

**Village of Brewster
Planning Board Meeting Minutes
December 20, 2016**

BOARD MEMBERS IN ATTENDANCE:

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

ALSO IN ATTENDANCE:

Mr. Todd Atkinson, PE
Gregory Folchetti,

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

REGULAR MEETING:

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

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

Nicholas Gavery of Bibbo Associates appeared before the Board in support of this application.

Chairman Gaspar reminded the Board that the two Public Hearings with respect to Honda for SEQR and site plan were continued from last month and asked Mr. Folchetti if the Public Hearing had to be re-opened. Mr. Folchetti said it is still open. You are going to continue the Public Hearing and first we will continue the hearing that pertains to SEQR. Boardmember Stockburger made a motion to continue the Public Hearing for Brewster Honda SEQR, seconded by Boardmember Murello and passed all in favor.

Mr. Gavery updated the Board on what had transpired since the last meeting. He said there were two outstanding DEP memos: one was regarding the storm water SWPPP approval and the other was regarding the Lead Agency process and they have responded to both memos. In the SEQR memo there were a total of five comments, he said, and they have responded to each. He said he believed the Town of Southeast has also held a planning board meeting to discuss their lead agency process and they have been in correspondence with their chairman. There are now two temporary trailers on the Rapp property, he said, and the final building is pending the removal of the tenants, which should be completed some time in January. He said at that time they can complete the temporary structures, retaining wall, and clean up the rest of the site. Boardmember Murello asked if the tenants were going voluntarily and Mr. Gavery replied he was not sure but he believed there would be police there.

**Village of Brewster
Planning Board Meeting Minutes
December 20, 2016**

Mr. Atkinson informed the Board that last Friday they met on site with the DEP as well as with Mr. Gavery and Mr. Allen from Bibbo Associates, and Jim Mosher from BBL who will be the on-site general contractor. He said they went over some of the issues that were still present in the letter to the DEP as well as a couple other concerns they had and they are moving to get everything corrected and ready for sign-off here. The DEP has not responded to Brewster Honda's letter yet per Mr. Gavery but he felt they were on the right track to get that resolved.

Mr. Gavery said as far as SEQR is concerned they have responded to that and should hopefully get a response back that they do not have any objection to the SWPPP approval from the Village. The remaining items from the EAF were responded to from the Board, he said. Mr. Folchetti said just for the record the Town of Southeast has consented with no objection. Chairman Gaspar said yes he was going to make note of that as the Public Hearing had been held open due to the Town of Southeast not receiving proper notification. He said that *'the Town of Southeast is in receipt of your referral and consents to the Village of Brewster Planning Board serving as Lead Agency under SEQR for review of Brewster Honda Sales Center to be located at 899 Route 22.'* He continued: *'however we offer the following comments'* and he would like to address those during the site plan. Mr. Folchetti said he thought they were site plan comments and should be addressed then. Mr. Gavery said he had not seen any memo from the Town.

Boardmember Stockburger made the motion to close the Public Hearing for SEQR, seconded by Boardmember Murello and passed all in favor.

Chairman Gaspar made a motion to make a Determination with regards to SEQR of a Negative Declaration. Mr. Folchetti said there is a written resolution for Chairman Gaspar's consideration. He said Chairman Gaspar can go through the findings briefly as far as what his conclusions are, read the resolution, and the vote on it. Chairman Gaspar stated: The reasons for supporting the Determination:

1. The proposed Site Plan will not result in any significant adverse impacts to air quality.
2. No negative impacts to surface water features will result from proposed action. All proposed storm water facilities shall, as a condition of final approval, be approved by the Village Engineer. There is additional information under #2 with regard to SWPPP and these measures shall ensure that the proposed action will not result in any significant adverse environmental impacts to surface water features.
3. The proposed Site Plan will involve some excavation and site disturbances but not significant in scope and nature.
4. No long-term noise impacts are anticipated as a result of the Site Plan.
5. All solid waste generated by the project shall be collected onsite, shall be disposed of at a certified solid waste disposal facility, and similarly all recyclables shall be similarly disposed of. No adverse impacts are anticipated.
6. No disposal system is required as there are no new improvements proposed.

**Village of Brewster
Planning Board Meeting Minutes
December 20, 2016**

7. The project will not create any flooding impacts. No flood planes are located in the vicinity of the site.
8. The proposed action will not result in any negative impacts on wetland resources.
9. The proposed action will not result in any significant removal of onsite trees.
10. There will be no impact on a significant habitat area as a result of this project. No threatened or endangered species of animals or habitat of such species have been identified on the site according to the New York State Natural Heritage Inventory.
11. No generation of additional vehicular trips is anticipated thus there will be no increase in volume of traffic or creation of any adverse impact on the surrounding roadway network and surrounding intersections will continue to operate at satisfactory levels of service with excess capacity.
12. The proposed action does not create any material conflict with the community's current development, plans or goals.
13. The project will not result in any adverse impact to the character of the surrounding neighborhood.
14. The proposed action will not impair the character or quality of important historical, architectural, archeological resources.
15. The proposed action will result in a change in the way energy is currently used on the site.
16. The proposed project does not present any opportunity to adversely affect public safety nor would it create a hazard to human health.
17. The action will not result in changes in two or more elements of the environment which alone would not have a significant effect on the environment but when considered together would result in a substantial impact on the environment.
18. The proposed action 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.

Chairman Gaspar said those are the reasons why I believe this Board would declare a Negative Declaration. Mr. Folchetti said if there is any discussion on it, if not you can move to adopt a Negative Declaration.

Chairman Gaspar made a motion to make a Determination of Negative Declaration with regards to SEQR with regards to Brewster Honda Sales Center Site Plan, seconded by Boardmember Stockburger, and passed all in favor.

Mr. Folchetti said it is not necessary to read it as a form of record as the background has been read that defines the determination and you have adopted a Negative Declaration so you can sign it. He said you may now move to continue the Public Hearing for Site Plan Review.

Chairman Gaspar made the motion to Continue the Public Hearing for Site Plan Review of Brewster Honda Sales Center, seconded by Boardmember Stockburger and passed all in favor.

**Village of Brewster
Planning Board Meeting Minutes
December 20, 2016**

Boardmember Kulo said this is an environmental issue due to lighting pollution and it's impacting right now even though the final Site Plan is different. He said the pink light is distracting to neighbors and would like to know what is being done to mitigate the impact of it. Mr. Gavery said he isn't familiar with the light he is referring to.

Boardmember Kulo said it's the light pole with the light that is projecting almost vertical. Mr. Gavery said he believed the decision was to take that light out as soon as possible but they are leaving it for now because they have not yet put in the new lighting. He said this light will come out but for now they can try to re-angle it downward and he will reach out to the onsite contractor to get that angled downward and ultimately removed. Boardmember Murello asked if this was the light that they were waiting for NYSEG to remove and Mr. Gavery said he believed so.

Chairman Gaspar said regarding the issue of lighting and the property across from the Rapp property: when you travel in the evening coming from the right and traveling south as you approach that overpass the current lighting from the site is, in my opinion, harmful to the drivers that are coming south and wanted to know if those lights are still going to be operational. He said they are Brewster Honda lights and not lights of Route 6. Mr. Gavery said the lighting plan as it stands right now is to remove those lights owned by Brewster Honda along Route 6 and replace them with the downward-facing LED lights. Boardmember Murello said the existing ones will be coming down and Mr. Gavery responded yes they will come down.

Chairman Gaspar said in a recent communication with the Town of Southeast, the Brewster Honda sign came up and he wanted to know if it was still staying in the same location with the new plan? Mr. Gavery said the new pylon sign will be at the existing location at the entrance and the other pylon signs along that roadway will be removed. Chairman Gaspar said it's a pylon sign and we just went through a revision in the Sign Ordinance for the B2 District. His second concern with regard to his communication with the Town of Southeast Planning Board is that they asked for a change in the internal lighting on that pylon sign so it wasn't as bright and apparently that was done with a change to a blue light internally as opposed to a white light internally. Mr. Gavery was not familiar with that. Chairman Gaspar said he would like to see the same movement so that both signs are similar.

Boardmember Stockburger asked to see the lighting plan for both properties. Mr. Gavery opened to that plan. Chairman Gaspar said there was comment in the letter from the Town of Southeast regarding traffic which this Board has discussed in great length as well. He said they are talking about paying attention to Route 22 and the amount of traffic that may or may not be additionally generated when all three locations are up and running. There is still an opportunity for a traffic study at Allview and Route 6, he said, one year after this is complete and tying all three properties together so he sees it as an important factor to do but there currently is a sales center in operation right now so the further impact from his understanding will be negligible for the most part. Mr. Atkinson said the DOT agreed with that as well when they were in a meeting with them on Thursday but they weren't concerned about any additional trips going on there

**Village of Brewster
Planning Board Meeting Minutes
December 20, 2016**

and really what it's doing is the Rapp property is going to be a car holding area with display so no cars will go in there once the sales center is relocated back to the existing location. The building is actually getting smaller, he said, so if you go by trip count the amount of public space in the building is actually reduced so theoretically the number of cars is being reduced. Boardmember Lowell asked if customers are going to go to the Rapp property to look at cars or will they be brought over? Mr. Gavery believed they would be brought over to that site and if a vehicle is requested it would be brought over the main showroom site for viewing, discussion and sales so the Rapp property is really for outdoor storage of the vehicles. Boardmember Lowell said he would anticipate there being a lot of foot traffic from customers who park in the main lot and then decide to run across the street first before they go in. Mr. Gavery said that is a safety concern for crossing the highway and there is the rail track to walk across now if they'd like to. Boardmember Kulo added that there is a considerable amount of traffic on Route 22 and Route 6 and although it's not related completely to Brewster Honda but as a business they will want to make sure that their customers can go in and out of the site, whichever one, with reasonable safety and there seems to be a hesitancy to put a light on Allview but his opinion is that they are playing games with safety and it will be interesting to see the traffic study in a year. Mr. Atkinson said there was a bond put into place for the traffic study and the light. He said that one thing the DOT was happy with is that with this work being done they will define the actual radius on that turn into Allview as right now people can cut the corner. The Board and Mr. Atkinson then discussed the traffic issue and how to put a light in at that intersection or an island and some possible strategies for completing it hypothetically.

Chairman Gaspar said he noticed an additional sign put up at the service center that says service center. Mr. Gavery said they finally got their sign package completed and done and on the building. Mr. Atkinson said he believed they were referring to the one with sandbags holding it down at the entrance and they may get a call regarding that one from the Building Inspector.

Chairman Gaspar said regarding lighting, the Town of Southeast commented that it would be good to have maximum lighting levels on the site at 5 foot candles although the current maximum is 12.3 foot candles. He said the Town would also like to comment that along Allview Avenue to have the foot candles be from 0 to 2.3 and to get it as close to 0 foot candles as possible at the property line.

Chairman Gaspar said the Town of Southeast commented about landscaping at the corner of Route 22 and Allview Avenue being a prominent gateway to the Village and they would like to see some additional landscaping at that particular point. He said this is within the Village's purview and something they will be looking at as part of their process. Mr. Atkinson said that any landscaping here will have to be reviewed by the DOT as well because it will be partially in the DOT right-of-way. Mr. Gavery added they are reviewing the landscaping plan regarding site distance due to the concern of the gentleman being able to see down the street from his driveway at the last meeting. He added that they do have planting on the showroom side where they have added some

**Village of Brewster
Planning Board Meeting Minutes
December 20, 2016**

spruces and lower shrubs to create a buffer and Chairman Gaspar felt that was a very important section.

Chairman Gaspar read *'we note that the existing conditions plan shows the existing Brewster Honda vehicle storage area located in the Town. While no improvements appear to be shown at this time, any change to this may require Town approvals.'* He said the Board knows that is the limit of their jurisdiction and told Mr. Gavery to make sure that anything that happens in their vehicle storage area be reviewed by the Town of Southeast Planning Board. Mr. Gavery didn't believe this would be an issue as there is nothing proposed for there and Mr. Atkinson said he should confirm that this area will not be used for equipment storage or anything of that nature long term.

Chairman Gaspar asked for feedback on how the Board felt about how the temporary structures changed things for Allview residents. Boardmember Kulo said just the light and Mr. Stockburger agreed that the lights still shine through. Boardmember Kulo said the buildings had mitigated the problem and now that their gone...Mr. Gavery said after the last meeting he went out to the site and took some pictures of the houses and believes that beefing up the landscape with some taller, mature spruces (8 to 10 ft.) will block the entire new showroom from the Allview perspective so some of the concerns should be lessened. Chairman Gaspar said there was also a visual concern with the rooftop equipment and wanted to see as much of that equipment on the roof grouped in one particular area with some type of fencing to screen that equipment. It would be advantageous to get a view from Allview Avenue to the roof of the building with the mechanicals across the street so the Board can see what it's going to look like, said Boardmember Stockburger and Mr. Gavery said they are preparing that drawing. Boardmember Murello asked what the difference in height was between the old and new building and Mr. Gavery responded that the new building was slightly lower at approximately 33 ft. but less than the maximum allowed of 35 ft.

Mr. Stockburger noted that there was still a concern with the other Village property. The fences had not been closed since Friday and the lights were on Sunday night. He was not sure if the Lia's wanted to address that before a formal complaint was made to the Village Board and the police so that they are in conformance with the site plan approval. Mr. Gavery said that he and Mr. Masterson have tried to get that message across to everyone but he will address it again. Mr. Folchetti said there is a two-prong enforcement if there is an allegation that the site plan conditions are not being met. They can be brought in front of the local court but the local court has limited jurisdiction that can only impose fines for any determined violations, which is usually an incentive to correct the violation but if there is an initiative on the part of Code enforcement officers here to physically lock the gate, that can only be done through the authority of a Supreme Court order. He said usually some communication from the enforcement officer to the occupant gets the ball rolling and the consequence of not being in any sort of legal proceeding generally gets some sort of compliance done but I don't know if it has been done to date or not and there's an issue. Step one is informing the Code officers and the Board can figure out what it wants to do if there's compliance or not.

**Village of Brewster
Planning Board Meeting Minutes
December 20, 2016**

Chairman Gaspar said the delivery of vehicles was also an issue a couple weeks back as trucks were delivering off on Route 6. Mr. Atkinson said he didn't think it could happen any longer with the temporary fence now around the Rapp property. Mr. Gavery said he saw a truck leaving the service center while they were at their DOT meeting so he believes the fence has cut off that shoulder to larger tractor trailers.

Chairman Gaspar made a motion to close the Public Hearing on the site plan portion of Brewster Honda, seconded by Boardmember Kulo and passed all in favor.

Mr. Gavery will provide the Board with a site plan for vehicle and pedestrian safety and a lighting plan for the next meeting.

Search for Change, 2611-2615 Route 6:

Cody Quinn of InSite Engineering appeared before the Board on behalf of this application.

Mr. Quinn reviewed the changes to the plan that had been requested by the Board. He said they separated out and created an existing conditions plan and a site plan with the proposed changes. He noted that they showed the existing parking area that's going to be removed and stockpiled as well as the removal of the existing trashcan pad. Mr. Quinn said they addressed the comment about the amount of fill being brought onto the site and they are expecting about 475 cubic yards, which would be about 20 to 25 truckloads. With regard to grading, utilities and landscaping he said to better show the fill area they showed the section coming off the building and showed more directly the fill being placed and then dropping off toward the eastern property with a swale. He said they pulled the swale away from the eastern property boundary to protect the hedge that exists and help to provide screening. He added that they pulled the level spreader back as per one of the comments and pitched it so that if any water does come out it will go toward the rear of the property instead of towards the home. As far as landscaping, he showed some of the planting that will be done and provided a list on the plan of the typical plantings. The trash cans were indicated and it was noted that a little more asphalt would be placed in that area and there will be screening as well. The gravel stockpile will be used to help fill in for the sub-base of the driveway, said Mr. Quinn.

Chairman Gaspar commented that it would be good if there were a hard screening around the trash area such as a fence along with the landscaping. Boardmember Lowell concurred and said that a short stockade type fence around it would be good.

Chairman Gaspar asked about lighting for the area. Mr. Quinn said as far he knew it had not been discussed and they are not proposing any lighting. Chairman Gaspar asked that Mr. Quinn check into that and get them a plan to review if they will be doing any lighting.

**Village of Brewster
Planning Board Meeting Minutes
December 20, 2016**

Chairman Gaspar said you are supplying a handicap parking spot and it should be as close as possible to the main facility as well as a means for the person to get from the parking area to the building. He asked that Mr. Quinn provide a plan for access to the building from the parking lot and to show the space close to the building. Boardmember Stockburger said that handicap signs posted on the ground are not enforceable and the sign should be on a pole that is visible and Chairman Gaspar noted that it was indicated on the plan as a traffic sign and suggested they clarify it better and confirm the compliance of sign height for it as well.

Chairman Gaspar asked Mr. Atkinson about his concerns with regard to the swale and its ability to handle the flow of the storm? Mr. Atkinson said they needed to know what calculations are that they were using for the swale and informed the Board that he has been in contact with Ms. LoGuidice regarding it so they can verify the calculations. He did ask Mr. Quinn to indicate where the water and sewer lines are so that they are not damaged during construction.

Mr. Folchetti asked what the Board's intentions were regarding SEQR. He said it's an unlisted action. Will they do a coordinated review, he asked. He asked what the square footage of the impervious surface was that's being added. Mr. Quinn said the whole lot is 0.4 acres. Mr. Folchetti said a Short EAF should have been completed. Mr. Folchetti said he won't need a SWPPP so this does not fall into a Type II but at least some SEQR determination should be made. The Board can declare their intent to act as Lead Agency and circulate, they can coordinate or do an uncoordinated review as an unlisted action, he said. If the Board is inclined to do that, he said, you can set the Public Hearing now and you can make that Determination based on a coordinated review and then circulate that and see if you get an objection but it seems to be a fairly limited sized site with fairly limited proposed improvements or disturbance so I just don't want to gloss over...something has to be done for SEQR: either you are going to make a Type II Determination, which it doesn't seem to fall squarely into those categories so it would be unlisted. You can do an uncoordinated review and you can do that at the next meeting or you can set your Public Hearing if you want and prepare what you need to prepare to consider at that time before you do the Public Hearing. It's always best to do the Public Hearing after you have the SEQR Determination is possible.

Boardmember Stockburger said the next meeting is January 17th so it wouldn't be 30 days. Mr. Folchetti said if you are doing an uncoordinated review you are not worried about your intent in circulation. Chairman Gaspar asked if anyone would like to make a motion. Boardmember Stockburger said that they will not have the 239m back within the 30 days for the site plan. He said he would have no objection to changing the meeting to the 24th or 31st. Mr. Atkinson said this will give Brewster Honda time to get their comments in as well. Mr. Folchetti explained to the Board that that he is not advocating it but they are entitled to waive any part of the site plan review that they do not deem necessary to the scope of the project. Mr. Stockburger felt they should have a Public Hearing for the neighbor to be able to speak. Mr. Atkinson asked Mr. Quinn if the owner had approached the neighbor about the project but he was not sure if that

**Village of Brewster
Planning Board Meeting Minutes
December 20, 2016**

had happened. Chairman Gaspar added that the hedge row is on their property and the Board is mandating as much as possible for that hedge row to stay intact.

Chairman Gaspar made a motion to schedule a Public Hearing for January 31, 2017 regarding the Search for Change application, seconded by Boardmember Stockburger and passed all in favor.

UPDATE ON GETTY:

Mr. Atkinson updated the Board on the Getty application. He said that he met with Rob Cameron and he indicated to him that they are very close to a resolution with the DEP and that they had to develop a brand new storm water pollution prevention plan.

Boardmember Stockburger requested a change to the minutes of November 29, 2016 and Chairman Gaspar requested a clarification. Boardmember Stockburger made a motion to approve the minutes as amended from November 29, 2016, seconded by Boardmember Murello and passed all in favor.

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