

September 28th 2006.

**D R A F T**

**VILLAGE OF BREWSTER  
PLANNING BOARD REGULAR MEETING  
SEPTEMBER 28, 2006**

**MINUTES**

Present: Chairperson Christine Piccini; Board Members: James Bruen, David Kulo, Mark Anderson; Village Attorney Gary Kropkowski.

Not present: Bruce Zarseski

Others present: Pamela B. Richardson, P. Daniels Hollis, III, Esq., Paul Contelmo

The Pledge of Allegiance was said and the meeting was called to order at 7:34 p.m.

**Housekeeping Item 1: Minutes for 6/22/2006, 8/24/2006, 9/14/2006, and 9/28/06 to be accepted.**

**Applicant 1: Putnam Community Foundation** proposing redevelopment of parcel (20 Main Street?) which currently has commercial space on 1st floor and roughed in apartments on the upper floors that were never completed.

The proposal before the board is for the applicant to refurbish the first floor for commercial space and municipal space for the Village and to complete the apartments on the upper three floors for senior housing. The balance of the site is a parking area in the rear which is a paved parking lot which the pavement is in slight disrepair.

From a site plan or site improvement standpoint the applicant is “reclaiming what is already there”.

**Pamela Richardson**, law offices of Cuddy & Feder, LLP, represents the applicant. As she understands John Folchetti, engineer, states that minor technical issues need to still be addressed. The firm has not yet seen the report.

They are here to address any issues the Planning Board has and to set public hearing.

The Board is in receipt of plan and nothing has changed since first submission.

**Paul, Folchetti & Associates:** Hands out copies of \_\_\_\_\_ to the Board members, Attorney Hollis, represents the Village as co-applicant, and to Jeffrey Contelmo, P.E. of INSIGHT Engineering.

**Mr. Contelmo:** We asked for a number of waivers for our application.

This proposal is for rehabilitation of the building itself. As far as site improvement goes, this is a fully developed site it was previously approved for site plan very similar to if not the same as what we are proposing and that is to have Originally is was approved for commercial space on the first floor and then the upper 3 floors were approved for apartments. Our current proposal is for commercial space on the first floor in addition to that there would be room for offices for the Village on the first floor and then the upper 3 floors would be senior apartments.

In essence what you have before you is the same site plan and the same proposal that was previously approved. The building permit on that previous application had expired and because it expired we were required to come back to get site plan approval from your Board.

By way of site improvements we have a fully developed site with a building, a rear parking area, two access drives.

In terms of improvement we are proposing to:

- 1) Add a stair tower enclosure to the rear of the property to meet current building codes. 2) Facade enhancement along the front of Main Street, which was submitted by the architect Mike McCormick.
- 3) Aesthetic enhancements to the rear entry so that the people who utilize the apartments will have a nicer entrance into the building.

From a pure site planning perspective what we are proposing is minimal and based on that fact, we did ask for about a 1/2 dozen waivers from the Board as part of our application. The reason for the waivers was that the site is fully developed. We feel topography does not provide any benefit to the plan or to the Board, the grade on the site will not be changed. However, the lot will be resurfaced.

I don't know if the Village Engineer wants to comment on the waivers we requested in terms of whether he feels it is appropriate or not. I do believe the items requested will fall within those waivers. If the Board is not inclined to grant the waivers then we would have to gather the additional data and make it available on the site plan.

**Mark Anderson:** Agrees with Mr. Contelmo's description of the proposal plan and sees it as a new skin on an old site.

**Chairperson Piccini:** Regarding the comments the engineers provided, specifically in the comment list, is the Contour Request. In a cursory glance it appears they are noting that what you've asked to be waived is what is missing. It is our purview to decide to waive them or not but I would imagine there is a reason why they felt that they would be required.

**Paul:** What is missing or what the engineer's recommendation comes from is:

- 1) Some elevation information needs to be provided,
- 2) Stairwell to be reconstructed,
- 3) Determination of the new grade as opposed to the existing grade,
- 4) Any utilities in that area to be concerned about.

**Mark Anderson:** How does the stairwell impact the existing gas mains? **Mr. Contelmo:** The gas mains are not finished. **Mark Anderson:** The rest of it is sitting on already concreted area. **Mr. Contelmo:** Yes, there is sub basement. The old boiler room is under the stairwell. We not be impacting a piece of barren earth at this point. We are the site engineers. The architect has the structure has a structure engineer involved and how that stairwell will interact with that sub basement.

I'm not clear on that, but you could be correct that it could be done on that or within that sub basement. Or it may need some additional reinforcement, footing, foundation to support it. In the back there is no slab there of the sub basement so this back area is relatively flat. There is no grade change that we are showing as proposed sidewalk, planting, and stairwell. We will gladly get elevations.

**David Kulo:** The elimination of the parking area is not in the site plans. **Mr. Contelmo:** No, not in the site plan. We have not gotten to that particular item yet, might be 4th note on site plan. The reason for that is we were waiting for the architect to finish the exterior facade of the building. There will be some building mounted lights associated with the architectural side work. We would then supplement that as needed out into the parking lot. At the time we made the submission we did not have the architectural details yet. But we will address that.

**David Kulo:** Do you have any ideas about what kind of illumination you're thinking about. **Mr. Contelmo:** Some building mounted lighting around the perimeter of the building that would be selected by the architect that would go with the architectural style of the building and provide adequate lighting at the different entry points and along the vehicle access driveways. We would run an analysis on the lighting to see how far out we would get that lighting and we would supplement that with some post mounted lighting within the parking lot. Downward lighting with cut off shields so the lighting does not go up above the fixture but comes down into the parking area. What I would envision is several pole mounted lights in the rear. Knowing The Foundation and the money that is going into the architectural facade of the building I'm assuming they would want to do something architectural with that lighting like a post mounted light. They've used that in the past with other projects that we've done with them. Instead a of commercial shoebox it would be a post lamp.

**Mark Anderson:** When I ran the building we were paying NYSEG for street lighting back there that was pole mounted. I guess the meter was theirs, do you know where that is now? **Mr. Contelmo:** We do not know if there is any operating lighting in the rear parking area. That area and the perimeter area is now is disrepair. Our area goes up to the edge of the parking but we would clean that area up. Our plan is to resurface the entire entry drive parking lot and re-stripe.

**Mark Anderson:** This parking lot encompasses more than one ownership. Would you do the whole lot despite the fact that it wasn't your property? **Mr. Contelmo:** We have not had any discussions with the property owner adjacent to the West. Our parking lot comes between all the other properties surrounding the other side. Our proposal is to go within the easement areas which we have a right to go into and park into, and pave those as well and stripe those as well.

**Mark Anderson:** Along the property line would still remain open? **Mr. Contelmo:** Knowing The Foundation they probably will approach this person and extend the paving somewhat into that area just to make it have a contiguous effect.

**Chairperson Piccini** now suggests that if there are no more questions that the Board go over the Engineer's recommendations.

### **Waiver 1: Locating Of Utilities; Water, Gas, Electric**

Engineer's recommendation is location of utilities to be included on the site plan.

**Mr. Contelmo:** We are going to have to do that anyway.

**Piccini:** So we don't have to have the waiver.

**Jim Bruen:** Where does the moratorium sit in all of this?

**Mr. Contelmo:** We have appeared before the Village Board last month and were granted a waiver of that moratorium.

**Jim Bruen:** I would like a copy of that resolution for the Planning Board records.

**Mr. Contelmo:** The water and sewer connections we are assuming are in the front of the building. We do not know where they are. We are not proposing any work in the vicinity of them. We would have to hire a locating company to do that location work. We are not proposing to change them but we can and will locate them if deemed necessary.

**Mark Anderson:** They do flow out the front of the building and there is traps.

**Mr. Contelmo:** We are not proposing anything along the front of the building except for facade improvements and redoing the planter and possibly replacing the tree that is out in front.

**Chairperson Piccini:** Unless the engineer states that is not a concern and it can be waived then I would want to know where the utilities are located. I don't understand why it's not included. May have been some unforeseen events as the project progressed.

The Board on the 1st waiver?

**Mark Anderson:** I view it as an operational issue and not necessary for this. Not breaking new ground. This has been in operation for 40 years. I would say this is a reasonable waiver request in this case.

**David Kulo:** Agree with Mark Anderson but would still like to have it laid out.

Jim Bruen:

**Chairperson Piccini:** Would like to see it, for example the staircase if something more needs to be done, those kind of unforeseen events. It is important to include all that information.

**Mark Anderson:** My knowledge of the building. Where they are proposing the staircase, they will have to move the gas meter area set up by the previous owner but still do not view that as

### **Waiver 2: Contour Lines Out To 10 Feet at 2 foot intervals**

**Mr. Contelmo:** The recommendation is to show contours around the stairwell. It's very flat there will not be multiple contours, there may not be any but can give elevation shots around that stairwell area to show how the grade is changing through there.

The proposed sitting area is going on the surface that exists right now. Between the travel lane and the building is all relatively flat area and there is no grade change. But we will take shots to show how it will be set elevation wise, how it will pitch away from the building for drainage purposes. So then we would be getting a waiver for topography on the entire site and just do elevation shots in this immediate vicinity.

**Chairperson Piccini:** Does the Board have anything to say contrary to the Engineer's recommendation?

**Mark Anderson:** I think the engineer is correct in limiting it to the area which may change because this is a fully developed site and we have to treat it with respect to the applicant's costs in regards to doing things that are not going to change much.

**Mr. Contelmo:** To make it clear, we are proposing to provide spot elevations in the area behind the building where the proposed improvements for the \_\_\_\_ from the stairwell on.

**Chairperson Piccini:** We are looking for them to do it around the area that they are going to put the sitting area.

**Jim Bruen:** However, you also have depth of results of soil samples test sporings, test pits, and seepage tests within this proposed waiver. At the time of the purchase of the building were any soil samples done? **Mr. Contelmo:** No, it was a fully developed site. No reason to do any soil testings.

**Jim Bruen:** What kind of storm water drainage system is in the parking lot right now?

**Mr. Contelmo:** To my knowledge there are none in the back. **Mark Anderson:** There is a grate at the front of the driveway at the tunnel. **Mr. Contelmo:** I don't know if it's functioning right now but we can investigate that as well. There is very limited drainage. The back parking lot slopes from a higher point back in here forward and there is no formal drainage out in the parking field itself. As Mr. Anderson indicated there is a trench drain in the vicinity of the underpass. **Jim Bruen:** If we are talking about the contours there might be a relationship with the drainage.

**Piccini:** Let's stay with the contours which I think we are all on the same page on that and in alignment with what the engineer's have recommended on it.

Therefore the Board states that it is not waived but limited.

**Mark Anderson:** Limited to the area of change.

**Chairperson Piccini:** As in the engineer's list on page 3 - it should be shown around the proposed stairwell addition and the proposed outdoor terrace area. That recommendation sits well with the Board. Rather than waiving that, it's the modification for the contour line.

The Board agrees with the engineer's recommendation to modify contour.

#### **Waiver 3: Storm Water Drainage System:**

Engineer's recommendation is that the drainage should be shown on the plan.

The Board is in agreement with the Engineer's recommendation.

#### **Waiver 4: Waiver Parking And Loading, Driveway Access Roads (Parking Lot)**

Engineer's recommendation is to have traffic patterns laid out in the plan and marking for parking.

The Board is in agreement with the Engineer's recommendation.

#### **Waiver 5: Cut And Fill**

Engineers agree with the applicant's request for waiver.

The Board is in agreement with the Engineer's recommendation.

## **Waiver 6: Erosion And Settlement Control Before And During Construction**

Erosion barriers before building the stairwell.

Only if excavation need for the stair tower.

The Board is in agreement with the Engineer's recommendation.

**Chairperson Piccini:** There is a list of comments from the Engineer for you to examine.

**Mr. Contelmo:** Certain of these will be covered based on some of the waiver discussions we just had such as the 2 foot contouring. However, we will go through these and provide the information requested as part of the discussion we just had.

In terms of process. What we ultimately would like to do is get all this information before you and have a public hearing.

**Chairperson Piccini:** Procedurally until everything is included and the issues addressed, the application is not complete. Therefore we need a complete application for us to go to the next step.

We need the information days 10 days prior. Next official meeting is not until 10/26 so required by the 10/12.

**Mr. Contelmo:** We can do that.

**Chairperson Piccini:** Once we receive the complete application then we can set the public hearing which we need 5 days notice on the public hearing.

So by Nov. 15th or 16th.

Just a couple of questions about the facade and the existing overlay?

**Mr. Contelmo:** From my discussions with the architect they are working up additional details based on additional comments that we see at the last meeting. That is why they did not resubmit anything because they are working on that.

My understanding is that there will be no removal of the current facade. The foundation will be using a true brick facade. It may be a thin brick as opposed to a whole brick for structural reasons but it will be a fired real brick material. (It will not be like a Garden State brick face & stucco and it won't be a paint).

**Chairperson Piccini:** In that they will be examining that is in fact a project able to be executed. Not to bring it forth as a concept and then down the line find they can not do it that way.

**Mr. Contelmo:** My understanding is that is a given. Within our next submission Mike McCormack does propose to give the Board further details on the architectural treatments and materials. **Chairperson Piccini:** That information will be included in the proposal we are expecting by November 12? **Mr. Contelmo:** Yes.

**James Bruen:** Regarding the rear parking. How clear are the last parking spaces with the title that is held now? **Mr. Contelmo:** In the engineer's report under general questions were regarding deeds and easements, which we do have, and a full title report was prepared for this property. I am in possession of that at my office and will make a copy for the Board. Those documents have been depicted on the plan that we presented to you and we will give you the actual legal file documents for the Board to review. The documents identify the owners, the easements, etc.

**Chairperson Piccini:** The variances that are sited as previously preexisting, do you have copies of those? **Mr. Contelmo:** We do not. **Attorney Hollis:** The records in the building department and the Zoning Board are a little sketchy with regard to that as well. So what we have done is beyond implication but by inference, because of the fact that different site plan approvals to this building had made reference to the fact that a variance had been received is what gives us firm belief and conviction that those variances are in place. If a variance is in place, it runs with the land so it doesn't terminate upon the ownership or the fact that this project wasn't built according to the prior site plan doesn't negate the fact that the variance was granted. You can have a site plan approval lapse, but once a variance is granted it runs with the land.

**Chairperson Piccini:** Do we have any information to get any conditions that might have been in play with any variances that were granted or by inference? **Attorney Hollis:** Ms. Richardson's firm has done the due diligence and Mr. Leary has looked at that. He might have the narrative that he's put together with regard to those variances. I can work on that with The Foundation's council. But to give you copies of the actual resolutions, we have already tried to find those and they are not available.

**Mr. Contelmo:** We have referenced on our site plan that which we understand have been granted. As Attorney Hollis said, what we did find was very specific letters in the building department file, from the building inspector, stating that the variances were granted on certain dates based on past history. Therefore, we feel that we have actually reflected what is in the file, but as you said, we do not have in our hand a decision, an order, or a resolution on those variances.

**Chairperson Piccini:** Would that method of the letter exchange that you are using as your documentation on your notes, would it also have in it any conditions that might have been included in them? Since they are not listed does that mean that there aren't conditions? **Mr. Contelmo:** Again, he summarizes certain things that have happened in the past on this project and does that a number of times through history. This has a history that goes back to the early 1990's to today. In a couple of instances we see references to the same dates and the same variances granted. Specific statement that this variance is granted by the Board and the State. We do not know anything beyond that.



But we do know that those same variances were pended to the last site plan, which was approved, and building permits issued for this exact proposal which started construction and then stopped when the building permit ran out because someone ran out of money and walked away from the project. So our summary of all that is that we can't be too far off.

**Attorney Hollis:** There is a paper trail on that. As Mr. Contelmo says, we get to the point where we know the variances were in place to allow resolution of approval for a site plan identical to this to be granted. So that is going to be our best answer.

**Mark Anderson:** I have some memory regarding variance number 3. Regarding the parking spaces. I was always under the impression, during my time managing this building, that it required a purchase of the spread there. The 10 spaces, in essence the perpetuity from the Village of Brewster's own stock of Village controlled parking in the nearby vicinity. In other words, They would have to buy permits from the Village, like a commuter would and keep those going. Do you come across any references to that? **Mr. Contelmo:** To the extent that we think that might have existed The Foundation is agreeable to making the purchase for any parking that you are speaking of. Also, in the course of the discussion for the business deal between the Village and The Foundation, the purchase of those parking spaces is an item that we, the Village, and you, the Village, are requiring as part of the deal.

**Mark Anderson:** So you think that was part...**Attorney Hollis:** I don't know whether it was or not, but it's part of what we are anticipating in our business relationship. Because going forward, and I don't want to get into the business deal because it's not signed yet, but one of the elements of the business deal for the Village is offices to move to the building. The maintenance of that lot will be done by the Village D.P.W. so that because we are transacting Village business there we are not going to worry about our landlord or The Foundation to clean the lot, we are going to make sure it's done. So, in the context of that and having adequate parking, we have had that discussion and we are covering that. With regard to that specific condition, as Mr. Contelmo says, it's impossible to track the resolutions and the minutes of meetings. They weren't as precise as they might be now.

**Chairperson Piccini:** Did that answer your question? **Mark Anderson:** I don't know at what point that becomes a requirement. **Attorney Hollis:** We are requiring it as part of the business deal. So that the village is covering itself from other than a planning perspective. **Mark Anderson:** O.K., I'm done.

**James Bruen:** Is the building in contract now? **Attorney Hollis:** The Village was a successful bidder at a foreclosure on 7/17/2006, such as a contract vendee. We've made the 10% payment as we would a contract but now we have to close with a referee. Technically, the owner of the building is the referee for foreclosure. The reason for that is the judge stated to the prior owner that the owner did not pay Eastern Savings Bank now Eastern Savings Bank has started a foreclosure action against you, and your ownership is foreclosed. Therefore we, the court, will appoint a referee to take over the handling

of this building and collection of the rents, if there were any.

The title is vested in the referee and the referee is directed to conduct a foreclosure sale. The referee is the title owner at the moment, and we have a closing date that is coming up if the business deal gets worked out. The successful bid gets assigned to The Foundation and The Foundation would become the owner and the Village would be a tenant pursuant to a very, very long term lease with a very, very long term option to renew for a very, very long time.

**Mark Anderson:** Under General Comments, Green Building Criteria is stated. Can you give me brief review of “Green”. **Mayor Deanna:** The Village and The Pentium Community Foundation realizes that this building will contribute to the critical mass of feeding the environmental and social systems in the community. It is the desire of both The Foundation and The Board Of Trustees to see as much “Green” initiative as possible in consideration of what a renovated building represents. Green Building Design Initiatives information has been shared with **Chairperson Piccini**. Information is also available on our website as well the information being sent to the architect on this project.

**Mayor Degnan:** We have also looked at The Harvard University Green Initiative which is move evolved then the L.E.E.D. (Leadership in Environmental Engineering & Design which is a program sponsored by the Pre-Designed Consortium) requirements. I am confident we will employ “Green” technology in this building. That ranges from high efficiency HVAC systems, high efficiency lighting, solar panels. We will do our best to look at storm water litigation.

We have talked about a “Green Roof” and one of Mr. Contelmo’s jobs is to determine whether or not the roof can structurally accommodate the added weight of a “Green Roof” and the water that would be saturating a roof like that. But on the other hand, we have uncontrolled storm water run off coming off Main Street right now. One of my main objectives in my government is to see the Tri-State lot come off line and to treat all storm water run off from Main Street in the Tri-State Lot, prior to discharge, into what would be the Tri-State Natural Wetlands. Storm water to be treated prior to discharge into Tonetta Brook or the East Branch River.

Not only is it our desire to see the “Green Initiatives” built into the building but it is also our desire to have anyone who is talking about redevelopment on Main Street to contribute to the cost of what it’s going to be remediate storm water.

**Chairperson Piccini:** So that means you will talk to them about this? We do not have the “Green” information. **Mayor Degnan** It should also be mentioned that the engineer for the HVAC aspect of this is a L.E.E.D. Certified Engineer and I will to e-mail Board members the information on the “Green” information.

We have been talking about this community being a model for the watershed for quite a few years now. Not only recognizing what we’ve done with the last round of construction that the Putnam Community Foundation brought to \_\_\_\_\_ in the community.

The conversion of Well’s Brook was an extremely significant step in embracing our \_\_\_\_\_ for all the watershed. When you look at the crisis the MS-4 permit holders are in East of the Hudson and we are almost 4 years into the Storm Water Phase Two Master Plan with 3 years worth of annual reports on it. We can report real dramatic results on the quality of the water being

discharged into the East Branch River, by virtue of that partnership. I'm confident that the same results will come to play in this building as well.

**Chairperson Piccini:** Asks the Board if there is anything else. There is nothing else from the Board members and Chairperson Piccini states that the Board looks forward to seeing the completed application.

## **II. Other Business: Any Other Applicants Proposing Application To Be Submitted To The Planning Board.**

**Applicant 1: Jan & Mindy Stark** for variances affecting 170-17A of the Zoning Ordinance. **James Nixon, architect representing principle, the Starks,** gives the Board a pre-application presentation.

The property in question is the building containing other businesses including Stark Communications. Dark line being the outline of the building. The "hatched" area is the tenant space in question where we are proposing a change of use.

The change of use being that the space is currently occupied by Stark Communications, a retail establishment, and the proposed new use is a doughnut shop, possibly a Dunkin Doughnuts. It would affect an area of approximately 2,000sf in the building. The building being approximately 33,000sf. There will be approximately 10 seats in the doughnut shop. No baking will be done on the premises. Electric oven may be will be used for bagels.

Stark Communications would move to the other owned business of Message Call and consolidate the businesses with the same personnel.

The upstairs part of the building is currently not occupied which may become part of the combined business.

According to the Zoning Ordinance, as I understand it, the doughnut shop would be a fast food restaurant as opposed to other restaurants and as opposed to other retailers. According to the ordinance fast food restaurants are a special permit use in the B-2 Zone.

According to 170-16 regarding special permit uses, the Village Board Of Trustees has the power to grant special use permits. However, in paragraph C 2 it also goes on to say the Trustees shall forward copies to the Planning Board for review and report.

On the few occasions when I have presented a proposal requiring a special permit use, that was in fact the way the procedure went. That is the process specified but I thought it would be prudent to come here tonight to get a sense of what this Board will anticipate the issues that may need to be addressed since we will be making the application first through the Board of Trustees who will then forward it on to you and I would assume we would be allowed to come to the meeting we had just discussed and we would make a presentation there as well.

170-16 regarding Special Permit Uses does have specific requirements for special permit uses such as, daycare centers, home day care centers, accessory apartments, but it says nothing further regarding fast food. As far as I can find there is no special list so I am not sure what makes it a Special Permit Use.

In more general terms I expect the Special Permit Use to be; 'these are the uses as of right and a Special Permit Uses are also as of right, but it has some special conditions.' I'm not sure what the Special Conditions are supposed to be.

**Attorney Kropkowski:** Generally, it's the aesthetics and to fit in with the overall nature or other special characteristics that The Board sees fits to see precedent to establish or it may have come down from the Board Of Trustees or some municipality staff, or the architectural review. Instances like that. That is why the legislature, if you will, likes to keep hold of the Special Use Permit. That is the legislative intent behind it.

**Mark Anderson:** How many parking spaces are on this site and what is the current traffic flow in and out of there and does your client plan on a drive-up window?

**James Nixon:** No plan for a drive-up window.

Showing the site plan to the Board, the heaviest line is the building and then next heaviest line is the property line. The building is up against the property. As you face the property the parking you see to the right of the building is on the neighboring property which is actually New York City's. The owners of this property (since 1998, the Starks) have a lease agreement with New York City to use that parcel.

Mr. Stark: There is no expiration. It is an on going fee and we pay the permit.

Mark: Playing devil's advocate, if your septic is no longer needed because a sewer line is taking it's place, would they then change the terms and conditions of use of that property?

MR. Stark: The permit is for parking.

Mark: How many parking spaces are in the front area where the dance clients are dropped off and currently, do cars get in and out of there in only one direction?  
can not come across northbound traffic to turn southbound .

Mr. Stark: The entrance is by the traffic light is (or supposed to be) for incoming only. There is a dedicated entrance and exit located on my property.

Mark: Do you have a bigger rendering that shows the surrounding area?

Nixon: Not in scale.

Mark: The big issue is early morning traffic coming off the main drag to get doughnuts may cause some differing traffic patterns. One thing that needs to be addressed is to have cars get in and out rapidly with lines of traffic going on.

David: Specifically if you are going southbound and you want to cross go onto property and continue going Southbound down Route 22.

**Mark Anderson:** How many parking spaces are currently on the D.E.P. land?

**Mr. Nixon:** About 27 spaces.

The Board's concerns are traffic issues.

**Mr. Stark** states that D.O.T. does not have an issue with this proposed project. as long as we are not changing the building. **Mr. Nixon** states that he will obtain a letter from them confirming.

**Attorney Kropkowski:** You may want to get a traffic use study from the Putnam County Sheriff's Office. Either the Special Permit or Planning Boards can request the study.

**Mark Anderson:** Concerns with traffic count between 6:00am-9am. Any accident that can occur will involve emergency, police, fire, etc. response. Also, how do we handle the issue that the parking area is not owned and if that parking area was lost how many spaces are on owned property?

There should be a site plan for the current building & uses on file.

Pedestrian traffic can also be a concern if people park across the street and walk over. The parking on the other side of the street of this doughnut shop is owned by someone else and there is currently no cross walk.

**Chairperson Piccini:** The order of events is that this application will go the Village Board first and then at their request come back to the Planning Board review the questions and issues which the Board had preliminarily brought up tonight.

Mr. Nixon: My experience has been that the Village Board may not ask the same kinds of questions that the Planning Board is asking which is why they refer to the Planning Board.

General discussion regarding form which is needed and was done before ownership which should be on record/file.

Issues regarding this project for the applicant to consider and come back to the Planning Board with resolution are: 1) parking spaces

2) land parking spaces are on

3) letter from D.E.P., owner of parking spaces, regarding guarantee of use and renewal

- 4) impact on the district
- 5) vehicle and pedestrian and traffic concerns

Board Discussion of the night's application and filling in Mr. Bruen who was absent from the last Planning Board meeting.

(tape is turned over at this point and James Bruen is speaking)

**James Bruen:** They were coming from the Village of Brewster and The Putnman Community Foundation. **Mark Anderson:** They are acting in consort as one. **James Bruen:** So, we did not vote on anything we just discussed it, the waiver. **Mark Anderson:** We told them how we wanted to see it. Whether we were accepting what the engineer was recommending or accepting their request for less than. **James Bruen:** But it didn't come to a vote. Should we have been voting on the waivers? **Attorney Kropkowski:** What went on was the Board let the applicant know what conditions needed to be met before coming back for public hearing.

**Chairperson Piccini:** All that was said was that when they put in their list of things that they did not want to have to do. The engineers reviewed that list and we spoke tonight about whether we their list was agreeable to us or to the engineers or if we like the engineer's recommendation on what they should do, in fact, instead of the waivers. We agreed for the most part what the engineers recommended.

**James Bruen:** Question to Mayor Degnan. When we spoke about "green space" at the same time we are asked to waive the proposed storm water drainage system. It seems to be contradictory. **Mayor Degnan:** Not necessarily from the point of view of the engineer's job. The engineer is looking at this from the view that all the systems are there, there have been approvals issued on this project in the past. I feel that the Board should push this as much as possible from a point of view as compliance from the Planning Board review. I also feel it is important that it is very important that the architectuals, the Green Initiatives, the commitment to participate in the cost of the storm water mediation. Not 100%, because we are talking about the entire Main Street doing. Technically, they do not have to do all the stuff that I am saying should be part of the record at planning. That is the "green" the facade improvements. I felt that the Board's question at the last meeting regarding the roof. That is significant to me that it ought to be there. Not a green roof, but a recreation area, an area for solar panels and what that implies for instance so you know, the way the elevator shaft is set up right now, it doesn't go all the way up to the roof. But because they had to update all the elevator controls, build it up high enough so that the elevator can get up to the roof and put an ante room on it so people can get out through the roof.

When speaking to Senator Liebell I let him know that we are the co-applicant and I would like you to consider that I would like your resources to be the Village's resources. In affect that this thing has to build something that we are all proud of and that anyone on your board weighs in on and we don't let them off the hook in terms of some verbal exchange on what they \_\_\_\_\_ . That is significant. I spent 2 hours with Senator Liebell yesterday and I said either you please respond when I call you and deal with these things or make me the point guy with your resources. By the end of the conversation that is how he left it. So there is no reason why we shouldn't see everything we want in terms of improvements. Think of it as a Village application. Consider it from a point of view that says there is 1.7 million dollars in State money that has already been awarded to this project, the permanent and interim financing for construction has already been secured, and this project has to act as a catalyst towards critical mass and should be everything we have been working for in the last ten years.

**Chairperson Piccini:** It sets the template for what else happens around it. **Mayor Degnan:** Well, we don't have an architectural review board and without one, from a legal point of view, there is nothing that compels them to bring all this stuff forward. But on the other hand, I think I did share the Streetscape information with you, and Metro North came back with their light aspect, light prevention plan (?). Then Liz Brau, Putnam County Planning, asked for favor or receptacle specifications, or curbing treatment and Wendy then answered and then Frank Streener (?) said ' "this is the payroll we are using" ' so in my mind this thing has to not only start at the sidewalk but incorporate whatever Putnam County Planning has been helping us with, with part of the Streetscape with this Main Street grid (?) and keep it consistent and make sure they shuffle together nicely instead of being disparate. As much as I would like to see this project accelerated, it would be smart of us to know we require due diligence in compliance but also approach it from the point of view that says this is a Village project, and this is what we want to see.

What I spoke about with Attorney Hollis is that a closing date needs to be scheduled and speak to the architect to ask if he will be ready for the next Planning Board meeting.

**Chairperson Piccini:** I want to be as responsive to this as we can be and I feel that we are doing that. It is worth the effort because we are setting up a process which we will continue to follow and the product in this process is a product that will be something to emulate.

Mayor Degnan: Right now our Zoning and Planning doesn't necessarily reflect the need the things we are asking this applicant to address.

C.P. but it will shortly. Mayor Degnan: I don't know. Atty Hollis assured me that we would get through the Zoning and then revisit before it is adopted and make sure it does and cover exactly what we are talking about this evening.

**Chairperson Piccini:** Our goal is not to go for less then what we have already put together but if Attorney Hollis comes forward with things we have overlooked that go to more, then that is the direction we want to end up going in.

Mayor Degnan: One subject that was brought up but never broached were the Sending and Receiving districts. I asked him to look into that flaw and make recommendations. Because I still say that with the 100,000 gallons of surplus waste water flow, there are a lot of things that can happen in this community and if there is anything we should be doing is thinning out the smaller lots to make more park like. I know we talked about it but that was it.

**Chairperson Piccini:** Because there was no consensus on that at all.

Mayor Degnan: So sending & receiving, overlay districts...**Chairperson Piccini:** Overlay fell to the way side, that was not a consensus issue as sending and receiving definitely was.

### III. Conference

Members who will attend are Mark Anderson, David Kulo, and Chairperson Piccini. James Bruen will not attend the conference.

**Chairperson Piccini** asks the members if they have anything else to add to the meeting.

**James Bruen** questions the issue with the variances in connection with the project discussed this evening. **Attorney Kropkowski** answers to look at the variance as if it were an easement.

When it's granted it's the benefit of one party and burdens another.

A variance, when municipality is granted, that stays with the land and goes to each owner of the land. **James Bruen:** Was the approval of the apartments considered a variance? **Chairperson Piccini:** The variance was for the density, I believe. **Attorney Kropkowski:** Was that the variance that came from the Zoning Board of Appeal? **Mark Anderson:** There are 3 dates here, most of them 1992. The one that is 1993 units break or density. **Attorney Kropkowski:** If it is granted then the perspective owner has a right to rely on that variance. **James Bruen:** But, was it considered a variance.

Zoning or 1992 minutes would have the information Mr. Bruen is seeking.

On an aside the Mayor notes to the Board that a 2nd story porch was but back onto the building which may bring this project back to the Zoning Board. It was not shown on the plan.

It was then discussed that to set a public hearing the Zoning Board must first approve.

**Attorney Kropkowski** states that the Board can grant a conditional approval contingent upon getting certain approvals from the Zoning Board of Appeals.

The mayor agrees with this suggestion because time is of the essence, i.e., business deal, closing date, etc.

The Board members and Chairperson Piccini determine there is nothing else to be discussed this evening.



Mark Anderson motions to adjourn. David Kulo seconds. Meeting ends at 9:32p.m.