

**Village of Brewster
Planning Board Meeting Minutes
January 8, 2019**

BOARD MEMBERS IN ATTENDANCE:

Rick Lowell, Chairman
Rick Stockburger
David Kulo
Marti Foster
Janet Ward

OTHERS IN ATTENDANCE:

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

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

REGULAR MEETING:

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

PUBLIC HEARING:

Brewster Library: Chairman Lowell made a motion to open the Public Hearing, seconded by Boardmember Kulo and passed unanimously.

Chairman Lowell said this is a Public Hearing, if anyone wishes to speak. Mr. Mike Lynch of Engineering & Surveying Properties, LLC, handed in the certified receipts from the mailings.

No public comments were offered.

Chairman Lowell made a motion to Close the Public Hearing, seconded by Boardmember Foster, and passed unanimously.

Mr. Atkinson said I have a couple comments that have already been discussed with the project engineer and there are a couple extra things that need to be shown on the plans. He said I talked with the project engineer, project attorney and Planning Board Attorney and I believe everything on my sheet has been incorporated into a potential Draft Resolution. Mr. Atkinson said there are no issues that would hold anything up.

Boardmember Foster said the construction easement from the neighbor that was recommended: is that something that is going to be done separately? Mr. Atkinson said I still recommend that and talked to the engineer again. He said the applicant should take a good look at that as they are leaving themselves 2 ft. of distance between the new building portion on the east side next to the Church and it's hard to do construction in that manner. Chairman Lowell said we can include that as a Condition in the Draft

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Resolution. Mr. Folchetti said I have a Draft Resolution just for the Board's consideration and condition #6 was that all comments of the Village Engineering Consultant contained within Mr. Atkinson's memorandum of January 7 would be satisfactorily addressed as a condition of Final Approval. Mr. Lynch said I thought the easement was more of a suggestion. He said although we are going to reach out to the neighbor, we can't make them give us an easement. Boardmember Foster said it should be made clear to them that it is going to be very close to them and they can do what they wish with it.

Boardmember Ward said Mr. Atkinson, with the construction, if you are only leaving yourself 2 ft. how are they going to manage that if they don't get an easement to stay within the property. Mr. Atkinson said they're showing their silt fence on the property line which is going to be their construction fence. When it comes down to the excavation work, he said, it will be done from the west side but it is more the exterior features to be done on that side that will be a concern. Chairman Lowell said we are recommending they get an easement and it will be in the Resolution. Mr. Atkinson said there could just be an agreement that's between the church board and them acknowledging the work is being done.

Chairman Lowell said Mr. Atkinson also mentioned lighting and signage. Mr. Atkinson said there is lighting and signage on the architectural plans. Mr. Lynch said there is one sign on the side of the building that will consist of individual letters mounted on the side of the building with 3 fixtures pointing at the building to light it that will reach out goose-neck style. Boardmember Ward said the wattage was on the previous set of drawings and a lighting plan should be shown to show the foot candles. Mr. Lynch said the fixtures will be goose-neck style pointing at the building and there are existing sconces and a single lamp that we will be replicating along that side of the building. He said they are 150 watt. Mr. Atkinson said there will be nothing on the east side. Mr. Lynch said no.

Boardmember Stockburger said are the individual letters going to be from the Village color palette. Mr. Lynch said we were anticipating they would be black. Mr. Folchetti said there is a Condition in the Resolution that all signs will comply with Section 199 of the Code.

Mr. Lynch said we will use LED lighting so the wattages would be the equivalent of 150 watts. Boardmember Ward said the ones over the doorway will be recessed up into the awning. Mr. Lynch said yes and those are connected to battery packs in the building because the Building Code now requires emergency egress lighting should we lose power so those lights would stay on.

Chairman Lowell said when we see a plan we normally see the Stormwater Drainage and Erosion Control measures but I do not recall seeing that. Mr. Aktinson said it's in the Site Plan. Mr. Lynch said we are providing a silt sock around the catch basins to catch any sediment. There is silt fence along the boundaries of construction as well as

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the limits of the construction, he said. Mr. Atkinson said I spoke with Mr. Samuelson and my concerns were that they weren't showing where the actual roof leaders and footing drains for the new structure were going to and that should be incorporated in to verify the existing catch basins and drainage conveyance out to the river is adequate for that additional flow. He said they have already started working on that layout and although I don't believe there should be an issue I just want something on paper shows that they ran the calculations to verify. Mr. Lynch said we are going to connect all future proposed roof leaders into the existing roof leader and in addition we've done an analysis of the existing drainage system to make sure there is capacity for the proposed impervious area and it's been proven that there is more than adequate capacity. Boardmember Stockburger said how are you going to tie the east gutter downspouts into the catch basin. Mr. Lynch said they can be routed around with the gutter system. Mr. Atkinson said you can put a footing drain in so they could do a solid pipe with that drain coming around and direct it out. Boardmember Foster said there is a comment in the plans stating 'remove all curbed portion of retaining wall and portion of the grass area': are there any implications of removing a portion of a retaining wall? Mr. Atkinson said no in this case because I think that is the island piece and some of it has actually been removed because some borings had to be done for the foundation. He said the gravel tracking pad is somewhat in already and the portion of the retaining wall and curb have already been removed.

Boardmember Foster said also on the diagram was something called a reputed footing drain: what is that? Mr. Lynch said the existing location of the footing drain that's out there where we are proposing to tie into with the new one. Mr. Atkinson said you can't see it so when they start digging they believe there is one there so they will make that connection. Mr. Lynch said we know there's a connection point but we couldn't verify the angle. Boardmember Foster said maybe we should put something in that says you will find a drain and hook up to it. Chairman Lowell said if they don't find a drain then they have to add it. Mr. Folchetti said they're not going to get a CO without it.

Chairman Lowell said the last thing I have is your proximity to the water flowing into the reservoir system. Mr. Lynch said at this time I think another condition would be to get any additional approvals but we are aware.

Boardmember Foster said 'as stated at a previous Planning Board meeting the Library will continue to utilize the Town's dumpster located at the rear of Town Hall' and I said 'is it OK with the Town.' Supervisor Hay said I don't recall the dumpster part. Boardmember Stockburger said there's a dumpster that's over there now that's currently being used and they intend to continue using it. Supervisor Hay said it is not a problem.

Chairman Lowell said Supervisor Hay, you wrote a letter a few months ago stating that when the plan was approved and the building was built you would revisit how many parking spaces they would be allowed to use within the Town lot. Supervisor Hay said the letter I sent said they currently have 5 and we will revisit it at some point in time in

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the future because there's a lot of activity going on in that area with 67 Main where we have Arts on the bottom, museum on the second, and maybe at some point in time in the future the theater may be in there. He said we also provide parking to Eagle Eye and of course to the Library so we cannot commit. There are 32 spaces there, he said, that are permit parking only so we don't want to commit any one spot to anyone in particular. Supervisor Hay said I went down there today and they have I think 7 spaces identified as Library parking. Chairman Lowell said I've seen only four that are identified by sign as belonging to the Library and one is handicapped. Supervisor Hay said yes, the 3 on the left hand side and the newer ones there is no sign so you're correct with the 4, there are none in front of the first 3 but that's always kind of been theirs but we committed to 5. He said the bigger problem is we have no idea what the future is going to bring there so we've worked with the Library and Village forever the best we possibly can but we will not make a commitment as far as a number because we can't. We have no idea and we're not going to give away something we may need ourselves, he said, but there are 32 spaces there now currently leased out with at least 1 for the house down below on the southern side.

Boardmember Stockburger said when you take out the grassy area is the plan to turn that into another parking spot? Mr. Lynch said yes. Supervisor Hay said what are the total number of spaces overall in the whole lot because I counted about 59 but I am not sure. Mr. Lynch said I don't have that number.

Mr. Folchetti said I drafted a Type II Resolution for your consideration. He said if you are going to do anything toward Site Plan Approval you do have to make a SEQRA Determination in advance of that.

Boardmember Stockburger made a Motion to approve the Resolution made by the Village of Brewster Planning Board January 8, 2019 for Tax Map #67.35.-1-3 naming this project a Type II SEQRA Action, seconded by Boardmember Ward and passed all in favor.

Boardmember Ward said and Mr. Atkinson's comments are part of the Resolution? Mr. Folchetti said there are 14 conditions as part of the Resolution and Mr. Atkinson's comments in his memo of January 7, 2019 must be addressed as part of it. A copy of the Resolution will be kept on-site at all times and if there is a failure to comply that can be deemed a violation of the approval and the applicant is responsible for obtaining all other applicable approvals and permits from any other Agencies having jurisdiction over this Site Plan or the property. He said it has a life of one year at which time the applicant would need to come back for an extension. Chairman Lowell said do we have to read it into the record to approve it. Mr. Folchetti said you can make a motion to approve the Resolution as written and take a vote on it. Boardmember Foster said do we need to add something about the drain that if they cannot find it they will build one. Mr. Atkinson said I believe that is a Building Department issue. Mr. Folchetti said if you would like you can make a Motion to approve the Site Plan as submitted with the Conditions that are cited in the Draft Resolution.

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Boardmember Stockburger made a Motion to Approve the Draft Resolution for the Brewster Library as per Mr. Folchetti's Draft Resolution, seconded by Boardmember Foster and passed all in favor.

538 North Main Street:

Mr. Atkinson said I am not sure that the applicant knows they are on the Agenda for this evening. Chairman Lowell said the only reason they are on the Agenda is because they submitted a plan that showed the sidewalk included as our recommendation in our Positive Declaration so there's no reason to do anything. Mr. Folchetti said you had a chance to review it? Mr. Atkinson said yes, I reviewed it. Mr. Folchetti said is there a side yard encroachment that warrants a ZBA (Zoning Board of Appeals) referral? Boardmember Stockburger said there is an issue for the building on the corner lot but I think that's resolved because a corner lot has a setback for side yard but interior lots don't have that according to the Village Code. The Board of Trustees is the Lead Agency for this application, correct? Boardmember Stockburger said yes.

Chairman Lowell said we made a Positive recommendation to the Board of Trustees that we approved of the small change of the sidewalk and it will not come back to us for Site Plan Approval as the Board of Trustees is the Lead Agency for this application.

Mr. Nixon, architect for this application, appeared before the Board with the updated plans. He said he received Mr. Atkinson's comments and it's down to just a few minor things. We've added details regarding the sidewalk, he said, bringing the drawing into compliance with the Village's detail requirements. The curb cut details have been updated, he said. Mr. Nixon said the front door on the Site Plan conflicts with the front door on the drawing A101 and there is a small notation on A101. He said the issue is the Site Plan shows the front door on North Main Street as flush on the front of the building and on the Architectural Plan A101 the door is recessed but there is also a cloud around the door that indicates 'see Site Plan 10/22/18.' He said the old Site Plan originally had a recessed front door but since then that was changed in the field so the Site Plan with the flush door is correct. Chairman Lowell said I thought the law required it to be recessed so it would not swing out into the sidewalk. Mr. Atkinson said there is 9 ft. of sidewalk in front of it which means the door sweeping out is not encroaching so it can stay the way it is but there is no ADA compliance to it right now because the elevation is 2-1/2 to 3 inches lower so the sidewalk in front of the complete building will have to be removed and reinstalled in order to make what's there right now ADA compliant. Mr. Nixon said there is reference on the Site Plan to make the sidewalk ADA compliant feathering it from the door into the sidewalk as is. Mr. Atkinson said the whole 9 ft. in front of the building has to be removed and replaced pitching the sidewalk away from the building for drainage including a curb cut.

Chairman Lowell said what are the curb cut diagrams for? Mr. Nixon said there's a curb cut for the driveway and one for the ADA compliant spot and shows the Village's standard format. Chairman Lowell said but the curb cut with the ramp is not being

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used? Mr. Nixon said right, I attached that as a reference. Chairman Lowell said the driveway would suffice as a handicap ramp access and Mr. Atkinson replied yes, that's OK.

Chairman Lowell said is there going to be a new sidewalk down the whole strip. Mr. Atkinson said it's two different properties. Boardmember Stockburger said but this job only requires Building Department approval because he's putting the curb cut in. Mr. Atkinson said right, he showed it on the plan because those parking spots were established based on when the construction was happening. Boardmember Stockburger said so this will get approved with the 538 building by the Building Department and all we have to worry about is the 530 building. Chairman Lowell said right, which I thought I was talking about when I opened this up and saw all these details. Mr. Nixon said the other one where Mr. Atkinson referenced where the two parking spaces are; those two parking spaces have been on the plan for years but now there's additional detail to it because the Village has official detail.

Boardmember Stockburger said so what do we need to do tonight. Mr. Folchetti said there's a Site Plan Approval, there an Amended Site Plan Approval already; I'm not sure that you need to do anything. I think the applicant was just bringing it to the Board's attention as to what changes there are.

Chairman Lowell said I don't know that there was ever a final settlement about the ingress/egress from the two apartment doors on the side; the pathway across the driveway, and all that. Mr. Hernandez said that was one of the details that we had asked for clarification on. Mr. Folchetti said that's an issue with the final CO as the Board had granted Site Plan Approval some time ago. Mr. Atkinson said I see this as there was a Site Plan approved, there was an Amended Site Plan approved and these are the actual details we need to actually meet that Amended Site Plan. That's what we asked them to bring in because we were concerned about how they were going to address the issues, he said. Chairman Lowell said this project has been through so many Planning Boards over so many years that no one knows where it begins and ends. Boardmember Stockburger said so effectively what the Building Department needs to know is if the Planning Board is happy with this solution. Chairman Lowell said as long as the sidewalk and everything meets Code and any issues are addressed through the Building Department. Mr. Scorca said another issue we addressed earlier today with Mr. Atkinson was the rear egress because unfortunately the way the heights of the door sills are they're really reversed. The ones in the back leading to the apartment are at ground level and you cannot have a pervious surface for egress, he said, it has to be either blacktop or concrete with a clear path at least 4 ft. wide. He said the suggestion was to take the gas meter and move it up and gain footage so you could park two cars parallel to each other versus stagger one behind the other.

Mr. Durquinn said is Unilock OK for the driveway. Mr. Atkinson said you can even do the parking area as Unilock because right now it's showing as asphalt. Mr. Atkinson said if the Board is OK with what was just discussed we should schedule a meeting with

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the applicant, myself, the Building Department, and the architect onsite and come to a final resolution about how to address everything and finalize it.

Chairman Lowell said since this has already been passed and what we're looking at is Building Department purview I don't think there's any reason for us to do anything except to say go ahead.

Mr. Nixon said we don't have a signed Site Plan. Mr. Durkin said the Village lost the first set. Chairman Lowell said can we sign these right now? Mr. Folchetti said as long as they are the ones referenced in the Final Site Plan Approval. The Board signed the plans using the date of September 19, 2017.

The Motion to approve the Minutes from October 16, 2018 was approved as amended by Boardmember Stockburger, seconded by Boardmember Kulo and passed all in favor.

The Motion to approve the Minutes from November 27, 2018 was approved as amended by Boardmember Stockburger, seconded by Boardmember Foster and passed all in favor.

Boardmember Foster said I have a concern about Dominos because I'm looking at the part of the building taken down and I'm not seeing how a 53 ft. tractor trailer is not going to significantly block the view. Chairman Lowell said they do have a Condition to remain 35 ft. back from the pavement of the intersection of Oak and Main. He said it's not perfect and it's never going to be perfect but I believe we've done the best we can and when they do the delivery they will not be there for more than an hour and we've told them they cannot be there during commuter hours in the morning. Boardmember Stockburger said we told them to make their best effort to not be there in the morning and best effort is not binding but it was the best we can do. Mr. Folchetti said if they are in violation that's one thing but they have a Site Plan Approval.

Boardmember Stockburger made a motion to adjourn the meeting, seconded by Boardmember Foster and passed all in favor.