

**Village of Brewster
Planning Board Meeting Minutes
January 19, 2016**

BOARDMEMBERS IN ATTENDANCE:

George Gaspar, Chairman
Rick Stockburger, Assistant Chairman
David Kulo

ALSO IN ATTENDANCE:

Mr. Greg Folchetti –VOB Counsel
Mr. Todd Atkinson – VOB Engineer

Mr. Gaspar led the Board in the Pledge of Allegiance, whereupon the proceedings were called to order at 7:30pm.

REGULAR MEETING:

Mr. Gaspar made a motion to open the regular meeting. This was seconded by Mr. Stockburger and passed unanimously.

Mr. Gaspar introduced Cathy Chiudina, new recording secretary.

Mr. Gaspar said we have some Board comments with regard to the Urban Renewal Plan. At this time Mr. Stockburger recused himself. Mr. Gaspar and Mr. Kulo discussed that the Board held a Public Hearing on January 12, 2016 but did not close that Public Hearing. It has been rescheduled for the February Planning Board meeting but the Board never made any comments with regards to the Urban Renewal Plan itself.

Mr. Gaspar said that one of their objectives tonight is to accept the minutes of the January 12 plus any comments that the Board may have and forward those comments to the Village Board. The Village Board cannot act or hold a Public Hearing until we send them those minutes because they have no idea theoretically what took place officially.

Mr. Folchetti said they can act but have not. My understanding is that they are awaiting the Board's comments one way or another be it by virtue of the adoption of the minutes and the transmission of the minutes to the Board or whether or not they are going to actually grant the request to defer their action until the close of the Public Hearing, that still has not been determined. Theoretically they could act but for practical purposes my understanding is that they are not, at least pending receipt of the comments so if you are going to adopt the official minutes tonight, part of your resolution last week was to hold the Public Hearing open until February meeting, request that the Village Board defer its determination until they receive the comments and then pass the comments from the 12th onto the Board. If you adopt them they can be passed on and that's what I would suggest you do. If you have any comments tonight that you want to incorporate into it that's one thing but this is not a continuation of the Public Hearing.

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Mr. Gaspar and Mr. Kulo discussed the Urban Renewal Plan and Mr. Gaspar said he had a couple of comments with regard to it being confusing to those reading the Urban Renewal Plan and then trying to find backup documentation. Mr. Gaspar said:

- With regards to the Urban Renewal Plan itself and the documentation Exhibit 1, I thought it was a little confusing the way this piece of paper was presented. In looking at what this Urban Renewal Plan dictated or announced was to deal with five different areas within the Village which were labeled as the five different areas on Exhibit 1. However, the Urban Renewal area is actually much larger than that and I was confused as to if this is the major focus of the Urban Renewal Plan then why was the rest of the boundary indicated to be part of it. You can't find that until you start to get back into the Blight Study and the other exhibits that are part of that Blight Study and then you have to get into the Comprehensive Plan to know that the areas outside of the five areas that are indicated here in the Blight Study pertain to other items that are part of the Comprehensive Plan. For instance, bike trails and sidewalks. They are not indicated as part of this area but they are indicated as part of the Urban Renewal Plan itself which I think it has to be because if there's a bike trail that's going someplace they want to make sure there's enough space for a bike and a pedestrian to occupy that space. I think just the Exhibit 1 needs to be clarified a little bit more in terms of what is being looked at.
- The other thing that I came across in the Zoning Map was with regards to two items and it also shows up in the Blight Study as well. It shows up in the Blight Study, in the Zoning Map and in the Urban Renewal Plan. There are three locations. There is an indication of a road in the Zoning Plan. The Urban Renewal Plan has its basis based on the Comprehensive Plan and the new zoning that's coming into play so I am looking at a new zoning map and comparing it to the Urban Renewal Plan and then verifying it with the Blight Study that was done.
 - One of the conflicts that comes into play is adjacent to the property of the Garden Street School there is an indication of a road and as much as someone would like to have that road there the distance between Oak Street and Garden Street is such a vertical distance that there is no way that road is ever going to come into play. There is a reason why the road goes around the school and that's to get from point A to point B and make up that difference.
 - The other piece that I came across, in the Residential Zone in the Urban Renewal Plan it still shows that indication of a road but also up in the hill along the intersection of Prospect Street and East View Avenue there is a parcel of land that's indicated as green and green is referring to recreation and open space. That currently is a residence and it's outside the boundaries of the Urban Renewal Plan so I don't know why that is indicated as a green space but I think it should be clarified on Exhibit 2 in the Urban Renewal Plan.

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- The third one is to clarify the street limit of Casino Street. This is another piece on the Urban Renewal Plan in Exhibit 2 where it shows Casino Street actually goes from Center Street down to North Main Street and this is another one of those streets along North Main Street we know you are not going to get from Casino to North Main Street, not in a straight line. If you go back into the Village Zoning of the new plan it still shows Casino Street from Center to North Main but it shows the bottom portion of it indicated as yellow meaning business in this plan and here it's still indicated as a street itself so I think something needs to be clarified between the two.
- In this plan, Exhibit 3 which is what was confusing to me as far as the clarification of what occurs in Exhibit 1 and what's defined as the Urban Renewal areas 1, 2, 3, 4, and 5 is the inclusion of the bike trails and I think what happens here between Exhibit 3 and Exhibit 1 once again, there's a bike trail that travels along Oak Street and I have to guess at the fact that the reason why Oak Street and that northern portion is within the Urban Renewal area is that there is going to be some adjustment of land for the inclusion of that bike trail. Where else it goes I honestly can't tell you. I see there's a connection between the County bike trail and its passage through Wells Park and then it connects back up to East Main Street. I think between the two you have to take a look at both of those items in order to try and clarify what is actually being described. The reason why I think it needs more clarity is in the statement of those new codes and ordinances under Item 8 on page 8 is that the new district is trying to encourage development of higher density mixed-use buildings and I think that is one of the reasons why the five items were outlined in Exhibit 1 being part of the discussion all along the way, meaning all of the Comprehensive Plan Meetings we've had, the input here was to change the face of downtown, not to change necessarily the face of any other portion of the Village itself.

Mr. Gaspar said I have issues with the Blight Study and what is described and how it was determined. There are some things in the Blight Study that I think fall under the jurisdiction right now of the Building Department and not necessarily have to take place because of the Blight Study.

Mr. Gaspar thinks the Urban Renewal Plan does not focus necessarily on the Blight Study and that it might use the Blight Study as backup because there are other areas that are outside of what is indicated on Exhibit 1 that are defined in the Blight Study but are not defined in the Urban Renewal Plan. He believes the Village Board needs to focus more on what is the real goal of the Urban Renewal Plan and what is the real area of the Urban Renewal Plan. He also believes the issues are visual and the maps need to be coordinated between the Zoning Map and what's in this Urban Renewal Plan.

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Mr. Gaspar and Mr. Kulo discussed that under provision 12 on 9, no matter what happens along the way, that the Building Department still needs to the ability to actually issue Building Permits under an emergency situation. He gave the example of a boiler needing to be replaced and needing a building permit for it but not being able to get one if it were in the Urban Renewal area. Mr. Kulo said if we look at section 12 it says *"the Building Department shall not issue a building construction or alteration permit, or a certificate of occupancy or a structure or use within the Project Area, without having first obtained the consent of the Village Board..."*

Mr. Folchetti said it doesn't nullify or make ineffective the Village Code which requires the issuance of the permit. It's a study. It doesn't mean that it actually has the effect of doing that. I'm not saying your concerns are not well-founded but I am saying that study cannot invalidate the provisions of the Village Code with respect to issuing permits and certificates of occupancy. The only thing that can do that is the Village Board taking some legislative action to do it which it could.

Mr. Kulo said with this code right now as you describe the issue with the boiler, it does say *"or uses necessary for the immediate protection of public health safety."* No heat would be a safety and health issue.

Mr. Kulo said that he finds this particular plan to not be strict. It seems to give a little bit of leeway. I think it's using the Blight Study, the Comprehensive Plan and the Village laws and gives a summary of the goals we are trying to achieve in a much condensed version of it. I know from the Public Hearing some of the big issues were costs, lawsuits, lack of details, and eminent domain in response to this. These issues are not listed in here specifically and I think that this is a tool to use so that we make prudent decisions. Mr. Gaspar agreed. I think its vagueness gives us the opportunity to make changes just like with any kind of thing that you implement there are these blocks along the way and I would hope that common sense would be that if you do have an issue like you were describing the response would be reasonable including the cost. I think the cost is something that's going to be debated among the Trustees and if they make a decision on the cost to implement some of these ideas that those would be shared with the public and the public officials would be accountable for those decisions.

Mr. Gaspar and Mr. Kulo discussed the Board's role with regard to the Public Meeting regarding the Urban Renewal Plan. They noted that the Board's function here is just to listen to the public and that was the Board's function on the 12th as well. It's the Village Board's responsibility to do the presentation, to have someone from the engineering concern that did some of the studies or VHB that did the Blight Study. The Board is just a sounding board for what the public has to say and should the Village Board grant our request to continue the Public Hearing it's still the same. It is nothing more than listening to what the public has to say. Mr. Kulo said that he understood with regard to the Public Hearing is that if the Board were to conclude the Public Hearing in February that the Trustees would have a Public Hearing as well and Mr. Gaspar agreed.

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Mr. Gaspar said the problem as he understands it is that the Public Hearing that the Planning Board had was for the ability for the public to make their comments which will become part of our Agenda later on this evening and to pass those comments on to the Village Board and that gives them the opportunity to listen to what we have to say as a Board and also listen to the public and make adjustments as they see fit along the way. It is the Village Board's responsibility to address those comments and ours is just to listen, take the notes and pass them on to them so they can act on them. The Board will not have an opportunity to see their comments prior to tomorrow's meeting but will be able to pass on the public's comments to the Village Board.

The discussion regarding the Urban Renewal Plan was ended. The third item of the Agenda could not be addressed because the Public Hearing has not been closed yet. Mr. Gaspar asked Mr. Folchetti if Mr. Stockburger has the ability to come back to the Board and approve the minutes.

Mr. Folchetti said he can approve the minutes, those were more than just the URP. There are two sets of minutes for consideration. The law is pretty clear and he does not necessarily have to attend to approve the minutes but he is eligible to vote on the minutes.

PLANNING BOARD FEE SCHEDULE:

The Board discussed Planning Board fees. The Village Board had asked the Planning Board to look at their fee structure, how they currently have it and if there are any adjustments that should be made. Mr. Gaspar asked Mr. Atkinson, Town Engineer, to chime in with regards to fee structure as well. Mr. Gaspar felt the fee for each type of application should be modest but ensure sure still that engineering and legal fees are covered and he felt the best way to handle that is through an escrow.

Recreation fees were reviewed as well and in particular the per bedroom fee as it had been \$5000 and was suggested by Mr. Stockburger to be \$1500 per bedroom since the law was changed. He noted that it should also be changed to Site Plan Approval Recreation fees per bedroom at a number to be determined. Mr. Gaspar asked Mr. Atkinson for his input. Mr. Atkinson said I think that if you change the zoning code to discuss bedrooms then you should probably use that as your starting point and move forward. Mr. Stockburger said the old code only had a Rec fee if you subdivided the property and created a new house. He said if you don't subdivide and you add 80 apartments there is no fee on the old code and that's why we changed it to be bedrooms so I think they need to do Site Plan Approval Recreation fees per bedroom. I said \$1500 because a three bedroom would be \$4500 which was close to the \$5000 but that is my suggestion, said Mr. Stockburger, and Mr. Gaspar and Mr. Kulo agreed that it made sense. Mr. Gaspar said that no motion needed to be made with regard to that but to make note and pass it on to the Village Board.

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Mr. Folchetti said I don't know if they sent you an old Rec fee schedule to use to mark up. He said it's the purview of the Village Board to adopt it but they will get the input from the respective departments.

Mr. Gaspar said they forwarded the Town of Southeast schedule and obviously we are dealing with different types of properties which is why I said the \$1500 is a reasonable fee on a bedroom count. Mr. Gaspar will make note and use that as a basis for his basis for his comments at tomorrow's meeting and if there are any changes he update the Board.

NEW BUSINESS/APPLICATION PROCEDURE:

There are no new applications to discuss but the Board did discuss procedure. Mr. Gaspar said that when an applicant comes before us there should be two pieces of information in written form that should accompany the application. The first one would be from our engineer outlining the applicant's determinations, making sure we are within zoning, we are still coded and we're covered and what we should expect as far as the steps along the way, even a broad-brush memo as an overview for everyone. The other should come from the Building Inspector and there should be some determination in writing as to whether it complies or not or if there are certain criteria it does not meet.

Mr. Folchetti said it's here because it doesn't comply because a lot of times you will get a Site Plan application for a particular use.

Mr. Gaspar said yes but I think I would like to see it in writing because sometimes we go back and say 'what was the problem' and 56 Marvin Avenue is a prime example.

Mr. Folchetti said what I suggest in that regard is that if the Building Department is copied on a particular project or application, whether it's a Site Plan or Subdivision, the Building Department can issue a memorandum and not necessarily attend the meeting as to whether or not the project complies with current zoning so that you have it within your record saying it's here because it's a use that doesn't have Site Plan approval and now it needs it or it complies and they are looking to amend the Site Plan or it complies but it needs bulk variances for setback. Something along those lines so you have it within your record so that if you have to kick it to the Zoning Board for further review you know why you're doing that.

Mr. Atkinson used 56 Marvin as an example noting that it was before the Planning Board because a violation had been given. He said that it may be good to have Joe Hernandez, VOB Building Inspector, come to at least at the first Planning Board meeting to have him present to give his explanation on the application as to how it got to that point. Mr. Stockburger said the Code was changed so applicants can't come in front of the Board if there are any outstanding violations except to cure a violation and the applicant has to state that in his application. Mr. Stockburger and Mr. Gaspar felt a memo would be adequate for the record noting why it had been referred to the Planning Board.

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Mr. Stockburger noted that receiving the information in a timely manner is important as well and not receiving it the day of the Planning Board meeting.

The Board discussed the possibility of having an applicant meet with a group consisting of Boardmembers, Building Inspector, and the Town Engineer to discuss their application prior to submitting an application for a project so that they can present their idea and have an idea of what may be involved in completing their project. This will assist in applications coming in that are not properly filed. The Board discussed whether or not to charge for this meeting and the consensus was not to charge for the meeting but that the meeting should be only be 15-20 minutes in length. The Board wants to encourage people to improve their properties and charging a fee to discuss an idea may inhibit applicants from completing new projects and they want to help people along with the process as it can be confusing to some. Mr. Atkinson said that he would not charge for the meeting unless it became a project and would track his hours to see if it came to a significant amount of time or not.

Mr. Stockburger said what we had done informally before when someone would come in and say that they would like to do a project, the Board would say okay and go out and take a look. It was done informally. I have no objections to do that I just object for a concept review and charging a fee just to get the information.

Mr. Folchetti said my only thought is when you mention the site meetings that if you have a prospective applicant come in that we are careful about how many people go out. I have no problem with you going out and seeing a project. He said I wouldn't suggest you go because if a quorum is there and a prospective applicant attends that's Village business so I would not want to be in that situation. We can still have a designated liaison from the Board who can report back to the Board on who is coming in with a concept and that you saw when you were out there, he said.

Mr. Gaspar said just like at the Planning Board hearing, if all five members of the Village Board showed but made no comment or input, just a listen, that's fine.

Mr. Folchetti said as long as you're not conducting business.

ACCEPT MINUTES OF DECEMBER 22, 2015:

There was not a quorum and the minutes of December 22, 2015 were not able to be approved.

ACCEPT MINUTES OF JANUARY 12, 2015:

Mr. Kulo made a motion to approve the minutes from January 12, 2016. Mr. Stockburger said he will second as long as there is a discussion.

- Mr. Morini was mentioned and spelled as Marini and should be Morini.
- Page 1 needs to have the second instance of Mr. Folchetti, VOB counsel removed.

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- On page 14 where it says 'Mr. Cameron asked about SEQR' it needs to be clarified that it was SEQR for BOS and not 494. It was the same person talking but two different applications. Mr. Folchetti said we need to note that the discussion was for a different applicant.

Mr. Gaspar said as each individual was speaking that night I took the highlights of their comments and compared my notes to the minutes and every one of those comments were picked up and in the minutes.

Mr. Stockburger made the motion to accept the draft minutes of the January 12, 2016 as amended. This was seconded by Mr. Kulo and passed unanimously.

Mr. Gaspar asked Mr. Folchetti if he should just scan his corrected minutes and send them to the Village Board because we will not be able to make these changes.

Ms. Chiudina asked if there was a Word version that she could correct and send to the Board but no one had a Word version. Mr. Folchetti forwarded the PDF version to Ms. Chiudina to see if she would be able to convert it to a Word file.

TRAINING BUDGET:

The Board needs to request training sessions of the Village Board so that it is in the budget. It was in the budget last year for \$3000 and Mr. Gaspar is requesting the same for this year. The Board discussed training and the fact that the Village Board deserves the highest trained Planning Board they can get. The benefits of the New York Planning Federation which Mr. Gaspar attended for the first time last year were discussed. The amount of training and the amount of different kinds of classes that are available Mr. Gaspar felt would be extremely beneficial. Putnam County and ACE Law offers training as well as well at a reduced cost but Mr. Gaspar felt the Planning Federation was a good opportunity and more well-rounded to be able to not only speak to us as Planning Board members or Zoning Board members and make us aware of not only what's on the books but also what's coming but it's an opportunity for members to meet other members from different parts of the state. Mr. Stockburger agreed but felt the dollar amount may not be sufficient for all Boardmembers. Mr. Kulo indicated that with the Village as a New York Planning Federation member it reduces the costs of the trainings. It also provides opportunity for a member who is unable to attend to take advantage of some of the tools they have so they can get their training requirements met. He said that it is very important for that membership to be there because it has added value throughout the year and also reduces the cost of the event itself.

Mrs. Stockburger said that she is still getting things from Dutchess County and that they do good training up there too. She went to some last year. She will see if she can find out where the emails come from and get at least Mr. Stockburger on the distribution list.

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Mr. Stockburger asked for an update on the fifth Boardmember. Mr. Gaspar said we potentially have our new Boardmember sitting in the audience, Mr. Rick Lowell. We have to wait until tomorrow but I am anticipating his appointment to the Board at tomorrow evening's meeting. I asked Mr. Lowell if he had an opportunity tonight to come down and see what's going on.

Mr. Stockburger asked Mr. Lowell if he had a background in Planning Board. He said that he had reading material set aside as an introduction to Planning and would put it together for him.

Mr. Stockburger made a motion to adjourn the meeting. This was seconded by Mr. Kulo and passed unanimously.

Meeting adjourned at 8:30 pm.