

**Village of Brewster
Planning Board**

March 1, 2011

Regular Meeting

Board Members in Attendance:

David Kulo, Chairman
Rick Stockburger, Assistant Chairman
Mark Anderson
Renee Diaz
Jodi Ellis

Also in Attendance:

Village of Brewster Mayor Jim Schoenig
Village of Brewster Trustee Tom Boissonnault
Greg Folchetti-Planning Board Attorney
Paul Pelusio-JRFA, Village Engineer
Bruce Martin- JRFA, Village Engineer
Richard Ruchala
Keith Greene
Laura Greene
Pat Hanna
Yosh Ito
Chip Robertson-Brewster Honda
Michael Liguori, Hogan & Rossi-Att'ys for Brewster Honda
Tim Allen, Bibo & Associates-Engineers for Brewster Honda

Agenda

The **Pledge of Allegiance** was recited.

Call to Order

Chairman Kulo made a motion to open, which was seconded by Mr. Anderson. The motion passed by a vote of 5-0.

[Whereupon the Meeting was called to order at 7:33 p.m.]

New Business-Concepts

Chairman Kulo stated he, along with Assistant Chairman Rick Stockburger and Members Mark Anderson, Jodi Ellis and Renee Diaz were in attendance for this regular Meeting of the Village of Brewster Planning Board. He thanked the Members and others for making themselves available for this evening's Meeting, a rescheduling from when the Meeting would otherwise have been held a week earlier. The first item of business would be Nasser Aqeel in connection with 851 Route 22, Brewster, New York.

851 Rte 22 – Nasser Aqeel

Chairman Kulo called out several times, asking for Mr. Aqeel to appear before the Board. Despite this, neither Mr. Aqeel nor any representative responded to the request. It was therefore accordingly decided to move on to the next order of business.

Pending Projects

2-4 Allview Avenue – Brewster Honda

[Chairman Kulo and Board Member Diaz each recused themselves from this part of the proceedings, which were then chaired by Assistant Chairman Stockburger.] Mr. Stockburger stated that the first thing he wanted to consider was the proposed lighting at the site. Mr. Allen stated that none of the lighting was extant in the Village, and that any light spillage was remedied by the landscaping. Mr. Allen stated that the issue for consideration was where the gate to the property should be placed. Mr. Stockburger inquired as to the exact location that it was proposed for the gate to be put. Mr. Allen answered that Brewster Honda would locate the gate at the leisure of the Village; setting it 30 feet back would allow a truck to pull in but to not go beyond the gate if it were locked. Mr. Stockburger stated that most of the trucks in question, being car carriers, were 50 feet long and wondered if a truck would therefore be able to get in. Mr. Allen said that the entrance and the alignment of the property had been moved and that a truck could sit there and be off of the road. Mr. Stockburger then asked if that would allow trucks to sit and idle during off-hours, thereby disturbing the residents of the properties near to Brewster Honda. Mr. Allen responded that the drivers had been instructed that there were to be no deliveries during off-hours although that would be tough to enforce; he further stated that it was possible to have no gate but that there would then be a security issue.

Mr. Stockburger stated that it would be propitious to hear from the residents of the area who were in attendance at the Meeting on the issue of trucks sitting and idling as they are the ones who would have to put up with noise emanating from the property. Mr. Stockburger stated that if the gate was at the road the Village of Brewster could make sure it was closed, thereby obviating the possibility of trucks sitting there and idling and bothering the Village residents. Ms. Greene stated that she did not want trucks to be there during off-hours and that therefore there should be a locked gate because if the gate were open it would be useless. Ms. Diaz agreed with this sentiment, noting that there had been instances of trucks off-loading during off-hours; she added that if one's windows were open noise could be heard from the property in the middle of the night. Mr. Stockburger asked if the gate were 30 feet back it would preclude the driver

from stopping there and asked if there be enough room for the trucks to turn around. Mr. Allen stated that if a truck was there in the middle of the night and the driver wanted coffee the truck would have to be backed out. Mr. Anderson noted that there was a safety factor to be considered in semi's backing up onto the road and should not be encouraged where the driver is on the left side of the truck, considering the traffic flow on Allview Avenue. Mr. Robertson stated that he did not want the trucks to be coming there at night and he would instruct them not to, although ultimately the truck drivers are independent contractors, not employees. Mr. Robertson thought it best that the gate should be placed at the front of the property and if it thereafter had to be moved he would be amenable to listening in regards to that. Mr. Allen said that Mr. Robertson's idea seemed like a good solution and if there were subsequently issues with the location of the gate that changes could be made. Mr. Robertson reiterated that the gate's location would be revisited if needed, as until the property gets used there can be no certainty as to what is best; he noted that he had been saying this for three years and had moved the driveway so that people would not be complaining. Mr. Robertson thought it best to put the gate at the end of the property for now and if it had to be moved later he would be fine with that. It was noted that the driveway on the property is 22 feet wide at the entrance, and that the gate is of a standard stand-alone variety. There was discussion as to whether the gate swings in or out; Mr. Allen opined that the gate swings in. Mr. Stockburger said he did not believe it was viable to put the gate at the property's entrance. Mr. Robertson stated that the gate could be put wherever it worked best and it would be redone if requisite. Mr. Anderson pointed out that the driveway is circular, obviating the need for trucks to be backed in or out.

Mr. Anderson inquired of Mr. Folchetti as to whether or not conditions could be put on a final approval, to which counsel responded in the affirmative. It was agreed that there would be a time limit of one year after the Certificate of Occupancy was issued by the Town of Southeast for any application for a change in the conditions, by the residents or the property owner, to be made. Mr. Greene asked if the language in the Site Plan Application was the same as that in the variance granted by the Zoning Board of Appeals. Mr. Folchetti stated that specific variance language and reference to particular drawings (SP1) and a revision date (9/10/08, last revised 11/8/10) were incorporated. Mr. Allen stated that the driveway had not been moved since the variance had been granted.

Mr. Stockburger stated that the screening had be looked at, and that there should be specificity as to the size and caliber of the boxwoods that would be used for that purpose. It was pointed out that the boxwoods were intended to block the headlights emanating from trucks and parked cars, and that to accomplish this, per Mr. Liguori, the boxwoods would be three feet tall. Mr. Stockburger inquired about spruce trees, and Mr. Allen stated that there would be Norway Spruce used. Ms. Greene stated that the spruce trees should be Colorado Blue Spruce, and deer resistant and that there be several rows of them and that the trees be at least six feet tall. Mr. Anderson stated that given the numerosity of deer in the area that it was a sagacious idea that the trees be deer resistant.

Mr. Stockburger said that the next thing to consider was the sign for the property, and pointed out that the Code of the Village of Brewster does not allow for an illuminated sign, which had been requested by Brewster Honda. Mr. Anderson stated that he was concerned about the preservation of land at the southern end of the project site, to which Mr. Folchetti responded that Brewster Honda had accepted a restrictive covenant imposing a complete prohibition against any kind of building there. Mr. Anderson said that this would preserve the neighborhood going forward. Mr. Allen addressed a question asking if the lights would be on all night by stating that outside lights on the property would go off a half hour after the final employee had departed, and that lights would remain on inside for security purposes.

Mr. Stockburger moved that the Site Plan Application be approved; the approval of the Site Plan Application would be contingent on certain conditions to be incorporated by Mr. Folchetti in the Resolution that he would draft. This motion was seconded by Mr. Anderson and passed by a vote of 3-0. The aforesaid conditions of approval are:

- that there be screening on the property consisting of three foot boxwoods and six foot Colorado Blue Spruce trees;
- that the gate to the property swing in;
- that the gate to the property be no more than 30 feet from the property line;
- that the driveway on the property be in accord with a drawing delineated as "SP1," as revised to refer to a variance granted by the Village of Brewster Zoning Board of Appeals; and

-that these items might be revisited within one year of issuance of the Certificate of Occupancy for the property upon the application of Brewster Honda or residents of the surrounding community.

[Whereupon Mr. Stockburger departed the Meeting]

Accept Minutes – December 7, 2010 & January 25, 2011

[Chairman Kulo reassumed his duties as Chairman; Ms. Diaz reassumed her place on the Board as well.] There was one change to the Draft Minutes of the December 7, 2010 Meeting that was deemed requisite. Mr. Anderson moved that the aforesaid Minutes be adopted subject to this change being made. This motion was seconded by Ms. Diaz and passed by a vote of 4-0. There were two changes to the Draft Minutes of the January 25, 2011 Meeting that were deemed requisite. Subject to the making of these changes, Mr. Anderson moved that these Minutes be adopted. This motion was seconded by Ms. Diaz and passed by a vote of 3-0, Ms. Ellis abstaining.

Close Meeting

Mr. Anderson moved for closure of the Meeting and was seconded by Ms. Ellis. The motion passed by a vote of 4-0.

[Whereupon the Meeting concluded at 8:45 p.m.]