

**Village of Brewster
Planning Board
December 27, 2011**

Regular Meeting

Board Members in Attendance:

David Kulo, Chairman
Rick Stockburger, Assistant Chairman
Renee Diaz
Tyler Murello

Board Members Not in Attendance:

Mark Anderson

Also in Attendance:

Gregory Folchetti-Planning Board Attorney
Bruce Martin- JRFA, Village Engineer
Michael Liguori, Esq., Hogan & Rossi

The **Pledge of Allegiance** was recited.

[Whereupon the proceedings were called to order at 7:35 p.m.]

Call to Order

Chairman Kulo noted that Rick Stockburger, Renee Diaz and Tyler Murello were in attendance this night along with himself and he thanked everyone for attending on such a rainy and windy night.

SEQRA Determination

571 North Main Street-Fountain of Faith Church-Site Plan

Chairman Kulo stated that the first order of business concerned the public hearing for 571 North Main Street. He made a motion to open this hearing; this motion was seconded by Mr. Murello and was passed by a vote of 4-0. The Chairman inquired as to whether there was any public comment, to which there was no answer. Mr. Stockburger made a motion to close the public hearing. This motion was seconded by Ms. Diaz and was passed by a vote of 4-0.

The Chairman inquired as to whether the Members had had the opportunity to review the *Resolution of the Planning Board of the Village of Brewster-SEQR Determination of Significance Negative Declaration* that had been prepared by Mr. Folchetti, to which the Members replied that they had. Chairman Kulo moved to declare the Village of Brewster Planning Board as the lead agency for SEQRA and to adopt the aforesaid Negative Declaration. This motion was seconded by Mr. Stockburger and was passed by a vote of 4-0. The Negative Declaration is the following.

**RESOLUTION OF THE
 PLANNING BOARD OF THE VILLAGE OF BREWSTER
 December 27, 2011
 Tax Map #TM # 56.19-2-8
 S&L MANAGEMENT OF PUTNAM, INC.
 SEQR DETERMINATION OF SIGNIFICANCE
 NEGATIVE DECLARATION**

WHEREAS, the Planning Board of the Village of Brewster is conducting a coordinated SEQR Review of an Unlisted Action, known as the S&L Management of Putnam, Inc. Site Plan; and

WHEREAS, the plan shows that S&L Management of Putnam, Inc., is seeking site plan approval for an approximately 1.05 acre parcel of land to permit the operation of the existing uses at the premises, which are two dance studios, a church and a karate studio on the premises; and

WHEREAS, the Village of Brewster Planning Board, as Lead Agency is conducting an coordinated SEQR Review of the Action;

NOW THEREFORE BE IT RESOLVED, that pursuant to 6 NYCRR Part 617, State Environmental Quality Review, Village of Brewster Planning Board, hereby designates itself Lead Agency for the SEQR Review of this Unlisted Action, and

BE IT FURTHER RESOLVED, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental 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 the reasons enumerated in the attached Negative Declaration Form.

**PLANNING BOARD
VILLAGE OF BREWSTER**

Chairman

Dated:

This resolution was thereupon duly adopted

SEQR
617.21
Appendix F
**State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

Project Number _____ Date _December 27, 2011

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Brewster Planning Board as lead agency, has determined that the proposed action described below will not have a significant effect on the environmental and a Draft Environmental Impact Statement will not be prepared.

Name of Action:

S&L MANAGEMENT OF PUTNAM, INC.

SEQR Status:

Type I Unlisted

Conditioned Negative Declaration: Yes No

Description of Action:

The proposed Action involves site plan approval of a an approximately 1.05 acre parcel of land. The Applicant is proposing to receive approval to permit the operation of the existing uses at the premises, which are two dance studios, a church and a karate studio on the premises. No structural alterations are proposed. An area variance to reduce the parking spaces on the site plan from the 118 required to 35 spaces was granted by the Village of Brewster Zoning Board of Appeals on October 17, 2011. The premises is served by municipal water and sewer.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

571 North Main Street, Village of Brewster, Putnam County, Tax Map # 56.19-2-8
SEQR Negative Declaration Page 2

REASONS SUPPORTING THIS DETERMINATION:

See attached.

If **Conditioned Negative Declaration**, provide on attachment the specific mitigation measures imposed.

For Further Information:

Contact Person: Peter Hansen, Village Clerk

Address: Village Hall, 50 Main Street, Brewster, NY 10509

Telephone Number: 845-279-3760

For Type I Actions and Conditioned Negative declarations, a Copy of the Notice sent to:

N/A

REASONS SUPPORTING THIS DETERMINATION

The proposed Action involves site plan approval of a an approximately 1.05 acre parcel of land. The Applicant is proposing to receive approval to permit the operation of the existing uses at the premises, which are two dance studios, a church and a karate studio on the premises. No structural alterations are proposed. An area variance to reduce the parking spaces on the site plan from the 118 required to 35 spaces was granted by the Village of Brewster Zoning Board of Appeals on October 17, 2011. The premises is served by municipal water and sewer.

Potential impacts relating to the ultimate development of the site include the following:

1. The proposed site plan does not involve any proposed construction or demolition, therefore, there will be no resultant impacts to air quality.
2. No negative impacts to surface water features will result from the proposed action. No new stormwater management facilities are proposed and

any proposed prior to final approval must be approved by the Village Engineer, will assure that the post development runoff rates will be equal to or less than the pre-development rates. Additionally, approval of the project shall be conditioned upon compliance with all applicable Phase II stormwater regulations, including the preparation of a Stormwater Pollution Prevention Plan (SWPPP) and the filing of a NYSDEC State Pollution Discharge Elimination System (SPEDES) General Permit, as may be required. These measures will assure that the proposed action will not result in any significant adverse environmental impacts to surface water features.

3. The proposed site plan will not result in excavation and site disturbances.

4. Neither short term nor long-term noise impacts are not anticipated as a result of the site plan.

5. All solid waste generated by the project shall be collected on site, and shall be disposed of at a certified solid waste disposal facility. Similarly, all recyclables shall be similarly disposed of. No adverse impacts are anticipated.

6. No disposal system is required as there are no new improvements proposed. Thus, it can be concluded that the project will not result in any adverse impacts to subsurface groundwater resources.

7. The project will not create any flooding impacts. No flood plains are located in the vicinity of the site.

8. The proposed action will not result in any negative impacts on wetland resources.

9. The proposed action will not result in the removal of on-site trees.

10. There will be no impact on a significant habitat area as a result of this project. No threatened or endangered species of animals or the habitat of such species have been identified on the site according to the NYS Natural Heritage Inventory.

11. As no new construction or improvements are proposed, no generation of additional vehicular trips is anticipated. Thus there will be no increase in volume of traffic or creation of any adverse impact on the surrounding roadway network, and surrounding intersections will continue to operate at satisfactory levels-of-service, with excess capacity. No negative traffic impacts are anticipated.

12. The proposed action does not create a material conflict with the community's current development plans or goals.

13. The project will not result in an adverse impact to the character of the surrounding neighborhood. The existing residences on the site to be resubdivided have existed in the surrounding area for several decades.

14. The proposed action will not impair the character or quality of important historical, archaeological, or architectural resources. No such resources are located on or in the vicinity of the site according to the State Historic Preservation Office.

15. The proposed action will result in a change in the way energy is currently used on the site.

16. *The proposed project does not present any opportunity to adversely affect public safety nor would it create a hazard to human health.*

17. *The action will not result in changes in two or more elements of the environment, which alone would not have a significant effect on the environment, but when considered together, would result in a substantial adverse impact on the environment.*

18. *The proposed action is not related to another action which would be funded or approved by an agency which, when considered cumulatively, would meet one or any of the aforementioned criteria.*

Public Hearing

571 North Main Street-Fountain of Faith Church-Site Plan

Chairman Kulo moved to open the public hearing regarding site plan review and comments. This motion was seconded by Mr. Stockburger and passed by a vote of 4-0. The Chairman inquired if there was any public comment, to which question no answer was forthcoming. Mr. Stockburger moved that the public hearing be closed, which motion was seconded by Mr. Murello and passed by a vote of 4-0. The Chairman queried as to whether the Members had had an opportunity to review the *Resolution of the Planning Board of the Village of Brewster-Final Site Plan Approval* that had been drafted by counsel. The Members stated they had reviewed it; Mr. Stockburger noted that one change was requisite on the first page where the Village of Brewster Planning Board was misidentified as the Town of Southeast Planning Board. Mr. Folchetti stated that he would make this change in the final draft that he would be forwarding to Chairman Kulo for signature if the Resolution was accepted. Mr. Stockburger moved, subject to the aforesaid change being made, that the Final Site Plan Approval be adopted; this motion was seconded by Mr. Murello and passed by a vote of 3-1, Chairman Kulo having voted “nay.” The Chairman stated that notwithstanding the passage of the motion he wished to explain his rationale for his negative vote. He stated that he voted “nay” because the site plan does not make provision for improvements to the property, such as the aesthetics thereof and the parking. The Chairman noted that improving the Village should be a priority. The Final Site Plan Approval is the following.

**RESOLUTION OF THE
PLANNING BOARD OF THE VILLAGE OF BREWSTER**

December 27, 2011

TAX MAP #56.19, BLOCK 2, LOT 8

S&L MANAGEMENT OF PUTNAM, INC.

FINAL SITE PLAN APPROVAL

WHEREAS, an application for final site plan approval for property located at 571 North Main Street has been submitted by S&L Management of Putnam, Inc. (hereinafter referred to as the "Applicant"); and

WHEREAS, the site is located within LMW Zoning District and is more specifically known and designated as Tax Map #56.19-2-8 (hereinafter referred to as the "Site"); and

WHEREAS, The proposal (hereinafter referred to as the "Project") involves site plan approval for an approximately 1.05 acre parcel of land to permit the operation of the existing uses at the premises, which are two dance studios, a church and a karate studio on the premises; and

WHEREAS, the Final Site Plan consists of the following drawings:

Dwg entitled "Site Plan" by Bibbo Associates, LLP, dated July 12, 2011, last revised February 7, 2011.

Dwg. entitled "Existing First and Second Floor Plans" by Roger Hoffman, dated February 25, 2011, last revised October 18, 2011

WHEREAS, the Village of Brewster Planning Board, serving as Lead Agency for the SEQR review of this application, adopted a Negative Declaration; and

WHEREAS, on October 16, 2011, the Zoning Board of Appeals granted the necessary variances to allow for a reduction in parking spaces required from 118 to 35; and

WHEREAS, a public hearing was held pursuant to Section 7-725-a(8) of the Village Law on the proposed site plan at Village Hall, Brewster, NY. All persons wishing to speak on the application were provided an opportunity to be heard; and

WHEREAS, the Planning Board has considered the Final Site Plan, and all other materials submitted by the Applicant in support of this proposal, the comments of Village staff and consultants made via memoranda to the Planning Board (which memoranda are incorporated herein by reference) the verbal commentary made during the entire course of the Planning Board's meetings pertaining to the review for Final Site Plan approval and evaluation of the proposed action, and the comments of the public; and

WHEREAS, the requirements for final site plan approval contained in the Village of Brewster Zoning Ordinance have been met by said application for Final Site Plan approval; and

NOW THEREFORE BE IT RESOLVED, that the application of approval of the Final Site Plan submitted by S&L Management of Putnam, Inc., as depicted on the plans identified above is hereby granted subject to the following conditions:

-This Final Site Plan approval authorizes the Applicant to undertake only the activities specifically set forth herein, in accordance with this resolution of approval and as delineated on the Final Site Plan as endorsed by the Planning Board Chairman. Any change in use, alteration or modification to the Final Site Plan, or to the existing or approved facilities and site shall require the review and approval by the Planning Board of the Village of Brewster.

-The Applicant shall furnish the Planning Board with the required number of sets of the site plan as described above, for endorsement by the Planning Board Chairman, subject to the satisfaction of all approval conditions, which shall then be recorded as the approved Final Site Plan:

-No changes, additions, erasures, modifications or revisions shall be made to the Final Site Plan following endorsement by the Planning Board Chairman. Any changes detected after endorsement of the Final Site Plan as final, shall result in the immediate termination and revocation of this resolution of approval, thereby making it null and void.

-Authorized issuance of any Building Permit(s) by the Building Inspector shall be fully based on, and in accordance with this resolution of approval and the signed and filed Final Site Plan. The Building Inspector shall include reference to the Final Site Plan and this resolution of approval on any Building Permit.

-A performance bond, prepared in form to the satisfaction of the Village Counsel, and in the amount as calculated by the Village Engineering Consultant in accordance with the requirements of set forth in §263-21(N) of the Village of Brewster Zoning Ordinance, shall be provided to assure the completion of all improvements, if determined applicable by the Village Engineering consultant.

-Said improvements shall be completed within a maximum period of one (1) year pursuant to §263-21(T) of the Village of Brewster Zoning Ordinance and the performance bond shall so state the same. extension.

-All comments of the Village Engineering Consultant shall be satisfactorily addressed.

-All building improvements shall be designed in accordance with all applicable New York State Building Code requirements.

-The hours of any construction activity shall take place in conformance with the applicable Village Regulations.

-Any new site utilities shall be installed underground.

-The applicant shall be responsible for maintaining all storm water management facilities on the Site, as well as all off-site features and facilities that affect the proper functioning of the Site's storm water facilities.

-This approval is strictly and expressly conditioned upon the operating plan details for use, occupancy and hours of operation as set forth in the schedules shown under the heading "Use and Occupancy Table for 571 North Main Street" on the drawing entitled "Survey of Property prepared for S&L Management of Putnam, Inc." by Bibbo Associates dated July 12, 2011, as revised August 23, 2011; as well as the schedule of use, hours of operation and parking requirements as contained in the report by Bibbo Associates, LLP dated July 12, 2011.

-A copy of the variance granted by the Village of Brewster Zoning Board of Appeals dated October 16, 2011 shall be incorporated by reference and appended to this final site plan approval resolution and shall be further referenced by a note on any such approved site plan map to read as follows: "Subject also to the terms, conditions, and limitations of the variance granted by the Village of Brewster Zoning Board of Appeals on October 16, 2011."

-A clean and legible copy of this Resolution (as signed by the Planning Board Chairman) and a copy of the signed Final Site Plan shall be maintained at the subject property at all times.

-Failure to comply with any of the conditions set forth herein shall be deemed a violation of this approval, which may lead to the revocation of this Approval, and/or Building Permits or Certificates of Occupancy, as applicable in accordance with the applicable provisions of the Code of the Village of Brewster.

-The applicant shall obtain all other applicable permits and approvals from any agencies having jurisdictions over said Site Plan, and shall pay all other fees as a part of the execution of the final site plan.

BE IT FURTHER RESOLVED, That this Final Site Plan Approval shall remain valid for a period of one (1) year from the date of its approval. This Final Site Plan Approval shall become null and void on March 22, 2012, unless construction is commenced pursuant to an authorized Building Permit.

BE IT FINALLY RESOLVED that this Final Site Plan approval resolution shall have an effective date of March 22, 2012.

**PLANNING BOARD
VILLAGE OF BREWSTER**

Chairman

Dated:

This Resolution Was Thereupon Duly Adopted

Accept Outstanding Draft Minutes of November 29, 2011

Chairman Kulo stated that the next item of business was the Minutes of November 29, 2011. Ms. Diaz made a motion to accept the Minutes of November 29, 2011. Mr. Murello seconded the motion, which was passed by a vote of 3-0 with Mr. Stockburger abstaining.

Close Meeting

The Chairman asked if there was anything else that any Member cared to raise, to which question the Members responded in the negative. The Chairman stated that he wanted to thank the Members of the Village of Brewster Planning Board for all of their time and efforts throughout the year. Chairman Kulo stated that he realized that not very many people paid close attention to the workings of the Planning Board but that what was done there was integral to the Village and that the Members made Brewster a better place in which to reside and do business. The Members thanked the Chairman for this recognition from him. Mr. Murello made a motion to close the Meeting, which was seconded by Mr. Stockburger and passed by a vote of 4-0.

[Whereupon the Meeting was closed at 7:51 p.m.]

