on the DEP and DEC involvement. They showed the DEP their plans and what phase they are at. The DEP responded back that they acknowledge that this standalone project does not meet any guidelines for a DEP

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approval if they take just the one project as site development although they needed a little more information regarding the coordination between this project and the existing project on Allview Avenue as they thought there may be some overall umbrella coverage that applied. Mr. Gavery is still working on a complete response to the DEP on this. He feels that because the project is separated by two different municipalities, the timing of each project, and also the nature of the Allview site that these two projects can be accepted as separate entities owned by the same owner. This will be their response to the DEP.

Mr. Gavery said the DEC became involved when they started the process of getting demo permits for the two sites. The DEC was triggered by the relationship of the project building to the East Branch Croton River. The Building Department forwarded them to the DEC to get an approval from them and they just received a response from them stating that no permitting is required as far as the demo of the existing buildings since they are not disturbing the banks of the river itself.

Boardmember Lowell asked if the DEC was interested in runoff from tearing up the ground and moving all the earth going into the East Branch, which could disturb the special trout fishing area? Mr. Gavery responded that they had provided the DEC with a demo plan and that they are going to be protecting the river with a double row of silt fence along the back edge. The disturbance that will be created by the buildings and the new construction will then require a Notice of Intent and general permit coverage by the DEC but at this stage of demo they do not require that. Mr. Atkinson said that they are in the process of working with Honda on the NOI.

Boardmember Lowell had questions about the EAF (Environmental Assessment Form) that was filled out. He noted that the question about insecticides was not answered and the questions regarding fishing on pages 12 and 13 on wildlife species: they had birds and he added trout as this area is designated as a special trout fishing area and he wants to be sure Honda will be taking care with that. Mr. Atkinson said they would look at that but the way the form gets filled out is with regard to actual endangered species and what the DEC has designated as such. Mr. Gavery said in their letter to the DEC they did acknowledge that this was a Class A trout stream. He continued that one of the goals of their design was to protect the stream as much as possible and keep the new building outside of the protected control buffer area.

Chairman Gaspar asked on page 10 letter G with regard to hazardous waste generated: is there a reason it was not indicated as no or answered? Mr. Gavery said it may be a mistake as he has it circled on his copy. It may have been something that they just needed a little bit more information from the applicant as far as what type of automotive oils and such. Mr. Atkinson said he believed that the EAF was submitted before he had his conversation with Mr. Masterson and Mr. Hernandez in relation to the Rapp property and that may be why this was not marked because they were still doing some research on that property. Chairman Gaspar asked if it will get filled in and Mr. Atkinson said yes it will.

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Boardmember Murello asked if the soil on the site will get tested for hydrocarbons. Mr. Gavery said there was not a plan at this time. Boardmember Murello said it's been a dealership for several decades. Mr. Atkinson said they have had this question come up before and when this building is taken down and excavation work is done, if they encounter anything with a potential issue they will have to address it at that point as part of the actual building permit application. Mr. Atkinson said that if anything were found during the demolition phase there would be an amendment done to the permit and Mr. Hernandez is keeping a close eye on this. Mr. Liguori said this would be better than doing random testing as it can be taken care of as the need arises and sited a property in Croton Falls, NY where there was a similar issue.

Mr. Liguori updated the Board on the MTA and where they stand with using this land. He said they have proceeded through the approval process with MTA and an appraiser has come out to examine Honda's use of the MTA property. The MTA has their plan according to Mr. Liguori and it has passed through their first level of review, which is good because if they were not going to get permission they would have been knocked out already. He said it is now before a Board for review and once it passes there it will go to a company called Midtown Tracking Ventures and Midtown has to give the permission. Mr. Liguori said that if they do not have the easement by the time final site plan approval happens their request is to make it a condition of final and no building permits would be issued until the easement is delivered to the Board.

Mr. Folchetti asked Mr. Liguori if he would be appearing in front of the Zoning Board of Appeals on September 27. He said he is on the agenda but his notices did not go out and he has to check with the Town Clerk to see if he is still within the timeframe. He was shooting for the 10 day notice, which is what's required so they may have to push a week if the Board is available the week after.

Boardmember Stockburger asked Mr. Liguori if he had changed his blue to match the color palette of the Village and Mr. Liguori responded that the Building Department said they did not violate the color palette. He gave the Building Department the color Code and asked for a denial so that the Zoning Board would have jurisdiction and was told that they were not in violation of the Code provision. Mr. Liguori said that it's the determination by the Building Inspector that's going to control the color and he will get a letter from the Building Department that confirms this. Mr. Stockburger said that it is the site plan that will control. Mr. Folchetti agreed with Mr. Liguori that the Building Inspector's determination will control the color.

Mr. Masterson added in that with respect to the color palette he received correspondence back from American Honda Motor Corp. and they are willing to accept the brick versus the metal panel system but they do not like the red and would prefer a beige-toned brick. He is going to have the architect put this color on the rendering for everyone to see. The brick is a Glen-Gery brick and he can provide samples of it. He relayed that this was not set in stone but this color is within Honda's approved color

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palette. Mr. Stockburger said the red brick is in keeping with the other buildings in this area. Mr. Masterson indicated that the bagel and dentist building is a much lighter brick. He said there are Hondas out there that have a red brick. Mr. Kulo said there are McDonald franchises with the red brick so it can be done and he does understand that the building on the corner is a lighter red but it is not as light as what they are proposing. Mr. Kulo said the brick is very light and actually appears to be starting to skew toward the panel color façade that was introduced in the beginning. Mr. Lowell said he felt they were looking for a more used looking brick and not the bright red so that it was more historic looking. Chairman Gaspar said the Board's preference is to stay with the red brick.

Mr. Masterson reviewed the site plan with the Rapp property included. They will be using temporary construction trailers on the Rapp property to house the administrative and sales staff. He said the trailers are modular-style. Mr. Kulo asked if they will construct the temporary site and then demo the sales site. Mr. Masterson said that was correct and explained that they have filed their demo permit applications for both parcels and filed their building permit application for the construction trailers. He said Mr. Hernandez will not move on these until the Planning Board approves the demolition of the buildings. Mr. Masterson told the Board that the Lias closed on the Rapp property this morning and they have the deed and signed purchase agreement and the tenants in the building on the property have been notified that the property has changed hands and that they are required to vacate. Mr. Masterson's plan is to demo the garage and barn immediately and then move forward with basic grading of the site and installation of the temporary offices.

Mr. Gaspar asked if there would be a parking layout for the Rapp property and Mr. Gavery said yes there will be one. Mr. Masterson said that Mr. Hernandez is also requiring a stormwater protection plan for the Rapp property for the demo portion.

Mr. Masterson said once the buildings are demo'ed, the grading done, the temporary offices constructed, and the water and sewer is attached to them then operations from the existing building can move and they can begin demolition on the existing sales building. Mr. Gaspar asked if the water and sewer on the Rapp property was independent and Mr. Masterson said they were. His thought was to use the connection that is in the best condition to keep the cost down. Mr. Atkinson said that water and sewer at the street level was renovated within the last 10 years. Mr. Atkinson said a meter will have to be installed because the sewer rate is based on the water usage.

Mr. Lowell asked if there would be anything on Rapp property once construction is complete and Mr. Masterson replied there would be nothing. Mr. Masterson understood that it was going to be a requirement of the Board to not have any buildings on the property. He said it was only going to be used for vehicle storage in the future.

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Mr. Atkinson spoke about how the employees will get from one side to the other. Mr. Gavery said this most recent submittal starts to discuss that issue. Mr. Masterson said that a demo vehicle or dealership vehicle will be used to transport people.

Mr. Masterson said that the final structurals were completed this week. Landscaping development is being worked on in Mr. Gavery's office. He said they are creating some natural buffers now. Mr. Atkinson asked if there were going to be new sidewalks in front of the Rapp property. Mr. Gavery said no but they may continue the curb to help define the edge of the roadway. Mr. Atkinson said it would be good to continue that curb to help with traffic direction. Chairman Gaspar added that it's also used for trucks that deliver cars and Mr. Masterson said that they should now be doing that at the Service Center. Mr. Stockburger replied that they are not doing that. Mr. Masterson said that's new information to him and he will act on that because it was his understanding that they would be now using the Service Center. Mr. Gavery added that they will add curb cut so that the Rapp lot can be accessed from Route 6 and from Allview. Mr. Kulo asked if the unloading of the vehicles was supposed to be primarily in the Service Center or where it is right now as part of the problem with the Service Center and the neighborhood is the noise. Chairman Gaspar wants to know where they were told to unload. Mr. Stockburger recollected that they were supposed to go around the building and unload by the train tracks and Mr. Masterson concurred. Chairman Gaspar said that should have been indicated when it went through review in the Town of Southeast and he would like documentation that it's not being adhered to and formally write a letter to the Town of Southeast asking them to review the process. Mr. Stockburger said the gate is supposed to be closed so that trucks are not unloading in the middle of the night like they used to. Mr. Masterson said the site plan with the Town of Southeast was very specific on when they could and could not unload and hours of operation and they are not currently allowed to be unloading vehicles where they historically have been by the sales center. Mr. Gavery said they can go back and pull up the information on parking and unloading so that they have it available for this new project moving forward. Chairman Gaspar requested a copy of the resolution from the Town of Southeast. Mr. Folchetti said that the residents can make a complaint but the Board should not be going in that direction. Honda has requirements they must adhere to in the Town of Southeast. Mr. Gavery said the loading space shown on the Village plans will not be used but by Code they have to show a loading space. Mr. Folchetti said they could go to the Zoning Board of Appeals for a variance for that and that this Board is going to condition their decision on their lack of certain activities on the property including unloading of vehicles.

Chairman Gaspar said asked if the small triangle to the north of the property around the stairway could be landscaped as well even though it is not their property? Mr. Gavery said that potentially could be worked into a landscape plan but as it is not part of our property we may need MTA approval. Mr. Kulo asked for some specifics on what may be included in the landscaping plan. Mr. Masterson said grass without any large plantings as Board had changed the zoning in this area to include a 10 ft. landscape buffer and because the Lias are not happy about the distance their cars are from the

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road. Mr. Atkinson said that landscaping along the back of the Rapp property would be good to see. Chairman Gaspar said to show the Board the plan so that comments can be made.

Mr. Masterson reviewed the lighting plan for the new Sales Center site as well as the Rapp site. Chairman Gaspar asked what the foot candle level at the property line will be? Mr. Atkinson said right now they have some spill over. Mr. Gavery said the next submittal will show that. Mr. Masterson said lighting posts and fixtures will be the same. Mr. Kulo asked if the lighting on the utility poles will be removed and Mr. Masterson answered they would be. On the next submittal for lighting they will show the spillage for the lighting off the property as well as indicate what lights will be coming down in certain areas.

Mr. Masterson said going forward he is looking for approvals for demolition of the existing building. Mr. Atkinson said you just need a permit from the Building Department. Mr. Masterson said that Mr. Hernandez wanted approval from the Board prior to providing that. Chairman Gaspar said you have a plan with the combined sites showing the buildings to come down and the Board is okay with the demolition of the buildings as indicated on the plan.

Mr. Stockburger said the plan shows three existing signs on the property staying on Route 6. Mr. Masterson said the existing pylon signs are going away. Mr. Stockburger requested their plan be updated to show that they will be removed. Mr. Masterson is working with the sign company to produce the signage package for the sales building and it will be a separate permit process. He believes there will only be one pylon sign that says Honda but they may require some directional signage. Regarding signs on the Rapp property, Mr. Masterson said that the Lias need to decide if they are going to do a certified pre-owned on that side of the property and then Honda will determine the signage but it is undecided at this time. Ms. Piccini said the color needs to be similar to pantone color 282 for the sign and message colors may be black, silver, gold or white.

Mr. Murello asked if a separate approval is needed before the temporary buildings can be constructed. Chairman Gaspar said that is why they were asking about traffic and getting people from one side to the other. Mr. Masterson said he understood that the approval on the Rapp property would be included together with the sales property and happen simultaneously. Mr. Stockburger said you can take down the buildings without the site plan approval but you cannot put up buildings until after the site plan approval. Mr. Masterson concurred.

Chairman Gaspar said that the Board will not be waiving a Public Hearing and Mr. Folchetti said that you are entitled to but he was not necessarily saying that they should.

Mr. Gavery said they do have the EAF so they can start the SEQR process as they now own the Rapp property as soon as they fix the couple issues on the EAF. Chairman Gaspar said to fix the issues with the EAF and update all the site plans so that

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everything is clear. Mr. Folchetti said there were a couple issues with the EAF that he say with Mr. Atkinson's memo so if they are corrected by the next meeting you can do a coordinated review if you want and circulate that. Chairman Gaspar felt that was appropriate. You can have a Public Hearing for the site plan and for SEQR the same night if you wanted. This can be scheduled once all the information is updated and the Board feels they can proceed. Mr. Folchetti said the first thing that has to happen is they have to declare Lead Agency and then they have to circulate. Then they can have the Public Hearing and make a determination after the Public Hearing on both but you have to declare your intent and you have to circulate assuming you are doing a coordinated review. Mr. Stockburger suggested that once they declare Lead Agency and circulate, which is 30 day notice and change the meeting to five weeks out so the 30 day notice expires prior to the next meeting. Mr. Folchetti said you can conduct the Public Hearings, make a SEQR determination, and consider acting on the site plan. Chairman Gaspar said provided all is ready they can declare Lead Agency next meeting. Mr. Atkinson asked Mr. Masterson to provide a narrative of the timeline process and schedule to show how they will be proceeding. Mr. Masterson said he could do that and correlate it with the site plan.

Mr. Masterson brought in samples of the brick. Mr. Stockburger felt number 4 was best as it looks like an antique, weathered brick. Mr. Masterson said that was going to be his recommendation as he felt this would meet with what Honda would agree to. Chairman Gaspar said you never put brick up as a board onto itself, it's always a blend so pick two or three and it's a three-blend process and then the mason that's installing the brick uses some creativity. You are never going to get 100% palette in that number 4 brick in that consistency and in that color. Mr. Masterson said if the Board approves he would like to move forward with something like this and bring it to Honda. Mr. Masterson said it is not a Glen-Gery but a locally sourced brick but cannot remember the name of the vendor. Mr. Lowell said it will look pretty light and will get more weathered but which way will the color go: lighter or more reddish? Mr. Atkinson said it will get darker and if it gets wet it will too.

**SIGN ORDINANCE DISCUSSION – B-2 DISTRICT:**

Mrs. Piccini addressed the Board and said that she was there to be a resource in their discussion about what the Board thinks the signage should be in the B-2 District if they felt the signage should be changed to meet the needs of a highway district as opposed to what it reflects now, which is a B-1. Her own thought on it was because of its proximity to the highway that is the Town of Southeast, should changes that might be recommended reflect what they allow in their highway district and possibly tweak the Village signage to more closely match theirs if it seemed appropriate.

Mr. Stockburger said the comments he has received from the "townies" who are on Route 6 is that they would like to take the Town signage and completely blow it up. He felt the place that will be trouble is the medical office building because according to the Village Code if you have 20 offices in the building they call get 20 signs the same size and we would have a billboard in there. He said he has noticed with medical office

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buildings that many times you just see “Medical Office Park” and once you are in the property you are directed so that may be something they might want to clarify with something like the maximum signage on a property would be that in the B-2 District.

Chairman Gaspar said he would like to see the definition a little clearer: In the B-2 Districts *‘signs shall conform to the requirements of 199 of the Code of the Village of Brewster.’* If you go to 199 there is nothing there. Mrs. Piccini agreed that it does not have a specific requirement for B-2. Mr. Stockburger said when he looks at it a lot of the signage goes based upon square lineal footage of the building so maybe limit it to something. Mr. Lowell said maybe the Board could state that an office building of ‘x’ number of offices is only entitled to have a sign at the road of no greater than ‘x by y’ stating its business and that it should not have signage on the edifice itself. Mr. Stockburger said in the signage where graphics are allowed it says ‘must be approved by the Planning Board’ and that would be great if the Planning Board ever got to see some of the signage but unless they come in front of the Board for a site plan review the Board doesn’t see it. He also mentioned about enforcing the signage law. Mr. Stockburger noted that signs must be turned off at 11 but maybe they should be kept on to provide light to Main Street and they do have permission from the police to leave them on if it is for safety. Mrs. Piccini said remember what they are responding to from the Comp Plan is the direction to address the highway district but if your Board has recommendations you are certainly welcome to do that in other areas. Mr. Stockburger said with regard to graphics: if we are going to approve graphics we have to make it clear that they need to come to us and if the Board is not going to approve graphics then it should be taken out. Chairman Gaspar said signs are in the purview of the Building Inspector and Mr. Stockburger said if there are graphics, pictures not signs, the Building Inspector is supposed to refer them to the Planning Board. Mrs. Piccini suggested that they make a definition in the Code that is specific to the signs in this area so that it is clear.

Chairman Gaspar said there are some issues with Zoning. Appropriate parking counts need to be reviewed. If the parking calculation had been changed for sales and display they would not need as many automobiles but Honda’s problem is they need space for their cars. Mr. Atkinson feels that it is good they are being sent to the ZBA as it is another Board that is going to take a look at it as part of the checks and balances. The issue is if the Code is changed now, who else is it going to impact and Mr. Atkinson doesn’t feel it is holding them up at all.

Mr. Stockburger looked at the subdivision approval 182-2 and it says *‘subdivision plats shall be approved by the Planning Board in accordance with state 7-28 through 7-40’* and that is our subdivision approval process. He said when he looks at 7-28 through 7-40 there is no mention of a fee therefore if this is our State Code we can’t charge a fee for escrow with any of our subdivisions. Therefore we need to add information in and expand upon the subdivision approval. Mr. Stockburger said we can add fees in and Mrs. Piccini said there is a clause that’s already in the Zoning allows us to do it without it being specifically listed as a ‘fee can be charged’ but if putting it in makes the



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discussion go away it might be good if it makes it clearer. Mr. Stockburger said he couldn't find that blanket clause in the Code. Site plan fees and lot line fees are mentioned but not the caveat of professional fees. If it's not in the Code you can't charge a fee for it so it needs to be put back in the Code to match. Mrs. Piccini said if the Board has recommendations along those lines they should be made to the Board.

**COMMUNICATION FROM MR. HERNANDEZ, BUILDING CODE OFFICIAL RE:  
DURKIN, 538 NORTH MAIN STREET:**

Chairman Gaspar asked Mr. Atkinson to fill the Board in on the situation. Mr. Atkinson said at this location there was an original building there that had fire damage. The owners wanted to remove the building and place a new building in the same footprint but extend further into the hill on the backside. The Planning Board approval for this was to go back into the hill and was done in March 2014. At that point it was approved with conditions: one of the conditions was structural plans for the rear wall since it was going to be moving back into the hill. They were also to have a stormwater plan as to how they were going to deal with the storm water off the roof. There was a catch basin in front of the building on the northwest corner that was shown to be connected to a pipe that went across the road and discharged. Since the time that they ripped the building out there is actually just a small pipe that just goes towards the road but they can't determine where it goes so there is a storm water issue. On top of that they can't get a full first floor back into the hill because of rock so their structural plans have changed three times. Their newest plans show concern about rebar placement and sizing and the foundation. Mr. Atkinson said they put the forms up but they are not very professional. Mr. Hernandez asked Mr. Atkinson to look at it and he did. Mr. Atkinson looked at it and told the owners that what they have for the building is inadequate. He showed pictures of the building to the Board. Mr. Stockburger asked isn't that a you and Mr. Hernandez problem? Mr. Atkinson said it is but he just wanted to let the Board know what was happening. Chairman Gaspar said that is a problem between Mr. Atkinson and Mr. Hernandez to resolve but that there is a stipulation in the resolution that made mention of any new stormwater management prior to the final approval would have to be approved by the Village Engineer and now there is none. This means they have to figure out how to do it and then come back to the Planning Board for an amendment to their site plan. Mr. Murello asked is there a reason they couldn't go underneath North Main onto their property across the street? Mr. Atkinson said they could but they are refusing. He said they want to discharge it right into the gutter but the distance between there and the next catch basin is substantial at approximately 150 ft. down towards Wells and there are no other catch basins on that side of the street. Chairman Gaspar thought there was one just before the last bodega on that side of the street. Mr. Atkinson said unfortunately they decided to demo the building before they determined what was actually there for the stormwater. Mr. Hernandez has put a stop on the project. Mr. Atkinson said he gave them a couple of options to try but they are refusing at this point. Mr. Stockburger said the stormwater plan is reviewed by the Village Engineer and not the Planning Board. The Planning Board bases their decisions on site plans based on the Village Engineer saying the stormwater plan is good so not sure why the owners would have to come back to us for that but they may need to if the

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Building Inspector deems the change in the building to be more than minor. Mr. Atkinson said that going to the catch basin by the bodega or across the road would be their best options for the stormwater plan. They can even go across the street into their old septic or create a dry well. He said the owners informed Mr. Hernandez and himself that this is not their issue. Mr. Atkinson asked about the edge of the property and who owns it and Mr. Stockburger answered that the DEP owns the first 30 ft. Mr. Atkinson said that is why you can't do the parking because you will need a permit from the DEP and they will want to charge for use of the space.

Mr. Stockburger made a motion to approve the minutes from June 21, 2016 and Mr. Murello seconded and passed all in favor.

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

Meeting adjourned at 8:45 pm.