

**Village of Brewster
Planning Board
January 28, 2014
Regular Meeting**

Board members in attendance:

David Kulo, Chairman
Rick Stockburger, Assistant Chairman
Mark Anderson
Renee Diaz
Tyler Murrello

Also present, Mr. Greg Folchetti, Counsel to Planning Board

The Pledge of Allegiance was recited, whereupon the proceedings were called to order at 7:30pm.

Regular meeting

Mr. Kulo made a motion to open the regular meeting. This was seconded by Mr. Murello and passed 5-0.

Mr. Kulo took attendance and all board members were present.

First order of business

Commercial building at 538 North Main Street. 56.82-1-18. Update of site plan and review of demolition and site work.

Retaining wall

Mr. James Nixon presented the Board with a handout outlining the proposal for the modification to the retaining wall (currently about 11' to 12' tall).

The proposed structure, same width as existing and would be 10'-12' back into the hill.

. Board already had updated site drawings.

. Mr. Nixon stated that the current wall is stone and in good condition, however, it will be disturbed with the building construction and replaced with the steel reinforced concrete retaining wall, since the retaining wall will be part of the building at the first and second floor levels. Typically this type of wall has a very large footing, but it's usually underground and requires large steel reinforcement. Building is part of the retaining wall at both the first and second floors, two points where the wall can be braced.

- . Mr. Kulo asked if this retaining wall will be addressed as highway retaining walls and Mr. Nixon responded, Yes.
- . Since the retaining wall is an integral part of the final building design, Mr. Nixon asked that the Board have an understanding of how the retaining wall will be handled, but wait until the building plans are unveiled and submitted at the time of the final design of the building construction documents to understand the retaining wall design. This shouldn't stand in the way of going to the next step, which would be going to the public hearing.
- . Mr. J. Folchetti, the Village Engineer, will review the retaining wall plans after they are prepared by the Applicant's engineer.
- . Mr. Stockburger restated that if the Board moves forward and approves it, Mr. Nixon wouldn't be able to get a building permit until the building inspector and the village engineer approved the plans. If they didn't approve the plans, Mr. Nixon wouldn't be able to move forward. And Mr. Nixon stated that by the flip side it wouldn't make sense to put a lot of time into designing the wall if other problems were identified.
- . Mr. Anderson asked about a curtain drain or some other method to redirect the water around the building since the wall is now part of the building structure, and Mr. Nixon responded that this will be addressed.
- . Mr. Nixon also stated that there will be no space between the building and the retaining wall.
- . Mr. G. Folchetti said that the Building Department will deal with the details later after the plans are signed off by both engineers and issuance of the CO.
- . Mr. Nixon agreed with this.

Parking

- . Mr. Nixon stated that field measurements have been taken and that the plan is to still have two pairs of tandem parking spaces on the existing property --- one pair for the resident (occupant and other) and one pair for the ground floor business, assuming one space for owner/employee and the other for anyone else. However, there is still the need for six spaces in total.
- . Mr. Nixon presented photos of East side of North Main Street looking North, from the corner of Wells Street, past current property, past El Dorado, and onward to the auto repair shop, where he paced off this distance. There is a net of 18 parking spaces within that block, within 750 feet of the owner's property, and Mr. Nixon's suggestion is that the project would use two of those parking spaces. Based on Mr. Nixon's observation,

much of that parking is available much of the day.

. Mr. Kulo stated that this could be a problem during the ball season when there are games going on at Markel Park. Also, he stated a reservation setting up this precedent of allocating public parking to private businesses.

. Mr. Stockburger asked if the property owner would be willing to state that he has two spaces available across the street, if needed. Property owner stated that he'd be willing to agree that he has two spaces available within 750 space, if needed, as long as not in writing. The Board is willing to get rid of the requirement of any easement.

. Mr. Anderson stated parking spots in that location are available on a first-come, first-serve basis. He recommended granting approval without worrying about these two parking spots and not ask for the same mandate.

. Mr. Stockburger stated that they weren't asking for the same mandate, because of the parking overlay. Not in favor of giving away public parking spots. But okay to approve if Owner agrees to make two spaces down the street available, if needed. The Owner said, Okay, as long as not in writing; he's done it in the past.

. Mr. Kulo stated that he didn't disagree with setting up a new precedent in line with the approach of implementing the Village's plan based on the transportation hub that exists here.

. Mr. Kulo stated that if an applicant comes to the Board and parking is available, this applicant can seize the opportunity. And that the next applicant would have the same opportunity, if parking is available, but it would be more prohibitive to expand because it would be likely that a business would be taking more parking spaces. And we'd then be changing the precedent because in the past we've always tried to have parking allocated to a business, so the next business would have parking available.

. Mr. Anderson stated that the Village is trying to add parking by building a garage across the street from the Applicant. This will move the availability of parking forward throughout the Village.

. Mr. Stockburger reiterated that they have to follow the written codes, which were changed with the parking overlay, and that they aren't the ZBA and can't waive things, and that they can't allocate public spots to

businesses.

. Mr. G. Folchetti stated that if the Applicant is willing to do that (make two spaces on his property within 750 feet available, if needed) and the Board is not requiring an easement, which would designate the space in perpetuity, this would be the easier resolution and would not require any ZBA interaction. The minute you say that the Applicant has “x” amount of parking on his property but he can use public parking, a variance is needed, because you’re shorting the square footage parking requirement.

. Mr. Stockburger reminded the Board about the parking overlay discussions. Question asked of the five members then, “Are you looking for a liberal or strict interpretation re: parking within 750 of a property”. Their consensus was a liberal interpretation; provide parking spots that are sufficient.

. Mr. Murello asked Applicant about what type of tenant he was looking for. Applicant responded that he’s looking at a pizza shop again. Aldo was the best tenant he had and the reason they’re looking for office space upstairs is because Aldo wanted more seating downstairs with his office upstairs rather than downstairs to open up more seating to the restaurant.

. Mr. Nixon restated that the space on the second floor is the same as the space on the first floor --- 1700 square feet on each floor.

. Mr. Stockburger pushing angled parking in the Village.

. Mr. Stockburger stated that the next step was to set up the public hearing for February 25, 2014. Mr. G. Folchetti will prepare the negative review. Mr. Stockburger will check with Barbara about the 239. Mr. Stockburger also stated that this would be an uncoordinated review.

. Mr. Nixon to revise plans to reflect the parking as stated.

. Mr. Kulo asked if there were any other questions, and the answer was, No.

. Mr. Stockburger made a motion to set the public hearing on Tuesday,

February 25, 2014 at 7:30pm at 50 Main Street, Brewster, N.Y; seconded by Mr. Anderson and unanimously passed.

. Mr. Stockburger made a motion to have the SEQR public hearing on Tuesday, February 25, 2014 at 7:30pm at 50 Main Street, Brewster, N.Y.; seconded by Mr. Murello and unanimously passed.

Acceptance of draft minutes from January 7, 2014 meeting

. Mr. Kulo asked if everyone had read the minutes.

. Mr. Stockburger noted corrections needed: 1) Change Mr. Greg Folchetti's title from *Town of Southeast Attorney* to *Council to the Planning Board*, 2) Correct spelling of *Mr. Hanson's* name to *Hansen*, 3) Delete space in the word *above* on the last page.

. Motion to accept the amended draft minutes of the January 7, 2014 meeting made by Mr. Anderson and seconded by Mr. Stockburger and unanimously passed.

Adjournment

Mr. Stockburger made a motion to adjourn the meeting; seconded by Mr. Murello and unanimously passed.

Meeting was adjourned at 8:05.