

Village of Brewster Planning Board
December 12, 2007

Special Meeting

In Attendance:

Rick Stockburger
David Kulo
Mark Anderson

Pledge to the flag

Call to order – David Kulo
7:32 pm

Old Business

576 North Main Street (56.19-2-9)

Christine Piccini was in attendance in the audience to share information regarding what had transpired after leaving the November meeting. There was a fax from a lawyer representing an adjacent property owner regarding an easement. The attorneys are in discussion and have been in front of a judge on it. On December 7, a letter was made available to the Village that discussions are continuing. There is nothing in those discussions that would affect the buildings proposed for the property. It is the fencing of the property that is in question. The applicant met with the building inspector last week to get building permit. There is a discrepancy on what was in the documents that the current owner has from when he purchased the property that differs from what the adjacent property owner has. The way things have been approved; there is nothing to stop anything. This is informational only. We are not being requested to do anything. All pertinent details are now in the file. Mr. Krapkowski has no concerns on this matter.

114 Main / 41 Oak (67.34-2-2)

Christine Piccini received a call at 6:15 pm this evening. The building inspector was there on Saturday, and 114 Main Street and 41 Oak Street are in compliance as a 2 family unit. They made the corrections that he requested at 114 main, with the exception of a handrail that was put on the wrong staircase that the owners will correct. They provided to him a list of occupants of the building. Jack Gress had been on site as of today, and the water line had been connected, as per the parameters set forth by the Village & Danny Crawford. He will send all this information in writing. David Kulo asked if there were any other outstanding issues. Christine Piccini advised that was correct, he saw no issues with moving forward. Mark Anderson – if the owner has done everything they said they were going to do here, we should vote to carry forward our commitment. Mark Anderson motioned to grant the subdivision of the properties, Rick Stockburger seconded the motion.

3 AYES 0 NAYS

Mr. Venegas handed in an updated plan to be stamped and signed by the Planning Board Chair. One copy for the file, the other copy is for the property owner that he will need to file with the county.

New Business

- No new applications received by November 30, 2007

Other Business

Dr. Aqueel was in attendance regarding 852. He presented letter from an independent engineer Mark Anderson asked who from the DEP witnessed the tree cutting by. Dr. Aqueel replied that Officer Manachino was the officer, and he had asked for a copy of the survey that the trees were in fact located on Dr. Aqueel's property, and not on the property of the DEP. There was someone that had approached Mark Anderson regarding the tree cutting and the destruction of shady trout habitat. Mark Anderson is saying that this is an ongoing issue. Mark's issue was that during a review of the property, this wasn't discussed. David Kulo agreed that if the applicant said they were taking down a significant amount of trees, there might have been a different outcome. The board wasn't informed, but on the other hand, the trees are down, there is a letter from an engineer that says there is no adverse impact as the root systems are still there, and that the riverbank can be restored. The Board is not satisfied with the letter from the engineer; Mark Anderson has asked Paul Pelusio, Village Engineer his thoughts. Dr. Aqueel, indicated that no machinery was put on the embankment. Dr. Aqueel said because it showed river views, and that the trees were growing into the building. David Kulo stated that this implies something a little different; as you are saying tonight you wanted a river view. Dr. Aqueel, said he'd brick up the windows. I didn't know I needed permission from the Board to cut down trees on my property. Mark Anderson stated you showed a survey of the entire property, the landscape in the front was down to the species of tree, but nothing about the rear. Dr. Aqueel interjected do you know what was back there? Tires, oil tanks, beer cans, etc. Mark Anderson stated it was pretty universal that the Board felt bamboozled. Rick Stockburger said, when you knew the trees were going to come down, you should have gotten permission. Rick Stockberger continued we need Paul's determination on the sufficiency of the engineering report. I want to make sure the river bank is stabilized. David Kulo there is no reason to believe that the bank is not stable. Mark Anderson we asked for this to be reviewed by an engineer, when we are satisfied that this is complete, and the engineer report is evaluated, we are done. Dr. Aqueel stated that he plans to take good care of his property. The project is not done. By the time I finish with the project, it will hopefully change your minds. David Kulo stated we'll leave it open, Paul Pelusio will review Mr. Chien's engineering report. Paul Pelusio asked what is planned for final landscaping. Dr. Aqueel replied Flaming Burning bush, boxwoods, perennials, & annuals for color on the embankment & side of the property. David Kulo asked Paul are you referring to behind the stone wall. Paul Pelusio replied behind the building. This is all exposed, so what's being contemplated for the final.

Dr. Aqueel, I was going to put 4 ft / 5ft trees in, something with color. Directly behind the building on the right side there was just exposed dirt & mulch. This stretch is very important ecologically. Dr. Aqueel so since I own the river, can I sue someone fishing on my property? Mark Anderson replied, sometimes it's not good to stop things that have been going on. The shade thrown off by the deciduous trees in the hottest months, helped make this a productive spot for trout. Mark Anderson continued, while I was personally offended by the removal of the trees, did it violate anything other than my own sense of what's right? Rick Stockburger added people had the opportunity to come speak at the public hearing. Rick Stockburger indicated that the town puts up signs when property is being reviewed, and it's harder in the Village since we don't do that. Dr. Aqueel – I want to maintain vegetation, but I don't want it to be overgrown. Mark Anderson asked if no tickets were written. Dr. Aqueel answered that he got a ticket from the DEC for the building permit not being posted on the site, but it was there and it flew off. Dr. Aqueel had to fax them a copy of the survey and the building permit. Dr. Aqueel asked where is this going to lead? David Kulo answered that this could go as far as a SEQRE review. Mark Anderson added that this started as a new skin on an old building. Now it's a brand new building with a lot that got clear cut. What was presented and what I see today doesn't match. Rick Stockburger added that he would love to have Gary Kropkowski at our next meeting. There was a RECAP provided from ACTION item from minutes of November 12 special meeting “*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*”. Rick Stockburger, under the SEQRE review it would have been a type 1 review if we knew you were going to clear cut. Dr. Aqueel replied that he had no intention of doing that at the beginning. Rick Stockburger answered, I know that ... but it was a large change and didn't give anyone a chance to comment on it. Dr. Aqueel replied I'm in front of the board – and I need to know what you need me to do, and I'll do it. David Kulo we do need to consider how things affect the environment. As far as the concept you presented to us, we didn't see anything Type 1 SEQR – Mark Anderson read from DEC SEQR report. Dr. Aqueel asked do you want me to plant 20 feet trees? I'm trying to find out a resolution / compromise. Rick Stockburger replied have your engineer get with Paul Pelusio and provide the landscape plan we asked last time. Just show us what you are going to do on there. Mark Anderson asked do we have anything else to discuss on this? David Kulo answered not at this time. Mark wants to talk to the DEC to find out about the ticket and find out what their concerns are. Dr. Aqueel stated that someone called and complained which is why they came.

ENGINEER'S LETTER: (December 6, 2007)

Chien Chen – Structural Engineer, 56 Kings Cross, Scarsdale, NY 10583

“ An onsite inspection was done on 12/3 @ 851 Route 22... pertaining the embankment on the rear property. After extensive and careful review it was concluded that cutting the trees from the embankment without jeopardizing the root structure had no negative structure impact. Therefore no corrective measures are needed to improve the structure of the embankment.”

ACTION: Dr. Aqueel to have his engineer to contact Paul Pelusio to convince Paul that this report is sufficient. Again, a detailed landscaping plan is being requested pertaining to the back (as was also requested at the November 14, special meeting). All items are due on January 9, in order for discussion at the January 23, Village Planning Board Meeting.

a. New Inquiries

There were discussions on possible additions to the planning board. For Jim to remain on the board, he needs to complete his hours. Rick Stockburger stated we'll leave it to Jim, if he wants it he'll do it, if he doesn't he won't.

b. New Chairperson / New Member

David Kulo indicates that he would like to be considered as planning board chair. There were no other potential nominees.

Mark Anderson motions to elect David Kulo as Planning Board Chairman
Rick Stockburger seconds the motion.

AYES: 3 NAYS: 0

Accept Minutes

November 14 – Special Meeting

Rick Stockburger motions to accept the minutes with the spelling corrections.

Mark Anderson seconds this motion.

AYES: 3 NAYS: 0

Close Meeting

Mark Anderson makes a motion to close the meeting

Rick Stockburger seconds the motion

TIME: 8:36 pm.