

**Village of Brewster
Planning Board Meeting Minutes
August 15, 2017**

BOARD MEMBERS IN ATTENDANCE:

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

NOT IN ATTENDANCE:

ALSO IN ATTENDANCE:

Gregory Folchetti, Attorney - Costello & Folchetti
Mr. Todd Atkinson, PE

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.

530 North Main Street – Tax Map ID 56.82-1-47:

Chairman Gaspar said this is a two lot subdivision and at the last meeting an updated topo as well as a non-binding access plan to the new lot was requested by the Board of the applicant.

Architect, Mr. Nixon said I think the ones I sent you did not have the topo and Chairman Gaspar said that is correct. Mr. Nixon said okay because I usually don't see the topo on the official subdivision Platt but it's the topo that I showed you last time dated July 12.

Mr. Nixon provided the Board with the separate plan for access to the new lot and said in the northeast corner of the property is where the slope at the curb is down. Boardmember Stockburger said where are you saying you can put the driveway? He said is this what are you marking with the retaining way and evening out the slope and Mr. Nixon said right, where the contours hit the curb is where the slope is gentlest and either side of the driveway you can level off. Boardmember Murello said you have that 15 ft. wide and Mr. Nixon said right because it matches the setback. Boardmember Lowell said it looks like it's a 2 ft. lower retaining wall to match the upper retaining wall and then it's going to hit the street so the downhill part of the driveway is going to be 2 ft. above street level at that point, will you be able to cope with that? Mr. Nixon said I was concerned about that; it hits the street where it hits the street but because there is some distance between the curb and the lot line you will notice that the upper contour is

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more of a hump right now but you can push it back so that it matches where it is on the street.

Boardmember Stockburger said I think this would work for a single family house but if you try to put something else in with more parking requirements you may run into another problem. Mr. Atkinson said my comments are...the survey is fine and it's good that you brought that but we are going to need a Platt in order to do the actual subdivision as the Platt has to show the metes and bounds for the new property line. Mr. Nixon said he has that. Chairman Gaspar said although Mr. Nixon is right and we don't normally request a topo on the Platt but we wanted to see it. Boardmember Murello said why does it say on here Village of Brewster Planning Board by Chairperson, Southeast? Chairman Gaspar said that's a good question because it shouldn't say that. Mr. Nixon did not have an answer for that but will check with the surveyor.

Chairman Gaspar asked the Board how they wanted to proceed. Boardmember Stockburger said there is still the Stormwater Prevention Plan as it is a requirement. Mr. Nixon said your perception is that we need one even though we're not...Boardmember Stockburger said the Code says for a subdivision a Stormwater Platt is required. Boardmember Murello said is there any way that can be waived until the applicant comes in? Boardmember Stockburger said it is almost saying that before you subdivide it you have to be able to prove you can do a Stormwater Plan but after you subdivide it and you can't do a Stormwater Plan then you can't build on it. Boardmember Lowell said but if you do a Stormwater Plan before you don't know where anything is going to go. Mr. Atkinson said it's under an acre so you could show an Erosion and Sediment Control Plan just showing silt fence a couple feet off the new property line and then consider that to be...there's no disturbance so I'm just wondering if we can put it right in the Resolution as to why a Stormwater Pollution Plan wasn't required because it's just simply creating a new lot that will be under threshold for disturbance.

Mr. Folchetti said are you going to hold a Public Hearing? Boardmember Stockburger said no Public Hearing is required for a subdivision. Mr. Folchetti said under the Village Law there is; this all refers to a **728, 7-740** Village of New York Law. He said your Site Plan section is detailed so the subdivision basically relies on Village Law in the State of New York so you do have a Public Hearing component. I don't have a problem with if there is no disturbance at the time of approval the Board dispensing with that requirement upon the finding that there would be no disturbance or so minimal that it doesn't even approach the threshold for a disturbance requiring a SWPPP when you get to that point. Chairman Gaspar said we still need a Public Hearing. Boardmember Murello made a motion to propose a Public Hearing for 530 North Main Street on September 19, 2017, seconded by Boardmember Lowell and passed all in favor. Chairman Gaspar said we need a Resolution for both? Mr. Folchetti said you can take the vote, set the Public Hearings, and I will draft one for you to sign so it's in the

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records. Chairman Gaspar said meeting is September 19 and any materials required for that meeting will need to be submitted by September 5.

538 North Main Street – Tax Map ID 56.82-1-18:

Chairman Gaspar said this is an update from Mr. Folchetti regarding the previous Site Plan approval. Mr. Folchetti said I met with Mr. Durquinn earlier this week and dealt with the parking issue. He said basically that was a 2014 approval that had a provision for providing parking spaces within 750 linear feet of the boundaries of the proposed Site Plan and obviously now we have a different situation where you have both parking requirements contained within the Code. It was my understanding after the meeting there was some discussion about approaching the Zoning Board looking for a waiver for some or all of the parking requirements based on what they can provide on a gross aggregate count that we needed so this Board at this point has the application for the Site Plan. He said the Board can refer it to the Zoning Board and can make a motion to do that if you wish.

Chairman Gaspar said I would like to discuss this first. Mr. Folchetti said you can as I don't know what their ultimate application is going to be. Chairman Gaspar said that's what I would like to understand and I believe right now their requirement is for six parking spaces. He said the Site Plan shows four parking spaces in tandem however tandem is not part of the requirement or is not allowed under the current Zoning so they currently have two parking spaces that are legal. Would the request be for four parking spaces to be waived, he said, with two onsite parking spaces? Mr. Folchetti said they're going to consider their options from both perspectives. He said the Zoning Board can waive any provision of Zoning or modify it to the extent that the relief can be granted so worst scenario they could say you can do the Site Plan with two parking spaces or they provide somehow for whatever the tandem is being permitted based upon the engineering...I guess it is the turn radius issue and actual square footage of the spaces themselves – all that can be addressed at Zoning one way or another. He said they are far enough into the Site Plan where I think that it wouldn't require a trip back to Zoning if they had general enough relief granted by the Zoning Board but I will certainly leave them their options open as to what they ask for. Chairman Gaspar said so it's a recommendation from this Board to...Mr. Folchetti said deny it to the Zoning Board of Appeals on the issue of parking. Boardmember Stockburger made a motion to refer the applicant to the Zoning Board of Appeals for parking, seconded by Boardmember Murello and passed all in favor.

Brewster Library – Tax Map ID 67.34-2-14&47:

Chairman Gaspar said at the last meeting we requested new surveys indicating the area to be incorporated into the existing property. Mr. Rowland said as you recall from the last meeting there are really two things that we need to come to a resolution with the Planning Board with the first being a Lot Line Adjustment that increases the library's lot to cover the amount of space that is just beyond the existing ramp of the current library and immediately in front of the three parking spaces that are there and is approximately 400 sq. ft. He said the Town is conveying that to the library to allow for the addition that

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we're planning to put on the site. He said it doesn't change anything on the site and doesn't affect the parking that exists. Mr. Rowland said the other thing needed is Site Plan approval for the addition and explained the project. He said they will be creating some space under the ramp they are replacing which will be at the basement level with an entry plaza on top of it where the ramp comes up. What's happening internally, he said, there is an existing small meeting room that's insufficient that will be moved out into the area, an office space for an employee, and changing the meeting room into storage so the occupant load isn't going to be affected as they are just doing an internal shell game to create some more space. He said that my understanding for tonight...I don't know if anything can be done on either of the Resolutions but I know we need to ask for a Public Hearing for next meeting and the second application was submitted seeking waivers a lot of the Site Plan Review requirements as it is so minor in nature.

Boardmember Stockburger said when do you suspect the Town is going to sell you that property? Mr. Rowland said the language is in place. Ms. Loprinzo said I thought it was already set and the Resolution in process. Boardmember said but you currently don't have a piece of paper that says it's yours. Mr. Rowland said correct. Boardmember Stockburger said we can't do a Lot Line Adjustment until you own it. Mr. Rowland said I think at the last meeting we talked about passing a Resolution contingent upon...Mr. Folchetti said is there a Public Hearing requirement in the Lot Line change section? Mr. Atkinson said you might not need it for lot line but you need it for the commercial Site Plan. Mr. Folchetti said they can ask for a waiver of any portion of the Site Plan Review under 182r if they want as it's a separate application. Boardmember Stockburger said the Code says we need a SEQRA Lot Line Negative Declaration. Mr. Folchetti said you can consider a Negative Dec before you approve but I thought the lot line obviated the need for the Public Hearing because generally it's a minor thing and not a minor subdivision. Mr. Folchetti said I would have them both on the same night: one on the lot line change and one on the site plan. Boardmember Stockburger said there is nothing in the Lot Line Adjustment that says we need to do...Mr. Folchetti said but you do need to make a SEQRA Determination on it. Boardmember Stockburger said would this be a Type II? Mr. Folchetti said it's not a minor subdivision so it's a Type II but either way you can do an uncoordinated review and consider a Negative Dec.

Boardmember Stockburger said I would be happier if they had a letter from the Town. Mr. Rowland said the Resolution is in place, it's just going through the...I thought at the last meeting we talked about the potential of having a Resolution passed contingent upon the permissive referendum going through? Mr. Folchetti said if you have to do SEQRA and the estoppel period for the referendum is going to be long gone and the Resolution has already been passed by the Town which my understanding is that it has so at that point the estoppel period would be over whether they have conveyed it. He said we'll put whatever language in the approval resolution so that it's contingent upon the conveyance.

Boardmember Stockburger said the Short EAF on page 2 number 9 it says: "*does the proposed action meet or exceed the State Energy Code requirements?*" and you

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marked yes. He said if the proposed action will exceed the proposed requirements describe design features and technologies. Mr. Folchetti said is that for on the Site Plan or the Lot Line because I can't imagine a lot line would be a yes for that. Mr. Atkinson said you're not exceeding, you're just meeting requirements? It is only asking you to comment if you are exceeding, he said. Boardmember Stockburger said we need to change that 'does not exceed'.

Boardmember Stockburger said is there anything other than schedule the SEQRA hearing and the 239 that we need to do for the lot line? Mr. Folchetti said you can do an uncoordinated review if you wish and consider a Negative Declaration but you can also have a Public Hearing if you want. Chairman Gaspar said if we do the Public Hearing we get it out of the way and we are not tied into doing a Public Hearing on the Site Plan and we can waive requirements. Boardmember Stockburger said we will probably do a Public Hearing on the same day for the Site Plan and Chairman Gaspar said it needs to be noticed that way. He said was can always notice for both and then waive what parts we want as we move forward. Mr. Folchetti said okay then make a motion to do SEQRA and Site Plan. Boardmember Murello made a motion for SEQRA and Public Hearing, seconded by _____, and passed all in favor.

Ms. Bruen said we received an email from Mr. Hansen August 8 and it laid out the money, escrow and fees, that we have to pay in and I was just wondering who controls the escrow? Boardmember Stockburger said Peter (Hansen) would control it. He said there is an escrow for the lot line and a separate escrow for the site plan. Ms. Bruen said with that money in, who controls and what could be the expenses that would go against that \$4,500 that would pay? Boardmember Stockburger said what would go against that would be Mr. Folchetti's fee, the secretary fee, and other special services. Ms. Bruen said that is all, no more no less? She said fees are separate? Boardmember Stockburger said once those things are done the unused escrow will be returned. Ms. Bruen said so do we approve that or does that just come from you to the attorneys and then we're billed or? Boardmember Stockburger said Peter (Hansen) says yes as he is the final authority and you get what's left over. Ms. Bruen said we don't have to vote on it? Boardmember Stockburger said no. Chairman Gaspar said our meeting is the September 19 and any documentation that needs to be back in here needs to in here on September 5. Mr. Rowland said is there anything that we still need to submit? Boardmember Stockburger said I don't think anything for the lot line.

Boardmember Stockburger said now to separate and go to the Site Plan. He said we received your letter asking for the waivers and I have no objections to those but I would like to address the Board on item L which is *"locations and specifications for all proposed exterior site illumination including lighting for the public walkways, parking areas, and other public spaces. Proposed location, direction, intensity, and timing for the proposed outdoor lighting should be highlighted."* What is the Board's feeling on waiving that, he said. Boardmember Lowell said that caught my eye too and I just thought the illumination should be shown. Mr. Rowland said the illumination that's going to be there eventually is pretty much what's there now. He said we may replace the

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fixtures but they will stay in the same place that they exist today so we will keep it in-kind. The Board did not have a problem with this.

Boardmember Stockburger said the other item I had was on item M “request waiver of location, type, size, wording, design, color and illumination of all signs” and how does the Board feel about that? Chairman Gaspar asked if any of the signs were going to be changed and Ms. Loprinzo said no. The Board was okay with that.

The Board had no issue with any of the other waivers. Boardmember Stockburger asked the Board if they were inclined to waive the entire Site Plan Review for this small addition and the Board was in agreement to waive the review. Mr. Folchetti said I just want to be clear about what I put in the Resolution and Boardmember Stockburger said except for the waiving of the fees. Mr. Atkinson said I talked to the Building Inspector about this and basically I thought the feeling was that a Site Plan approval wouldn't be required based on the size. Boardmember Stockburger said I don't see anything in the Code about size. Mr. Folchetti said it can't hurt to waive the approval process and have something on record as to what's being done if they need a permit. I will need the site plan information and revisions so that I can do the Resolution, he said.

Boardmember Stockburger made a motion to waive the Site Plan requirement for the Brewster Library, seconded by Boardmember Murello and passed all in favor.

Chairman Gaspar asked do we have to make a recommendation on this action to the Village Board? Mr. Folchetti said it has to be referred to them for compliance with the Urban Renewal Plan (Urban Renewal Plan). Mr. Folchetti said you will need to make a motion to refer it to the Village Board pursuant to the Urban Renewal Plan with a recommendation that we are in agreement that this is in conformance with the new Urban Renewal Plan. Boardmember _____ made a motion to refer this application to the Village Board in accordance with the Urban Renewal Plan, seconded by Chairman Gaspar and passed all in favor.

The minutes of July 25, 2017 were not available for approval.

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