

**Village of Brewster
Planning Board Meeting Minutes
August 28, 2018**

BOARD MEMBERS IN ATTENDANCE:

Rick Lowell, Chairman
Rick Stockburger
David Kulo
Janet Ward
Marti Foster

ALSO IN ATTENDANCE:

Mr. Todd Atkinson, PE
Gregory Folchetti, Attorney - Costello & Folchetti
Cathy Chiudina, Planning Board Secretary

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

REGULAR MEETING:

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

Brewster Library, :

Jay Samuelson from Engineering Properties appeared before the Board representing Brewster Library for their proposed expansion of their existing building. He said he color coded the drawing that was submitted and explained orange is the property line, blue is the existing building, and green is the area of the proposed expansion. The lot is approximately 0.25 acre in size, he said, and is adjacent to the Town of Southeast parking lot. They are proposing to change the island to add 2 more parking spots as a shared use between the Library and the Town. The Town and the Library have both done their independent SEQRA reviews; the Library through the State Education Department and the Town did theirs for the bond that was put out to vote and both were declared as Type II Actions so no circulated or correlated review was done.

Boardmember Stockburger said how many parking spaces are you required for the building and how many do you have. Mr. Samuelson said we have none on our actual lot but there are a bunch of spaces denoted as Library parking within the Town's lot that they have been sharing although I did not do an actual calculation based upon our square footages and the Town's Uses and the shared Uses in the parking lot as there are also parallel spaces on Route 6 available for use as well. Boardmember Stockburger said he would like to know the answer and noted that the shared spaces on Main Street can be used as part of the parking requirement. He said it would good to get a letter from the Town of Southeast authorizing the use of the spaces as they may even say they need to use the Gold Lot as part of the requirement.

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Boardmember Foster said is there going to be a return book slot at the front as there used to be one and it is more convenient than the one in the parking lot. Mr. Samuelson said I'm not real familiar with the interior design of the building. Ms. Loprinzo said we weren't planning on putting it back because of the aesthetic look and in past experience the slot in the parking lot is much fuller than the one at the top. Boardmember Foster said the new building is going to be connected to the old building, correct? Mr. Samuelson said correct. Boardmember Foster said at the bottom of page 3 it says are any Waivers of Village of Brewster Regulations required for this project and it says yes, so which Waivers are required? Mr. Samuelson said I believe it's the parking. Boardmember Foster said I don't know if it counts but on page 1 of 3 of the Environmental Assessment Form it says check all land uses that occur and there is a monument there and I don't know if that needs to be included. Boardmember Foster said the next page talks about the Northern Long-eared bat; do we need to do anything about that? Mr. Samuelson said that just restricts our tree-clearing to only between November 1 and March 31 and there are 1 or 2 coming down but it will be done during the correct time. Boardmember Foster said on the bottom of that page question 17 regarding stormwater drainage is there something that needs to be updated to accommodate the flow? Mr. Samuelson said the stormwater currently flows into the shared parking lot and there are several drainage structures on that lot that will handle the minor increase of the building itself.

Mr. Atkinson said I have some comments for the Board: 1) Show the existing zoning requirements and the conformity to proposed development or the variances required and that was based on the comment about are any variances required so please make a note that a parking variance are required. 2) Per the Village Code it requires you to show 100 ft. around the property and that's something that the Board can waive as far as what structures are around it if the Board is comfortable. 3) Plan shows existing contours: you need to show topography which you are not showing right now although it is something you can request the Board can waive. Mr. Samuelson said topography is on there but it's very flat. Boardmember Stockburger said it doesn't extend all the way out though. Mr. Atkinson said 4) it is something that will have to be looked with regard to the numbers for the impervious surface being created as it direct discharge to the East Branch of the Croton River between the laboratory building and the headworks building. Mr. Samuelson said the only addition is the roof area and the small area of parking where it is an island now. Mr. Atkinson said we will have to take a look at it so there is no issue with the DEP (Department of Environmental Protection). 5) The locations and specifications of all proposed exterior lighting. Mr. Samuelson said I am not sure if there is lighting proposed in the back but it can be shown on the plan. He said there is a street lamp in the parking area proposed to be moved back but maintain it. Mr. Atkinson said 6) are you proposing a sign at all. Peter Carey said yes Brewster Public Library basically where the back of the building is now, the red brick, approximately on the second floor there will be a very aesthetically pleasing sign. 7) You will need to show erosion and sediment control details on the plan and area of disturbance. 8) The plans should show the size of the pipes and utility lines out to the catch basins. Mr. Atkinson said will there be a new sprinkler system and Mr.

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Samuelson said no. Mr. Atkinson said will there be a kitchen in the new area and Ms. Loprinzo said just a sink as they already have a refrigerator. Mr. Atkinson said where do you get rid of your trash now. Mr. Carey said behind the old courtroom there is a trailer there and use that dumpster and Mr. Atkinson said it should be shown on the plans. Mr. Atkinson said there should be a letter from the Town of Southeast about the parking spaces that they are permitting the Brewster Library to use.

Mr. Stockburger said if you can get the Town to provide a letter stating they can use the Gold Lot they may be able to get rid of the Waiver because if you want a Waiver you will need to go to ZBA (Zoning Board of Appeals) before coming back to this Board. Mr. Carey said is that Town property or MetroNorth because we are allowed to use it on weekends as it is treated like MetroNorth; during the week it's permits and evenings and weekends it's pretty much free game. Mr. Carey said it is 32 spaces that the Town leases out permit parking to commuters on business days. Boardmember Foster said it might be nice if there were signs telling people they can use that lot. Mr. Samuelson said he saw that they were there this evening. Mr. Carey said there are signs for permit parking but people just know after hours it can be used.

Boardmember Ward said to Mr. Atkinson, you said we could have a waiver on some of these: how do we do that? Mr. Atkinson said typically you can state on record that you are OK with the applicant not showing the additional structures around it.

Boardmember Stockburger said the applicant needs to request the Waiver and the Board decides whether we agree with them or not. Mr. Samuelson said I don't think there are any variances, just the Waiver on the parking but if we can get the letter from the Town and do the calculations based upon the combined Uses and we will see from there. Chairman Lowell said how many spaces does it look like they are short at the present time. Boardmember Stockburger said at the present time I think they have three but the calculation needs to be done to figure that out.

Chairman Lowell said it didn't look to me like the proposal was adding much more population inside the library but rather spreading it out. Mr. Samuelson said spreading it out and adding a few new features. Chairman Lowell said but you're not anticipating much greater per capita usage of the building than it is now. Mr. Samuelson said correct. Boardmember Foster said aren't you putting in a meeting room. Mr. Samuelson said that is for the library's board. Mr. Carey said we are putting in a community room that will be 50-75 seats depending on the final configurations. Boardmember Foster said that it could generate additional usage during those times and impact parking.

Boardmember Kulo said a lot of libraries are locations for like political events, will it be functions like this that could draw considerable crowds and wondered if they could accommodate the larger crowds. Mr. Carey said we have had several events such as when Senator Murphy has secured grants over the years and he has presented checks and we have not had huge turn outs for it. If the event was after hours or a Sunday with the use of the Gold Lot definitely, said Mr. Carey. Chairman Lowell said looking at the

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Village Code for places of assembly like churches and theaters it is 1 parking space for each 5 fixed seats and you will not have that or 1 for every 75 sq. ft. where capacity is not determined by fixed seats.

Mr. Folchetti said it is a Type II Action as it is an Educational Institution and at some point you will get the amendments to the Site Plan and then the Board and consider setting a Public Hearing or consider waiving any portion of the plan and a Determination can be made.

Dominos Pizza, 162 Main Street:

Michael Liguori, Attorney at Hogan & Rossi, Scott Shearan of Bohler, and Angela Brianti, real estate agent appeared before the Board representing Ms. Millie Buhan who is the owner and proprietor of the Dominos Pizza. Mr. Liguori said to bring you up to speed, we took all the comments that we received from the members of the Board, Joe Hernandez, and Joe Scorca in connection with the project and reached out to Scott (Shearan) to assist us in dealing with some of the site constraints and developing a plan that would be approvable by the Village for the purposes of occupying the property with a Dominos Pizza. Mr. Liguori said the biggest comment we got was dealing with the parking and traffic so in hearing that we devised a way to make the parking parallel to the front of the building and also to get some parking on site.

Mr. Shearan said the improvements proposed on the site came from working closely with the Village Building Department and Village Engineer to provide better visibility, better parking, and correcting the issue with the trash corral. He said we are proposing to remove what appears to be an addition to the east side of the building, which will create 2 parking spaces to be used for employee parking. The trash corral appears to be 4 to 6 inches off the property itself, he said, and it will be pulled back within the property limits still allowing room for the corral itself and the employee parking spaces. Mr. Shearan said we are also proposing 3 parallel spots, which will allow more visibility as it doesn't start right at the beginning of the building. He said we are creating a sidewalk area 4 ft. in width for ADA compliance to allow for ADA and protection of customers to easily access the Dominos. He said the handicap spot will be right behind the employee parking and there should be no conflict as the employees are there for the day.

Boardmember Kulo said just to get clarification and consideration on Oak Street that this intersection should be realigned a little bit. He said to me Oak Street is designed like an exit ramp off a highway and I don't think it's really an appropriate design with the traffic volume we have now. He said I would personally like to see Oak Street more perpendicularly aligned so when you are looking at a proposed sidewalk and parking; have you considered that as an option and deal with the Village to help mitigate safety issues at the interchange. Mr. Shearan said we are working within the property limits because that's what we're bound to and we are not creating any hardship as this angle is already here. It's a DOT (Department of Transportation) item and they would be the ones that you would want to consult with and re-orient the angle, he said.

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Boardmember Kulo said as a property owner you may want to make that observation to the Highway Department saying you don't want any problems here. Mr. Liguori said we could never afford to relocate the intersection but just so you know we are not paying lip service to the Board, we were talking to Todd (Atkinson) yesterday about the proposal and how to deal with the intersection. He said one of the things that came up was having a discussion with the Village about potentially lining the street such that when the cars come out to queue out via striping in a more perpendicular position that what is there now. He said it is a discussion we can have with the Village but it is also a conversation that the Village can have with the Highway Department regardless of whether Dominos is here or something else. Boardmember Stockburger said one of the improvements in the Comprehensive Plan is to make it a 90 degree with Route 6, but there is a telephone pole at the end that prevents more curving down. Mr. Liguori said I did ask the Board of Trustees at the last meeting if it would be possible to make Oak Street one way for the last section, I think it is Merit that is the next road. Chairman Lowell said I think you've done a lot to mitigate the problem. Mr. Liguori said yes we hoped that by getting rid of the angle parking and moving it over we were hoping that that would satisfy the Board.

Chairman Lowell said I would suggest the handicap spot be moved from the #5 to the #3 position as it would be a much lower frequency of cars being in that spots and will interfere much less with the viewing line coming out of Oak Street, and you do have spaces #1 and #2 which will now be available for deliveries. Mr. Liguori said yes they will and the truck can park off the street.

Chairman Lowell said the last time we met you were going to be leasing spaces at 151 for employees is that no longer as I was going to suggest you move all your spaces down there and get off the street but if you're going to try to keep all your employee spaces up here you will not have anything for customers. Mr. Liguori said the thought process was to not occupy the residential portion of the building. Boardmember Ward said is the residential occupied now. Mr. Liguori said yes and we would have to have it not occupied with the thought that we come back to the Building Inspector with a letter confirming the off street within 500 ft. for the residential use and with that we'd be able to re-occupy the residential part of the property. Right now getting the Dominos in place is much more valuable than month to month tenants, he said.

Boardmember Ward said the drawings that you gave us are for Dominos in the space that you're tearing down. Mr. Liguori said that was the original plan but it became obvious that that wasn't going to work. Mr. Atkinson said the problem with the parking at 151 is that the parking lot has been extended so far back that it's over the DEP and Village of Brewster's easement so there are major concerns there with the Site Plan. Mr. Liguori said although it's an ideal spot because no one ever seems to park there the property belongs to an LLC and we cannot seem to locate a member of the LLC to get permission.

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Boardmember Ward said I think it's a great improvement but the plans that we now have are for a one story and now you are going to put it into a 3 story and I am not sure where you are going to put the vent and such. Will it go up through the residential, she said. Mr. Shearan said that all that would be in compliance through the Building Department and we just wanted to let the Board know that we heard you and made our improvements and are excited to move forward.

Boardmember Ward said the entrance will be where the Bowl Company door is now. Mr. Liguori said yes. Chairman Lowell said you will be occupying the whole first floor now. Mr. Liguori said yes.

Angela Bionti said we brought them into Mahopac and here is a visual of what was done and that Mille (Buhan) always chooses the highest end concept and Mahopac is gorgeous.

Chairman Lowell asked how much will be removed. Mr. Shearan said about 24 ft. approximately and it will be the full depth of the lot which is about 30 ft.

Boardmember Stockburger said Mike (Liguori) do you have the letter from DOT that says you can park in their Right-Of-Way. Mr. Liguori said we don't have a letter from DOT but we are in communication with them. He said that he was told that if the Village Board wanted to go through with diagonal parking you're just not going to include the DOT because their position is that they recognize we are in the Village, they can't legally authorize you to back out into a State Highway but we see other properties in the Village where it happens. Mr. Liguori said after the revision to parallel Mr. Shearan had a conversation with DOT. Mr. Shearan said with the setup they have with the parking starting further back and people going out of Oak Street at a 90 degree the visibility is significantly better. He said that DOT recognized the improvements but they did not issue any formal letter other than what was verbally said. Boardmember Stockburger said you're going to formally have permission to park in the Right-Of-Way. Mr. Liguori said we have a legitimate legal issue in that there is no parking on the property as it's currently configured so we are in a legislative taking position where if we can't use our building...there's one legal issue to the extent the building exists in its current condition, we have a pre-existing non-conforming piece of property in the Village and if we can't use the building because of the Code then we would be in effect in kind of a legislative taking position. DOT deals with every single Village in the State of New York, he said, so DOT has taken a position that they are willing to work with people because they don't want to be in a position where they are constantly being sued for compensation for takings. So, there's an understanding that goes on between the property owner and DOT in dealing with these issues on Main Street because it's prevalent, he said.

Boardmember Ward said will their approach be that they're not involved or would they say parallel. Mr. Liguori said with the diagonal they said they were precluded by Highway Law you can't back out into a State Highway with DOT permission and they couldn't approve something like that. Boardmember Ward said can they approve this.

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Mr. Liguori said I don't know but I think it's possible to get a Use and Occupancy Permit but as of right now I don't know what the position is going to be. Chairman Lowell said Todd (Atkinson) are you aware if they would issue a letter of non objection. Mr. Atkinson said I think really what it comes down to is when we get to something that the Board is interested in pursuing that I can call DEP and they will either make a comment or say it's better than what's there now and I will report back to the Board. Mr. Folchetti said any approval that you give will be conditioned upon any necessary jurisdictional approvals and that includes DOT. Chairman Lowell said we can approve it and then if they run up against the parking headwall some place they will have to deal with that later. Mr. Folchetti said technically they would not get their CO until all conditions of Final Approval were satisfied anyway. Boardmember Stockburger said who would have better jurisdiction to give permission for parking on land they don't own; Planning Board or Zoning Board. Mr. Folchetti said they are not looking necessarily to do away with the Bulk Parking requirement, they are just saying part of it is our property and part is DOT so I would think it stays with the Planning Board.

Boardmember Stockburger said the spot to the west of #3; you need to do something to prevent people from parking there, something where they can't park there. Mr. Shearan said we can stripe it because I don't imagine DOT would want us to put something there. Boardmember Stockburger said the delivery guys will park in that spot no matter what they always do like the pizza place across the street. Mr. Liguori said we are going to create 2 spots for our employees that are delivery people can park. Boardmember Stockburger said I am talking about pizza delivery staff and they will use that spot. Mr. Shearan said we can shade this with line striping and delineate it accordingly. Mr. Scorca said you could strategically put a single ballard with a sign on it saying NO PARKING. Chairman Lowell said they have a limit of what they can do on only their property. Boardmember Stockburger said they can do their best on their property though.

Boardmember Foster said you said the sidewalk will be wheelchair accessible so will there be a slant at the end of the sidewalk for wheelchairs to go up. Mr. Shearan said the sidewalk will be ADA compliant but we're fixed because there is a finished floor elevation and that's a high point when constructing a sidewalk itself and then there will be a reveal on the walk but the slope is really only driven by the contours of the asphalt that you're meeting so if there's a ramp that's required then it will be compliant as well.

Boardmember Foster said delivery trucks can be 40 ft. trailers and these will not fit into these spots and there was previous talk about limiting the length of the trucks... Mr. Liguori said if we're going to achieve the onsite then deliveries will have to be by box truck. Boardmember Foster said that should be put in the plans.

Boardmember Foster said you talked about evicting the tenants will that be difficult, do they have long leases? Mr. Liguori said no they are month to month. Boardmember Stockburger said the Site Plan Application should state that there is no one living in the apartments so that when you do decide to have tenants you come back for a new Site

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Plan for that. Mr. Liguori said why would we have to do that. Boardmember Stockburger said because it's going to be a big parking issue again. Mr. Liguori said no we will have come back with the offsite. Mr. Atkinson said if he comes back with a letter stating that they have offsite parking then it would meet the parking code. Mr. Liguori said our parking is really a timing issue and that leads to a separate issue which is today is Millie's (Buhan) last day with Dominos for her approval before having to start paying extensions, which are significant. He said the issue we have is and what we were hoping was, with the revisions seeing if we could achieve a Waiver from the Planning Board for Site Plan Approval with that being subject to approval of a plan by Todd (Atkinson) satisfying your concerns, the Building Department concerns, and that we return to the Planning Board for signage because obviously our fascia is going to change. The thought process is: we have to give something to Dominos, he said, to show that we have an approval and by doing that it would allow us to run both tracks at the same time. He said I know the Board would rather see the final product before approving it but I think if you have the appropriate conditions in place it could be achievable as I don't think the comments we have are so significant that they can't be achieved by revisions to the plan. For purposes of this evening I think we would need to know from the 5 board members are you 100% adamant on switching the 5 spot with the 3 spot, the striping and making sure no parking would occur in this area, our dumpster enclosure would be within the property line.

Mr. Atkinson said Scott (Shearan) can you swap the two because you have an 8 ft. handicap access area there and if you flip it then you will be coming off the front of the building instead of being recessed. Mr. Shearan said the way the parking lot is laid out right now with the ADA compliance and the unloading zone with the building this way we can control how deep the unloading zone is. He said the deeper we went allowed for that required unloading zone and this is the preferred location. If we move it to the other side we don't have that required unloading area without cutting into the footprint of the building, he said. Chairman Lowell said I had only made that suggestion to increase the visibility theoretically.

Boardmember Kulo said I'm just going to reiterate some of my initial comments: when you're going from a fairly low traffic business historically to a very visible business with a lot more traffic so once you are open for business can you provide safe access to the business for customers and drivers. He said you want to run your business so your customers and employees can be safe and if someone gets killed in that intersection they are going to be coming to us saying 'why the heck didn't you talk about this kind of stuff.' Ms. Bionti said how did it work with the ice cream shop. Boardmember Ward said I don't think it was there even a year. Chairman Lowell said it was a bootleg business not there legally.

Mr. Scorca said you have a similar issue on Allview with Brewster Honda and that intersection is very dangerous. He said Oak unfortunately is existing and the impact to someone that wants to start a business and I know the Board and the Trustees have

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concerns about this but is that really something that becomes a big issue because it already exists in another area.

Mr. Liguori said as the Planning Board you could always recommend to the Board of Trustees that the flow of traffic be changed. Boardmember Kulo said I agree with that completely. He said you have the right to develop the business and as a community we should encourage business development. Chairman Lowell said I think we are encouraging it; we're just trying to make it with as much safety as well can and this may prod a change in that intersection. Boardmember Ward said who would be responsible for putting a crosswalk so that you have a place for pedestrians to cross. Mr. Atkinson said it's a DOT Right-Of-Way so it's a DOT process. Boardmember Ward said that goes back to the Village Board going to the DOT to say we need to fix this intersection. Mr. Folchetti said DOT has what's called Multi-Modal Grants where they actually fund crosswalks and areas for pedestrian traffic. Boardmember Ward said but this is not something we would put on Dominos themselves as their responsibility is within their property line.

Chairman Lowell said once this business is established and it's observable that there has been such an increase in traffic in this area that a crosswalk is necessary to a signal light or stop sign is necessary then there's ammunition to go to DOT with but until you have that kind of pressure you don't really have anything to go to them with to say we want you to do this. Boardmember Stockburger said I've been trying for 25 years to get Oak Street one way but I really like Mike's (Liguori) idea to make it one way from Merritt to Route 6 so that you can't come out but I don't know if we take a recommendation letter from the Planning Board to the Village Board. Boardmember Kulo said I think there are certain traffic controls you can administer at that intersection to mitigate a lot of the problems. Boardmember Ward said we don't need to solve that problem; why can't the Planning Board make a recommendation to the Village Board to do something before we physically change that intersection because part of the Comprehensive Plan is to physically change that intersection. Chairman Lowell said this project is prompting conversation but it is really a separate conversation from the project. Boardmember Ward said yes, but we are being asked for a Waiver instead of a Site Plan Approval and we have a lot of comments and the plan doesn't have a checklist so how do we do that tonight.

Mr. Liguori said there are two options: one is Site Plan Approval and the other is the Waiver of Site Plan Approval. He said because of the time constraints we are under we are asking for a Waiver of Site Plan Approval and that waiver would have conditions that would have to be satisfactory to the Planning Board. Obviously the Final Plan would have to be reviewed and approved by Todd (Atkinson), Village Engineer, he said, and by the by the Building Inspector. Boardmember Ward said why couldn't we give a Site Plan Approval with conditions. Mr. Folchetti said you would have to waive the Public Hearing if you are waiving Site Plan Approval. Mr. Liguori said the Board could make a list of conditions for Todd (Atkinson) to have to review the plans and make sure all are addressed and we would have to fund an escrow to fund Todd's (Atkinson) cost,

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but I don't think we have that much that needs to get done that can't be itemized and whatever we get from DOT we can use for this. He said we would still come back for signage. Boardmember Ward said either way we are waiving the Public Hearing. Mr. Folchetti said if you waive Site Plan Approval you can do that tonight and if you wanted to condition it upon the terms contained in Todd's (Atkinson) August 28 memo you can do that if you want. He said by waiving the Public Hearing you're basically going through a Site Plan with further submissions and ultimately a conditional approval and you just won't have a Public Hearing on it. He said that would mean you would meet once or twice more with the Board, do a SEQRA determination if you like. Mr. Liguori said we have a commercial project with less than 4,000 sq. ft. of surface. Mr. Shearan said we are creating additional green surface because what is being taken down will not be an asphalt area.

Boardmember Stockburger said if you make no disturbance it's not listed as a Type II Action, it's an Unlisted Action. Mr. Folchetti said if there is less than 4,000 sq. ft. of disturbance what I do is put the actual Determination with the Section relative to the 22NYCR in there but there are any number of them that are virtually no impact or disturbance that are not listed so it depends on the Type you use.

Boardmember Stockburger said if DOT comes back and doesn't say anything are we still allowed to let them park in the DOT or if someone gets in an accident and comes back and says the Village allowed... Mr. Folchetti said the Village is not liable for the discharge of ad ministerial duty like this so the question here regarding DOT and if you wanted to condition any type of Site Plan Waiver on the engineering comments being addressed and on whatever positional consent deems appropriate to give it covers it from a permitting standpoint because they're going to go and get Building Permits. He said I wouldn't be concerned about the Village's liability for permitting them to park partially in the Right-Of-Way just from case law and historic use.

Boardmember Foster said I am concerned about waiving a Public Hearing as a Dominos in the Village is an important event. Mr. Liguori said it's a permitted Use which is important because if it were a Conditional Use or Special Permit Use I think we would have to have a Public Hearing. Boardmember Kulo said I would tend to agree with that Mike (Liguori) but I think that under the circumstances and I would be leaning towards waiving but I am concerned about the impact this improvement is going to have strictly from a safety point of view and I would be very uncomfortable if the DOT just doesn't reply. He said a lot of projects comply but there are foreseeable risks here and I think as public officials we need to react to that in my opinion.

Boardmember Stockburger said I would not like to waive it and I understand Dominos has costs involved in not getting the Waiver today, but I think I would like to see a full Site Plan submission and there is a lot of that stuff since you're not tearing it down where you can request waivers in the Site Plan submission such as contour lines. Mr. Shearan said I understand your concerns but for the meeting this evening we understood that the issues were the crowd, the unloading, and the parking. He said the

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building itself, the build-out, the signage that's all going to be reviewed by the Building Department so I didn't want to bring it into this package. My thought was, he said, that aside from some hashing here and DOT there was no action but aside from those two items the building is existing, we're adding a sidewalk, and were just modifying the parking; were there other issues that are of concern.

Chairman Lowell said I think that most of the issues that are of concern are going to be dealt through the Building Department and Engineering. He said this concern about the traffic volume and safety of pedestrians etc. we think this is going to cause additional activity but it is not their responsibility to ameliorate that public risk other than to follow the Code that's in place. I don't see where we can hold them up while we wait for DOT to stripe a street or put up a sign, he said. Boardmember Stockburger said we can make it conditional upon them getting response from DOT and not hold them up.

Boardmember Stockburger said there are a lot of things like erosion control and lighting that are part of the Site Plan that we don't have and we don't even have the current picture. Mr. Hernandez said the site itself is already non-conforming and dangerous but what they're proposing, in my opinion, is to make it less non-conforming and that should be a criteria for your consideration. Boardmember Stockburger said but somewhere in your files there should be an approved Site Plan and one doesn't exist.

Mr. Folchetti said the Site Plan Waiver would reference the submission. Boardmember Stockburger said there hasn't been a submission. Mr. Folchetti said how is it on the agenda if there hasn't been a submission. Mr. Shearan said I believe it was submitted last week. Chairman Lowell said we didn't get any copies. Mr. Atkinson said I received it by email I think on Friday from you Mike (Liguori). Mr. Folchetti said the commentary should be limited to the applicant's representatives and the town's consultants; you are not there yet with the public.

Boardmember Ward said the process for a Public Hearing would be having to have the Site Plan and then schedule a Public Hearing so we are talking at least two more meetings. She said can you offer an approval after the Public Hearing or do you have to go a third meeting. Boardmember Stockburger said if the submission is sufficient that we agree to waive the Public Hearing we can approve the Site Plan after that. Boardmember Ward said I think there are several of us not comfortable with waiving the Public Hearing and we don't have plans.

Ms. Bionti said Millie (Buhan) started as a cashier in Long Island and bought her first franchise in Mahopac, this would be her second, and she has three more to do within a specific time period. She said if she was to move on to an adjacent municipality that would be an unfortunate thing because she really puts her heart into her business and it could certainly be a catalyst for Main Street. She said I hope you take that into consideration tonight.

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Mr. Liguori said the rationale for the waiver was if we kind of bisect this thing a little bit on the recognition that we're really looking at the most basic of the Site Plan aspects: the parking, the teardown, and the additional parking and location of the teardown and the front sidewalk. He said we'd be able to tear down that part of the building without Site Plan Approval but I think if we look at this and say 'is this the best scenario we can get for the Use' is it going to get any better...after public comment do you think that the Plan is going to get better from a parking perspective. If you don't, he said, then I think it would alleviate some of the concern about what if we don't get the public comment. If we say we're willing to waive Site Plan based on the appropriate conditions, he said, whatever is missing from Todd's (Atkinson) memo, continued engineering review, building inspector review, and you guys say to us 'you know what we're willing to waive on that but we want you to come back for signage and architectural review I think that could get us to where we need to go, at least on our end. Mr. Liguori said we just ask if that's something you would be willing to consider as I think you guys have sat through enough projects to know whether or not public comment add value to the particular design because I think that's really what it comes down to.

Mr. Shearan said you are saying it will take two months, can you walk me through those steps because you have to have notices. Boardmember Stockburger said we have to a Site Plan Application, request whatever Waivers in it, set a Public Hearing... Boardmember Ward said so you would submit an application... Mr. Folchetti said there's a submission deadline to get on the Agenda, which is 14 days before the meeting and that is not for the Public Notice, that is just for the Board and Consultants to review it. He said at that meeting in September you can set the Public Hearing for October. Boardmember Stockburger said can you make 9/7 for a submission. Mr. Shearan said yes I can work with the 7th but if the surveyor needs to make another visit that could potentially be a concern. However, he said, if that is a piece that is needed we could make sure that part is compliant by the meeting date. Boardmember Stockburger said I don't think we need to topography to approve it; you might need it for design. Boardmember Ward said I think what he is saying is can he submit knowing that the pieces that require the topography we will get some revision by the night of the meeting.

Boardmember Stockburger said I make a motion to change the submission date to Monday, September 10 for Dominos, seconded by Boardmember Ward and passed all in favor.

Mr. Shearan said when I'm providing you a submittal package you would prefer full size and how many copies. Mr. Atkinson said I prefer on the architectural that you give us 11x17 and for the Site Plan I would prefer full size. Boardmember Stockburger said the application states 10.

Boardmember Stockburger said I have a 239m question: if they submit by the 10th can we submit to the County prior to our reviewing it on the 18th. Mr. Folchetti said if you get a formal Site Plan Application it's going to have the 239m referral anyway so you

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would want the time between submitting to the County and the Public Hearing to be 30 days. Boardmember Stockburger said Peter (Hansen) will need to submit to the County Planner as soon as it comes in.

Boardmember Stockburger said I think we are thinking Type II in accordance with #7. Mr. Folchetti said 617.5c7.

Boardmember Stockburger said I make a motion to consider this project a SEQRA Type II Action under 617.5c7, second by Boardmember Ward and passed all in favor. Boardmember Stockburger said "construction or expansion of the primary or accessory apartment, non-residential structure or facility involving less than 4,000 sq. ft. in gross floor area and not involving a change in zoning or Use variance and consistent with local land use controls but not radio communications or microwave transmission facilities."

Boardmember Foster made two corrections to the April 17, 2018 minutes: page 2 line 1 Boardmember add (Foster) and page 3 Dominos is spelled incorrectly. The Motion to approve the Minutes from April 17, 2018 as amended was introduced by Boardmember Stockburger, seconded by Boardmember Foster and passed all in favor.

Boardmember Foster made corrections to the May 29, 2018 with regard to board members in attendance and not in attendance and then everyone else, page 1 change vice chairman to interim vice chairman, page 8 fourth paragraph from the bottom change it to Wells Street. The Motion to approve the Minutes from May 29, 2018 was introduced by Boardmember Foster, seconded by Boardmember Kulo; Boardmember Stockburger abstained, and passed all in favor.

Boardmember Lowell made changes to the June 19, 2018 Minutes: page 1 line 6 waiver should be application. Boardmember Foster made changes to the June 19, 2018 Minutes: page 2 second paragraph change if we want to if we went, page 9 4th line from the bottom it says Chairman Foster and should be Boardmember Foster, page 10 next to last paragraph it says the Minutes from April and June was deferred and should say May. The Motion to approve the Minutes from June 19, 2018 was introduced by Boardmember Ward, seconded by Boardmember Stockburger, and passed all in favor.

Boardmember Kulo made a motion to adjourn the meeting, seconded by Boardmember Foster and passed all in favor.