

VILLAGE OF BREWSTER
PLANNING BOARD
November 14, 2007

Special Meeting

In attendance:

Christine Piccini
Rick Stockburger
Jim Bruen
Mark Anderson
David Kulo

1. Pledge to the flag

2. Call to Order

Motion: David Kulo

Second: Rick Stockburger

7:30 pm meeting started

3. Old Business

576 North Main Street (56.19- 2-9)

James Sanok, Sanok design group here to answer questions about 576 North Main Street Site. They wish to put a pair of buildings on the newly purchased site, one to host an assembly on the first floor, with an office and storage upstairs, the other building would house the vans, the rest is parking. A plan was resubmitted that replied to each of the items brought forward by the town engineer. There are a few tweaks that will be made with the building department.

We have received the notification from Putnam County department of planning, 239M, and we are in compliance.

A check was initially submitted with the application, if there have been any additional fees to the village, the PB would like copies of them. Mr. Sanok doesn't believe there is. Christine Piccini advised that if there are outstanding costs in the review process, they must be taken care of before permits will be issued.

Mr. Sanok – one more note. We met with highway superintended, Mr. Crawford, who had changes to the sewer & water, and changes have been made to the utility drawing. There are some more concerns from the engineer that would further address these items.

1. *Mr. Crawford has also indicated that the existing storm water conveyance system may be inadequate to convey the additional runoff generated on this site and will require*

retrofitting and replacement to accommodate the additional flow as stated in 11/09/07 memorandum.

- 2.
- 3.

That took care of all of Mr. Crawford's issues. Some of the technical specs will review with the building department and engineer, at issuance of building department.

There were some issues with the storm water design, and the piping – lack of depth. There were pipes too close to the surface. This will be addressed by using the catch basin across the street, since it is deeper.

Mr. Stockburger, on the L200, I'd like him to put the ZBA notes, the meeting and variances in approval and include in the package so historically it's there. Mr. Sanok, asks to make that part of the building department application. Agreement to add these variances to ensure there is not any issue going forward.

Subsequent to the special Village Planning Board Meeting held tonight, conditional approval was granted to the project known as 576 North Main Street (56.19- 2-9) – Southeast Mechanical. The condition being placed on the approval is from the November 13, 2007 letter from Paul Pelusio to the Planning Board, specifically issues 5, 6, and 7:

1. *The Site Plan should show the locations of all existing and proposed utilities including water mains, culverts and drains on the property with pipe sizes, grades and direction of flow, and other underground utilities to the extent relevant and the location of all utilities in the adjacent street and connections to structures on the premises as required by Village Code §170-17B(6). Provision for potable water and sanitary sewer service to the proposed buildings has not been included on the Site Plan drawings. The drawings must contain pipe size, material and approximate alignment; pipe embedment and connection details; and pipe invert information for each respective service. Proposed potable water and sanitary sewer service connection information should be reviewed by the Village Engineer and the Village's Department of Public Works Superintendent.*
- 2.
3. Partial information has been provided. The Applicant is advised that as indicated in memorandum prepared by Village Department of Public Works Superintendent, Mr. Dan Crawford dated 11/09/07, the existing potable water and sewer mains serving the subject parcel are located on the west side of North Main Street. As such service connection work to gain access to these utilities will have to be conducted within the limits of the North Main Street right-of-way. All work within the limits of the right-of-way shall be coordinated with the Village's Department of Public Works Superintendent and Village Engineer. A maintenance and protection of traffic plan shall be submitted to the Village's Department of Public Works Superintendent and Village Engineer prior to any work within the limits of the right-of-way. Mr. Crawford has also indicated that the existing storm water conveyance system may be inadequate to convey the additional

runoff generated on this site and will require retrofitting and replacement to accommodate the additional flow as stated in 11/09/07 memorandum.

- 4.
5. Additionally, the Applicant is proposing to install a new manhole in North Main Street to complete the connection of the proposed sanitary sewer to the sewer main in North Main Street. The Applicant is advised that the proposed tie-in of the service connection pipe to the manhole is prohibited in accordance with the NYSDEC 1988 Design Standards for Sewage Treatment Works. Rather, a ductile iron sewer service saddle shall be used to complete the connection. The service saddle shall be a Style "CB" Sewer Saddle as manufactured by Romac Industries or equal. The material of the sanitary sewer piping shall be specified on the plans and shall be SDR 35 PVC with gasketed watertight connections. The pipe diameter must also be specified on the plans. The Applicant is advised that at the 1% proposed pipe slope the diameter of the pipe shall be 6-inches. An in-line cleanout shall be provided at the approximate midpoint of the proposed service connection piping. A detail of same shall be provided to the Village Engineer prior to the start of work.
- 6.
7. *The Site Plan should show the proposed storm water drainage system as required by Village Code §170-17B(10). The site plan drawings contain proposed storm drainage piping and collection structures, however, invert elevation information for drainage piping and structures has not been provided. The Site Plan drawings should contain all invert elevation information for proposed storm water conveyance piping, catch basins, storm drain manholes, etc. and for all existing structures where connections are proposed. Design of the storm water management system should include provisions for mitigating post development peak runoff rates.*
- 8.
9. Partial information has been provided (see storm water comments in #5 above). The Applicant is advised that the proposed 6-inch and 8-inch storm water conveyance piping is less than minimum recommended industry standard size of 10-inch for storm water conveyance piping. A minimum of 10-inch diameter piping should be provided. The Applicant has provided a storm water runoff calculation however it is not clear what storm recurrence frequency the rainfall intensity (i) that was used, refers to. The runoff calculation includes a total runoff quantity but does not include a peak rate of runoff. It is not clear if the existing and proposed conveyance piping has adequate capacity to adequately convey the peak discharge. Lastly, based on the invert information provided for the proposed catch basins, the proposed storm water conveyance piping does not appear to have adequate cover to protect the piping from traffic loads. As an example, the 6-inch conveyance pipe that extends from the proposed catch basin to be installed along the easterly property to the existing catch basin on site will be provided with less than six inches of cover. The minimum recommended cover height for the type of piping proposed is 2'-0".
- 10.
11. *The Site Plan should show the location, layout, finished grade pavement specifications and curbing proposed for all parking and loading areas, driveways and access roads and sidewalks, including profiles as required by Village Code §170-17B(13). The Site Plan drawings contain a legend for proposed site grading including proposed contours and*

spot elevations, however proposed site grade elevations have not been provided on the plans. The Site Plan drawings should clearly indicate proposed grades using contours and/or spot elevations. The Site Plan drawings should also indicate top and bottom of proposed curb elevations, sidewalk elevations, first floor building elevations, and the top and bottom of wall elevations for any retaining structure. Rim elevations should be identified for all utility structures (i.e., manholes, catch basins, etc.) proposed on site. All pavement work within the Village owned rights-of-way should be reviewed by the Village's Department of Public Works Superintendent.

12.

13. Partial information has been provided. The Applicant is advised that due to the height of the retaining wall, a complete retaining wall design including structural calculations prepared by a licensed professional engineer must be submitted to the building inspector prior to the issuance of a building permit. The Applicant should check the spacing of the weep holes through the wall. The detail specifies 2-inch diameter weep holes spaced 8-inches on center. The number of weep holes seems excessive and may compromise the integrity of the wall.

14.

15. Furthermore, the pipe embedment and pavement details provided by the Applicant shall specify minimum compaction Requirements. Specifications for materials to be used for backfill, pipe embedment and below pavement should be included on the plans (i.e., "approved backfill", "select backfill", etc.).

Additionally, the references to the variances granted by the Zoning Board and the date granted shall also be inserted into the completed package for historical reference. All these issues need to be included prior to obtaining the building inspector permits.

Christine Piccini moves that we approve this project conditionally, as having those items in 5-7 included in the packet (as detailed above) and the references to the variances granted and the date granted into the package for historical reference

Motion: Christine Piccini
Second: Rick Stockburger

AYES: 5 Nays: 0

Christine has copies of the variance minutes which Rick Stockburger made a copy of for Southeast Mechanical so they have it for inclusion in their package.

851 Route 22 (67.36-2-3)

Dr. Nasser Aqueel appearing. Christine Piccini asks if there are updated plans. Dr. Aqueel - The plans haven't changed, just put up more structural walls, the footprint of the building remains the same. Christine Piccini advises that we do need a copy for the files here in the office, there was only 1 extra copy that I forwarded to the engineer the other day. Nasser Aqueel provided 3 copies. Dr. Aqueel advised that as we were repairing the building we found out the building was structurally unsound. There are cracks in the cinderblocks (vertically & horizontally) we'd be better off if we framed it accordingly to meet the engineering. There were trusses in the ceiling that have been compromised. Mark Anderson, raised the issue about the clear cut of the trees by the river, and was there nothing salvageable. Dr. Aqueel indicates that the intent is to plant new, and that the DEP came down to survey the site, and didn't give him a hard time. The trees were growing into the building. Mark Anderson would like a timeline on how this all happened. Rick Stockberger advised that if Mr. Serino's recommendation was to remove vs. repair the building, it doesn't need a 50H. Christine Piccini advised that the building inspector was instrumental in making that decision. Christine further stated that she spoke with the building inspector, and that once he determined that the building had to come down, he wanted it down immediately. Once that decision was reached it had to happen, there was such a large safety issue from Mr. Serino's standpoint. The attorney advises that we can move forward with the plans the way it is. There is no change to the building, except for the addition of windows in the back and side. Jim Bruen questioned if the processes that have taken place are okay with our attorney, and that he and the building inspector have no issues? Christine advised that they've been talking to the engineer - the footprint, exterior façade, and doors remain the same. The addition of windows should not render null and void any decision that had been made by the planning board. Christine spoke with John Folchetti and Mr. Serino, and they all agreed that they wanted to see the plans and confirm there was no change to what was going on, and had asked for Dr. Aqueel to be here this evening. Christine Piccini - it is my understanding that we've looked at the landscape in the front of the building, now we need to look at the rear of the building. Dr. Aqueel advised that he's happy to put in any kind of trees, he was planning to do that anyway. Dr. Aqueel further states that he will not scrimp out on the landscaping, it's very important to me. Christine advises that it is part of our site plan approval, especially since all the trees have been removed, and there's a bank that needs to be stabilized. That needs to go through the process of the planning board seeing/approving what you're planning back there. Christine further stated - at the same time it's my understanding that we can't wait until the spring to address. The winter & storms were going to have a negative impact on the bank, and it was important that the bank is stabilized. There needs to be something holding the sediment. Dr. Aqueel advised that the root stumps are still there, and he's assuming that they'll be in hibernation over the winter. He will not take the root stumps out, as that would create chaos. He is planning to plant around them. Jim Bruen asked if he was given the advice or fact that he needed to build up a retaining wall or anything that's behind the building now? Dr. Aqueel replied that no, he thought that since the stumps were there we'd be okay. Jim Bruen further questioned if there was a plan to put in any type of a retaining wall that's behind there now. Dr. Aqueel replied that it wouldn't be cost effective for him to do that, but he'd be happy to plant trees back there. David Kulo asked if the DEP issued a report? Dr. Aqueel replied that the DEP wanted to see a survey to make sure the trees were on his property, and they called back that they

were fine. David Kulo wanted to clarify if he was given anything in writing. Dr. Aqueel advised, no just a verbal okay over the phone. Mark Anderson – I think it should have been put on the table when you came in front of us that you were going to radically change the natural setting. We weren't told in advance you were going to clearcut. Rick Stockberger – you knew that before you came in here. Dr. Aqueel as we were slowly going into the building it became obvious we had do this. This is all stuff that cost me extra money, which I would have been happier not to spend. Rick Stockberger – if those trees decay, will it have any destabilizing effect on the building? Paul Pelusio – not immediately over time it will. Christine Piccini stated that with them all being razed at the same time there's everything being coming apart at the same time. Christine Piccini – it's not okay for you to just say don't worry about it I'm going to take care of it, we need to see what you're proposing. You need to talk to the building inspector or engineer, with a statement, "this is what I'm going to do to ensure the stability of this overtime". Jim Bruen – doesn't feel the structure of the building would be compromised over time. Christine Piccini is talking about the bank, I'm assuming the buildings footing & footprint that that won't be an issue, I'm talking about the earthen bank itself falling into the river. Dr. Aqueel – I would be more than happy to get an engineer out there to survey and provide us in writing. David Kulo – I do have to concur there is a sense of uncertainty of what you are planning to do with that, you've already gotten rid of the trees, just to have something definitive. It's your land.. it's not for us to say, or whether your going to allow the regrowth, but you do need to satisfy us with more specific detail of what, for example for the wintertime you believe that the existing shore of that river, that the roots will keep it stabilized temporarily, and what you're planning to do in the spring. Dr. Aqueel – will get a professional engineer to provide this documentation . Paul Pelusio suggests that some kind of landscaping plan should be prepared, temporary stabilization plan, permanent stabilization plan of what's going to be going on there. If engineer comes back with that it's boulders, unplantable, we'll take that into consideration. David Kulo – Whatever the engineer says is needed to stabilize the bank. Christine Piccini, the issue is not the building, that has been taken care of. Christine Piccini – because we haven't had a stop work on the whole project, there was a temporary for a day until the plans were to the engineer, the building inspector, and me. Technically we are probably allowed to halt the whole project but that is extreme. Christine Piccini – he can build it, but he can't use it until he gets the CO and that ultimately sits under the building inspector. Jim Bruen how should we be handling this? What are the legalities on this situation? Mark Anderson – I was hoping Mr. Serino & Mr. Kropkowski were here this evening. This was a complete and utter surprise to me based on the applicant. Christine Piccini the bottom line is the building is down, the trees are down, it is an eyesore. We want to work together to move forward so we're all happy. Mark Anderson – we can do everything simultaneously. David Kulo stated e – I think you need to understand what the concern is.. We don't want to set a precedent that an applicant can change what they've done after approval. Jim Bruen – who put this meeting into play? In reference to our applicant? Christine Piccini – I told him to come in and for him to explain what he did. Jim Bruen – this should have come from our building inspector or our attorney. Christine Piccini that's not the doctor's issue – that's our internal issue. Christine Piccini – he has permission from the building inspector to continue his work. This is before you so you can see the change to the building, it was decided it was fine to move along to that. That happened as a result of the building inspector, the engineer, and the planning board chair with the exception of the windows, that we have talked about here. You are being informed of it so you can't say you weren't informed. Rick Stockburger - it is within our purvey to withdraw if what

gets built is not what we approved, I don't recommend doing that. My main concern is the stabilization of that wall. I for one would like an engineering review of the wall, our engineer reviewing that review and saying that it's still stable. I for one would like to see how it's going to be relandscaped, however it's going to be. Jim Bruen – I come from not just the erosion issue, but from the trees pushing forward. Rick Stockburger I'm going to say if we're going to do this and send a note to the building inspector about not giving a CO until this is addressed. Mark Anderson to Paul Pelusio, do you agree with our tack? Paul Pelusio – get the site stabilized as quickly as you can get a site plan that is amenable to the board, with whatever landscaping is appropriate. you want to see a nice building, landscaping, etc. Dr. Aqueel – I can continue with the project, correct? Jim Bruen – I don't believe you need a landscape plan – just structural. Dr. Aqueel will present the report to the building inspector and the planning board. Rick Stockburger if you get a landscaper to tell you what will grow and what won't grow, that way we can approve it and move forward. Christine Piccini – FYI I know that the building inspector and engineer are looking for a short term addressing of the stability of the slope.

ACTION: Dr. Aqueel to provide an engineers report that is surveyed and provided in writing. Additionally there should be a landscaping plan prepared, temporary stabilization plan, and a permanent stabilization plan.

Christine Piccini we have a conflict with our next meeting date, we need to determine when our next meeting is. You will come back at your earliest convenience perhaps at our next meeting.

4. New Business

(No new applications received by October 31, 2007)

The owners of 114 main street / 41 oak street are in attendance. James Nixon is handling their request (he was not in attendance). He has the permit for the division of the water, once we do the division of the water lines, are we going to get the approval. Christine Piccini – I was just speaking to Mr. Serino, that was one of the things, the separate line for the water. Mark Anderson – we were disappointed with the level of completeness of your rental registration form. There was no understanding of who was living in your building. We're hoping to get a corrected listing, and approval from the building inspector. Owner – we gave all that to Mr. Nixon? Christine Piccini – you've refilled it out? You need to give it to the Village also. Owner, the only reason I'm trying to do this is for the interest rate to get lower. Rick Stockburger – we need something from the building inspector affirming that both houses meet their CO and is in compliance. Owner – I spoke to Mr. Serino was showing where the water lines go, and he said everything was fine. Christine Piccini – if he has the documentation showing that the buildings are in compliance with the zoning code, we can move forward. Christine Piccini – there are 2 things we need, the water lines, and the note from Mr. Serino. Mark Anderson – it would probably help speed this if you came with Mr. Nixon. It's our opinion that you have controlled your own destiny, and you should come with Mr. Nixon together, Christine Piccini – you know that our next meeting is December 12. Owner we should by then have our water lines done. Christine Piccini – if from what you're saying, you should be

ready to be on the agenda, you need that stuff otherwise it doesn't matter.

5. Other Business

New Inquiries

NYPF Planning and Zoning Conference –follow up sessions (Folchetti) – Training session for November 13, was canceled, after Thanksgiving is a good time to start. Christine Piccini – recommend we get in touch with John Folchetti to get times that will work.

Notification to Board of Trustees of compliance with NYState annual training requirements. Jim Bruen still needs to get his 4 hours of education in. Rick Stockburger stated that we need a memo indicating that the four of us have met our educational requirements. Christine to certify at the November 28 meeting.

New chairperson / new member: Christine Piccini will no longer be eligible to sit on the planning board once she is sworn in as a Village. As of now there was nobody on the current board stepping up to be chairperson. This will need to be discussed on the agenda of the next meeting.

New Meeting date – we would normally have our meeting on November 28, the Village Board moved their meeting to November 28, which is in conflict with our regular meeting. There have been no new applications received. We completed 576 main street and may or may not have info back. If everyone is amenable, I recommend we cancel the November 28 meeting or hold until December 26. Mark I recommend we hold a week or two to see if anything is in the box, and then schedule if needed. Christine Piccini – procedurally, if it came in the next week or two, it would be in the December Meeting. When do we want to have our regularly scheduled meeting, the 4th Wednesday? December 26 is a very difficult day, the village offices are closed. Should we try for December 12, all agreed.

ACTION: Shari Chiara to ask Pete Hansen to notice the cancellation of the November 28, meeting, and change in date of the December meeting.

6. Accept Minutes

October 24, 2007 Public Hearing

Motion: David Kulo

Second: Rick Stockburger

AYES: 5 NAYS 0

October 24, 2007 Regular Meeting

Motion: Jim Bruen

Second: David Kulo

Ayes: 5 Nays: 0

7. Close meeting

Motion: David Kulo

Second: Christine Piccini

Ayes: 5 Nays: 0

Meeting closed at 9:04 pm