

**Village of Brewster  
Planning Board Meeting Minutes  
September 19, 2017**

**BOARD MEMBERS IN ATTENDANCE:**

George Gaspar, Chairman  
David Kulo  
Tyler Murello  
Rick Lowell

**NOT IN ATTENDANCE:**

Rick Stockburger, Assistant Chairman  
Gregory Folchetti, Attorney - Costello & Folchetti

**ALSO IN ATTENDANCE:**

Mr. Todd Atkinson, PE

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

**REGULAR MEETING:**

Boardmember Kulo made a motion to open the regular meeting. This was seconded by Chairman Gaspar and passed unanimously.

**530 North Main Street – Tax Map ID 56.82-1-47:**

Boardmember Murello made a motion to open the Public Hearing seconded by Boardmember Kulo and passed all in favor.

Chairman Gaspar said this is a two lot subdivision in the PB District. Boardmember Murello made a motion to open the Public Hearing and seconded by Boardmember Kulo. Chairman Gaspar asked if there was anyone in the audience that wished to speak regarding this application and there was no one.

Architect, Mr. Nixon reviewed the application with the Board and said he believed the one thing from the last meeting that needed direction was the wording of some of the signature blocks which I have corrected but otherwise the plan is the same.

Boardmember Lowell made a motion to close the Public Hearing and seconded by Chairman Gaspar.

Chairman Gaspar made a motion to accept a Negative Declaration with regards to 530 North Main Street and whereas the Planning Board of the Village of Brewster is conducting an uncoordinated SEQRA review of an Unlisted Action known as the 530 North Main Street Lot Line change whereas the plan shows 530 North Main Street OFC seeking subdivision approval involving the creation of a two-lot subdivision at 530 North Main Street. Now therefore be it resolved that pursuant to 6NYCRR part 617 State Environmental Quality Review, the Village of Brewster Planning Board hereby

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designates itself as Lead Agency for the SEQRA review of this Unlisted Action and be it further resolved that pursuant to part 617 of the Implementing Regulations pertaining to Article 8 State Environment Quality Review Act of the Environmental Conservation Law the Lead Agency has determined that the proposed Unlisted Action will not have a significant effect on the environment for reasons enumerated in the attached Negative Declaration form.

Mr. Atkinson said I think we can there is no development proposed with this so there is no land disturbance at all with this action. All you are doing is adding a lot line to separate the two and any future development would either be approved by the Building Department if it is residential or back to the Planning Board.

Chairman Gaspar made a motion to include the comments of the Village Engineer, seconded by Boardmember Kulo and passed all in favor.

Boardmember Murello made a motion to open the Public Hearing for the Site Plan at 530 North Main Street, seconded by Boardmember Kulo and passed all in favor.

Chairman Gaspar asked if there was anyone in the audience that wished to speak regarding this application and there was no one.

Boardmember Murello made a motion to close the Public Hearing, seconded by Boardmember Kulo and passed all in favor.

Chairman Gaspar said in lieu of a Site Plan Resolution do I hear a motion from the Board to allow the Chair to sign such document upon the return of our Counsel? Do you want to approve the Site Plan for 530 North Main Street? The Board agreed with Chairman Gaspar.

Chairman Gaspar made a motion on the Site Plan conditioned based on material being given to us by Counsel for the Board to sign, seconded by Boardmember Kulo and passed all in favor.

Mr. Atkinson said once the Resolution is prepared and the Chairman signs it, then the Chairman and the Vice Chairman will sign the actual Platt and then that would be taken to the County once you obtain all the other signatures that you need. Department of Health will just look at it, said Mr. Atkinson, as it is Municipal Sewer.

**538 North Main Street – Tax Map ID 56.82-1-18:**

Chairman Gaspar said there is no one in attendance for this application so the Board will move to the next item on the Agenda.

**Brewster Library – Tax Map ID 67.34-2-14&47:**

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Chairman Gaspar said at the last meeting we made our Determination to Waive Site Plan approval which was in our jurisdiction to do. A Public Hearing was set and the Board's next item is to address the Lot Line change.

Ms. Loprinzo showed the Board the mylar for the application and indicated that signatures had been obtained.

Chairman Gaspar said just for housekeeping we also made a Resolution to pass this back to the Village Board because it's in the District's new Comprehensive Plan expressing to the Village Board that the Planning Board felt this proposal was within the boundaries of what was proposed under the new Comprehensive Plan. He said he spoke to the Village Clerk, Peter Hansen, who informed him that this proposal did go before the Village Board and there were no comments with regards to it.

Boardmember Kulo made a motion to open the Public Hearing for SEQRA Determination, seconded by Boardmember Murello and passed all in favor. Chairman Gaspar asked if anyone from the public would like to speak regarding the library Lot Line change and there was no one. Boardmember Murello made a motion to close the Public Hearing, seconded by Chairman Gaspar and passed all in favor.

Chairman Gaspar made a Resolution to make a SEQRA Determination of a Negative Declaration whereas the Planning Board of the Village of Brewster is conducting an uncoordinated SEQRA review of an Unlisted Action known as the Brewster Library Association Lot Line change and whereas the plan shows the Brewster Library Association is seeking approval for a lot line change involving the addition of a parcel lot conveyed or to be conveyed to the applicant from the Town of Southeast at 79 Main Street. Now therefore be it resolved that pursuant to 6NYCRR part 617 State Environmental Quality Review, the Village of Brewster Planning Board hereby designates itself as Lead Agency for the SEQRA review of this Unlisted Action and be it further resolved that pursuant to part 617 of the Implementing Regulations pertaining to Article 8 of the Environmental Conservation Law the Lead Agency has determined that the proposed Unlisted Action will not have a significant effect on the environment for reasons enumerated in the attached Negative Declaration form. The applicant shall obtain all other applicable permits and approvals from other agencies that are in jurisdiction for the said lot line change or adjustment and shall pay all other fees as part of the execution of the final Lot Line change. Be it resolved that this final lot line change adjustment approval resolution and approval shall have an effective date of September 19, 2017. The motion to accept the Resolution was made by Boardmember Kulo, seconded by Boardmember Murello and passed all in favor.

Chairman Gaspar said the supporting reasons of the Determination: the Site Plan will result in no significant impact to the air quality. The proposed Site Plan will involve minimal site disturbance, no long term noise impacts are anticipated, solid waste generated by the project shall be collected onsite and shall be disposed of at a certified solid waste disposal facility. There are 18 items listed to back up the Negative

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Declaration. Chairman Gaspar said this final Lot Line adjustment approval authorizes the application to undertake only the activities set forth and nothing further. He said only the addition to the proposed to the library that is only on the footprint of the new lot. No other additions shall be undertaken by the library until such time as you've come back to the Board with a more formal Site Plan for the entire proposal. Chairman Gaspar explained that the Building Inspector will be looking for a letter from the Planning Board authorizing him to provide that he can review a Building Permit as it normally needs a Site Plan approval but the Planning Board waived that Site Plan approval so there is documentation with respect to that.

Chairman Gaspar asked Mr. Atkinson what the deadline would be for filing and Mr. Atkinson responded typically that information is in the Resolution but I would say within 30 days.

**INFORMAL DISCUSSION:**

**3-5 Putnam Avenue Development**

George Pangis and Gerarld Walsh appeared before the Board regarding this project. Mr. Pangis explained to the Board that they wanted to have this informal discussion regarding plans that Mr. Walsh has for the property so that they could get the Board's thoughts before he invested money into the project. He said they understand that nothing said tonight is binding and whatever you tell us does not mean they are getting any variances but wanted a free-flow conversation.

Mr. Pangis explained the project noting that Mr. Walsh owns a couple houses on Putnam Avenue and right now next to those houses are two garages that are next to each other but unattached, dilapidated garages that used to be a single structure with three garages but they were in such bad shape that the middle garage was taken down by the owner prior to Mr. Walsh. They are mostly used for storage although some have put their car in there, he said, so they are structures that have no real intrinsic value to the property. He said Mr. Walsh would like to tear them down and build one single structure that has three consecutive garages next to each other and above those garages to have a two bedroom installed above each one so that would be six units. That area is zoned PB, he said, and it is a grandfathered non-conforming use right now. Mr. Pangis said the idea is right behind those garages would be to build a small parking lot with a driveway that would ingress/egress out onto Putnam Avenue to allow for a safer, less traffic induced location as the current ingress/egress is basically right by Beecher's on Route 6 so someone turning into that property has to stop traffic turning into the driveway. He said that he has had conversations with the Building Department and Mr. Folchetti regarding the concern for adding new apartments within the Village and they would like the Planning Board's thoughts on that.

Boardmember Murello said this is zoned PB right now? Mr. Pangis said correct. Boardmember Murello said is there some variance that is going to be needed for this project because it's going to be one building with three apartments so I don't know if that would be considered single family dwelling.

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Building Inspector, Bill Scorca, said he spoke to the attorney and believes the issue is that it's a single occupancy dwelling that can be placed on that property but if you are going to add another three units to it then it doesn't meet the Code. He said he already spoke to Mr. Walsh telling him that he should go through Planning Board first to review before spending money on the drawings that he had made up. Mr. Pangis said and that is why they stopped and are now before the Planning Board for discussion.

Chairman Gaspar said a Use Variance is probably the hardest variance to get and to argue a use that you are being denied use of the property currently I find hard to believe considering there is already two houses on the property and there is no way this Board is going to expand a pre-existing non-conforming use in the correct district or not in the correct district and once again even if we felt inclined we would have to send it off to the Village Board for approval of conformance to the Comprehensive Plan and we can't say that it does.

Mr. Pangis said what about having the same exact structure but without the apartments, if it were just new three consecutive garages with the same driveway being added on to Putnam Avenue with the same parking, would that be something that would be problematic for you? Chairman Gaspar said you are allowed to have it as an accessory use. Mr. Atkinson said that one might argue that the extra houses are an accessory use. He said is there a way to break up and separate the lots? Chairman Gaspar said you need 7500 sq. ft. Mr. Walsh said it is actually two separate parcels now and explained to the Board how the lots were separated. Chairman Gaspar said staying as a single lot our hands are tied I believe. Mr. Pangis said even with doing it in the same place the garages are? Mr. Atkinson said I believe the way the Code reads is that you can replace that garage as existing non-conforming with the same bulk and same footprint but it has to match what was there before which means if it was three separate garages it would have to continue to be three separate garages. He said if you can break it up and subdivide it may be the best way to go as an area variance is easier to obtain than a use variance.

Mr. Pangis said would it be possible to get a variance to make that one building? Mr. Atkinson said that may be easier than the use variance because it is going to remain the same use. He said my question for the Building Department would be if they get approval from the Zoning Board would they need to go to the Planning Board because you are only taking down structures and rebuilding. Chairman Gaspar said yes but you are modifying the footprint which to me would mean you'd have to come back to the Planning Board. If it was identical to identical then no, he said. Mr. Pangis said if they were to get a variance would there be anyone on the Planning Board that might take objection to doing this? Boardmember Murello said he felt they could entertain it if the Zoning Board signed off on the variance.

Mr. Atkinson said you could meet one of the setback requirements by pulling back the garage 5 ft.

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Boardmember Lowell said you want to eliminate the existing driveway and put in a new one? Mr. Walsh said not eliminate but put a new one in. Mr. Pangis said we would keep that one and have the new parking lot with the new garage and ingress/egress from the new driveway along the more quiet street. Mr. Walsh said I don't think we can eliminate that driveway because people use it now but people may prefer to go in and out the other driveway.

Mr. Atkinson said I don't know what the zone is in the Town and I am not sure which line on the plan is the Town line. He said he can see the manhole where it is and that is in the Village because they had to stop there to keep it in the Village and then the connections came to there and pointed to a couple that were considered out of district users and a waiver needed to be obtained from the DEP for those houses about 2006 or 2007.

Chairman Gaspar asked Mr. Atkinson if there was any other input he had. Mr. Atkinson said his idea of the subdivision only works a point as he is not sure of what the Town's requirements are. Chairman Gaspar said the Building Inspector made the suggestion to walk the site and the Board thought that would be a good idea. Mr. Atkinson said if you do it with more than two people then you have a quorum so it would need to be noticed. If it is okay with Mr. Walsh, Chairman Gaspar said, we would walk the property and then come back next month and discuss further.

Chairman Gaspar asked if the three houses could be annexed. Mr. Atkinson said that was something that had been discussed but the DEP approved the waiver and it is conditional and if you start talking to them about annexing it and then you violate the conditions of that waiver then it goes away and then may want to stop sewer being disposed of at that location which could cause major issues for the homeowners.

**MOONLIGHT CAFÉ:**

Chairman Gaspar explained that this project has come before the Board in a roundabout way.

Bill Scorca, Building Inspector, said he had pretty much blessed the application and gave the Building Permit for Mr. Stark. He said previously he believed the Board had looked at another café, the Amore Café, which was allowed and it is an allowed use. He said my partner, Mr. Hernandez blessed it and said it was good to go. The only question that was brought up was the parking, he said, and the left turn coming out of the property and I think that can be addressed pretty handily. He said from the Building Department's perspective it is a permitted use and he thinks it is an asset to the Village to have a high quality restaurant in that location. He said when the dance studio was there the traffic was all at once and with this it would be here and there and across the street the parking for the dentist office and bagel shop is extremely dangerous. He said he thought the parking was about 1400 sq. ft. and 1 spot for each 150 sq. ft. is required

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plus a handicap parking and he has the parking but would need to change some labels and maybe some additional parking.

Mr. Nixon said a number of years ago the building had contemplated a donut shop and it had been before the Planning Board and he had a site plan that showed a 30 space requirement and we are showing 41 spaces because it is a gravel parking. Mr. Atkinson said it is DEP property right but there is a Use Permit with them and Mr. Nixon said yes. Chairman Gaspar said but it is unpaved and Mr. Atkinson said it has to be because it is DEP property. Mr. Scorca said there is a section that is paved up against the building that would be adequate for parking. Mr. Atkinson reviewed the layout and explained the DEP property line as well as the location of the pump station. Mr. Stark said they have a 99 year lease with the DEP to use the area for parking. Mr. Atkinson said the zoning has changed since then and the property was hooked up to the Village sewer.

Mr. Scorca said the only issue he had was traffic is the left turn and there should be a sign saying 'no left turn' because it's going against traffic. Boardmember Kulo said so there is no real traffic control at all there now. Mr. Scorca said no and there is none across the street either which is far worse.

Boardmember Lowell asked what was in the rest of the building. Mr. Stark said my office, my wife's answering service, and where the dance school was the New York Riders are in there now temporarily and they are there once a week on Wednesdays from 7:30 to 9:30.

Mr. Atkinson said the two issues from an engineering perspective is the parking out the back and the other issue is that this property when it was originally designed as part of the sewer collection system is that it was designed as a dry use or retail and there were numbers assigned by New York City DEP as to how many gallons per day for each property. He said they are tied to the permit for the waste water treatment plant so per the sewer use ordinance what the uptake would be as far as washing dishes and extra bathroom use. He said what has been done in the past is the Village Board would approve the actual new sewage number or water use/sewer number for the property. That was done on North Main with the laundromat, he said. Chairman Gaspar said was the water usage taken into account when this was going to be a donut shop? Mr. Atkinson said no because that was before and the sewer design was completed in 2003. He said it may not be an issue but it should be looked at.

Mr. Scorca said well as far as sewer impact you have Brewster Honda going up and the gas station and we don't know what the impact will be with them. Mr. Atkinson said those were evaluated as part of the Planning Board process. Mr. Scorca said how do you know what the usage would be, it could vary. Mr. Atkinson said it is based on seat count.

Chairman Gaspar said does anyone think it is not an appropriate use in this particular location? The Board felt it was permitted. Chairman Gaspar said the Board would like

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to see a formal site plan and Mr. Atkinson said the applicant should know that if they move forward and work on the location that they are doing so at their own risk and it could potentially not be approved as they have it designed. Chairman Gaspar said if DEP says the parking lot must remain gravel they will have to come up with an area for handicap parking based on the number of seats. He said there is going to have to be some way to define the spaces and traffic flow. Mr. Atkinson said the island that was created was a start to helping with traffic flow. Chairman Gaspar said maybe a three way light can be put in. Chairman Gaspar said let's check into the sewer numbers. Mr. Stark said the dance school used a tremendous amount of water and the café will be using disposable plates although he will be washing his pots and pans. He said he doesn't think they will have a dishwasher and will be washing by hand. Mr. Atkinson said I don't think Putnam County will allow that.

Mr. Atkinson said as far as the sewer is concerned it's a letter to the Village Board saying the use is allowed and a Building Permit has been obtained but we want to ensure that the sewage capacity is adequate for this use. If the parking is an issue they will have to figure out how to handle that, he said. Boardmember Lowell said if the parking is sufficient to meet the requirements of x number of spaces per sq. ft. then that okay and then really the only problem is leaving the property safely. Boardmember Murello said he would like to see how they would designate signage for the handicap as it should be as close to the entrance as possible. Mr. Stark said the first space is designated as handicap parking only with a sign. Mr. Scorca said about 18 ft. out is blacktop but you could still put parking spots by parking right up against the building.

Mr. Stark and Mr. Scorca said the Amore Café had been approved by the Planning Board years ago and Mr. Atkinson said he could not find anything in his records to indicate that although they were in front of the Board. Mr. Atkinson said if the applicant can find the approved plan that would help. Chairman Gaspar said if they could find that the discussion would be mute and the only is remaining would be the water usage. Mr. Atkinson said actually that should have been reviewed at that time as well and resolved.

Chairman Gaspar said our stumbling blocks are two: 1) Sewer and 2) the ability to stripe a handicap spot. If the first two spots could be used for handicap that would work, said Chairman Gaspar. He said no left turn signal sign would be needed as well.

Chairman Gaspar said what's the chance that DOT would put in a different light? Mr. Atkinson said the DEP allowing them to square up the intersection would be the bigger question. He said the best scenario would be if you could come straight across the Borden Bridge into the site and make it an intersection where you have the light all the way around. Boardmember Murello said if they can get approval from the Village Board the Planning Board could work with the handicap parking and exiting the site. Mr. Atkinson said there is a lot of language in the agreement between the Village and the DEP that gives the DEP the ability to basically say no this person is not allowed to discharge sewage even though it's the Village's plant the DEP still pays for that plant



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and has regulatory ability over that plant. He said the plant was designed for 245 and it's running at 130 but it was designed to have a safety built into it.

Boardmember Kulo said to remember that they need to meet the requirements for Code for signage as well.

Boardmember Murello made a motion to approve the minutes of July 25, 2017 seconded by Boardmember Kulo and passed all in favor with Boardmember Stockburger absent.

Boardmember Lowell made a motion to approve the minutes of August 15, 2017 with the correction on page 3 "Durkin" instead of "Durquinn", seconded by Chairman Gaspar and passed all in favor with Boardmember Stockburger absent.

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