

**Village of Brewster
Planning Board Meeting Minutes
October 16, 2018**

BOARD MEMBERS IN ATTENDANCE:

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

OTHERS IN ATTENDANCE:

Mr. Todd Atkinson, PE
Anthony Mole, Attorney

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 Kulo 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 they submitted a revised set of plans, some elevations, and floor plans as requested. He said the one comment we did not answer was regarding storm water as we're waiting on additional information from the surveyor, which I received at about 3:00 this afternoon.

Chairman Lowell said did you see the comments of the engineer dated September 14, 2018. Mr. Samuelson did not. Chairman Lowell said he specifically talks about the storm water drainage, erosion and sediment control, and lighting. Mr. Atkinson said some of these were shown on the plans but more detail is needed regarding lighting and how it will be controlled. He said the signage information needs to be added and wanted to know if it would be colored. Mr. Samuelson said there is a sign indicated on the elevation and believes it is colored. Mr. Atkinson said you must show me what the disturbance will be. Mr. Samuelson said yes, I have been waiting to get the revised grading and stormwater so I could finalize that. There is no kitchen or laundry facility, he said. Mr. Atkinson said I didn't see a dumpster indicated. Mr. Samuelson said they currently use the Town's and will continue to do so. Mr. Atkinson said there are two parking spots on adjoining property and believes they received a letter from the Town stating the parking spots are OK. Chairman Lowell said the letter we received said you have five designated spaces for patrons and a few spaces at the bottom of the lot for employees and once the new building is up they would re-visit the site. Boardmember Foster said I see seven or possibly eight spots with one being a wheelchair spot and the letter said a few spots down at the bottom, which is vague and I don't know what that

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means. Ms. Loprinzo said the employee spots are the ones down by the block building. Boardmember Stockburger said they are marked employee only. Ms. Loprinzo said underneath that it says library.

Boardmember Stockburger said my issue with the parking is we have to go by the Zoning Code of the Village as it's written and the Village Zoning Code says you need 70 spaces. He said it's not up to us to change that or waive that and you will need to go apply to the ZBA (Zoning Board of Appeals) to get a waiver on that. Mr. Samuelson said I know the attorney has a different opinion but I hear what you're saying and understand. Mr. Atkinson said that is something they can make an application to the ZBA.

Boardmember Foster said one of the letters I'm looking at says they are asking for a waiver from the parking requirement. Boardmember Stockburger said that would have to go to the ZBA because we can't address that. Boardmember Foster said right, I'm just asking because it's in a letter dated September 13 from Engineering and Surveying Properties. Mr. Samuelson said Public Assembly is the closest fit in the Code for the library, which is what was applied.

Boardmember Stockburger said I would think we could accept the Public Hearing by the ZBA in lieu of another one so I would think you could just request Waiver of a Public Hearing for the Site Plan Approval based upon that. Mr. Samuelson said I will have that conversation with the attorney regarding the variance.

Mr. Atkinson said is there a need from adjoining property owners for an easement during construction. Mr. Samuelson said the only easement that would possibly be required would be access from the Town's parking lot. He said we don't intend to encroach on the neighbor to the north.

Boardmember Foster said in that same letter item 14 it says: "the Library currently utilizes the Town's dumpster and will continue to use it in the future." Is the Town OK with that usage, he said. Boardmember Stockburger said historically they have always used that one so I don't think they're changing it. He said the Town will be noticed as an adjoining property when they go before the ZBA so they can make comment then.

Chairman Lowell said they will now need to apply to the Zoning Board and then come back for approval. Boardmember Stockburger concurred. Mr. Samuelson asked if a letter of referral was required. Mr. Mole said we typically don't do a formal referral, they just make application.

Mr. Samuelson said my understanding is there are two outstanding issues: the parking and the stormwater.

Boardmember Foster said with the sprinkler system not being needed, do they need a formal letter stating that? Mr. Samuelson said it's not required under the Building Code.

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Mr. Hernandez said if it's three floors you might need it. Mr. Samuelson said we're only two.

Dominos Pizza, 162 Main Street:

Boardmember Stockburger said we decided at the last meeting that this was a Type II Action.

Michael Liguori, Attorney at Hogan & Rossi representing James Property of New York in connection with its application for a Change in Use at 162 Main Street to permit a Dominos Pizza to be constructed on the portion of the first floor of the building. He said I think the Board is familiar with the project in concept and we've developed the Site Plan, I think significantly, since the last time we appeared before the Board. Mr. Liguori said you have a submittal from our engineer Scott Shearing from Bohler Engineering who has adjusted many of the Code requirements in connection with the development of the Site Plan. We submitted some architectural renderings to the Board from Willie Besharat, he said, and he is here if you have any questions. He said we have addressed the comments of the Village Engineer and hopefully to extent that the Board is satisfied enough that we can proceed to the Public Hearing. Mr. Liguori said there has been a little bit of a redesign with regard to parking with obtaining three spots on the side of the building and two up front and believes that last time they were before the Board it was three up front and two on the side and showed the Board what it looks like on the plan. He said that Terry Bergendorff Collins has done elevations of the site to assist in the preparation of the sidewalk. He said the handicap spot will be almost in the center of the dumpster enclosure. The entrance would be on the east side of the building, he said, together with the entrances on the front, which are detailed in the elevation. The appropriate utility connections are shown with the change from heating oil to natural gas, he said, along with Village water and sewer. Mr. Liguori said they will demo the right side of the building and these plans are included. He said they have a staging plan so that construction is appropriately staged in accordance with Village requirements as well as detailed narratives on the first few pages of the plan so that contractors can follow the instructions. Mr. Liguori said they deal with the collection of storm water through drains. I know the Board was concerned about the chimney and that will be integrated into the side of the building, he said.

Boardmember Stockburger said from the floor plan, your vent hood is in the middle of the building: how are you going to transition? Mr. Liguori said we will go up, over and then out. Mr. Stockburger said up the ceiling? Mr. Besharat said yes up the ceiling and it will be mechanically assisted as it's a long distance. He said there will be a mushroom cap on top and they tried to keep the look residential on the outside.

Mr. Liguori said Dominos has some standard signage designs and we presented the schematics of what those signs would look like. He said the proposal is to have a wall sign, a blade sign, and then there is additional signage proposed on the east side of the building.

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Boardmember Foster said on one of the diagrams it said you were going to be replacing siding on the building and what will that siding potentially look like? Mr. Besharat said on the side of the building, the lower section will be removed and supported and will be covered with the same siding as the front of the building. He said the upstairs would have the current stucco which is in very good condition but cleaned up.

Boardmember Ward said I saw the note that you're not including the awning. Mr. Liguori said that's right. Boardmember Ward said they're on the drawings but they're being removed due to a safety concern.

Boardmember Ward asked about outside lighting. Mr. Liguori said Mr. Shearing asked me to present information to the Board to note that the exterior lighting will be controlled by a photocell and a timer which will provide lighting until the last employee leaves and then the timer would shut the exterior lights off.

Chairman Lowell said is it just going to be the one sign on the face of the building or one on each end-cap? Mr. Besharat said one will be on the face of the building and the other will be on the east side of the building. Chairman Lowell said as you're coming west from the east you will see it coming from Route 22. Mr. Besharat said on the left hand side we are not proposing anything because there's no room due to the retaining wall.

Chairman Lowell said on the general property lighting, a lot of the lights in Town, even though they might be pointed down, spray light all over the place so can you use lights that eliminate that? Mr. Besharat said yes, this here demonstrates the foot candle is at a minimum so the most you will see is 0.2, which is enough for a parking lot but will not interfere with any cars. Boardmember Stockburger said so there won't be any spillage to the trailer park behind? Mr. Liguori said no and you also have the elevation which is pretty significant. Chairman Lowell said you also have housing across the street and down the road. Mr. Besharat said well the deli is down the street but the spillage onto Route 6 is barely noticeable. Mr. Atkinson said is there a street light around the corner of Oak anyway? Mr. Besharat said yes. Mr. Atkinson said so that light is going to be more intense than anything here.

Boardmember Kulo said what kind of building material will there be on the facade? Mr. Besharat said it will be vinyl siding on the exterior and it will be consistent throughout the building. Chairman Lowell asked what color? Mr. Besharat said I'm not sure but here is the drawing.

Boardmember Stockburger said when we get to approving the Site Plan there's going to be a condition that there be no tenants above until you resolve parking and come back for a new Site Plan. Mr. Liguori said one thing I want to confirm is that we don't need a new Site Plan Approval for the Use of the apartments. He said we have to show to the Building Department that we have the appropriate parking but it's a Permitted Use in the

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District, not a Permitted Use by Site Plan Approval. Boardmember Stockburger said removing that condition is up to the Board? Mr. Folchetti said as long as the Board is satisfied. Mr. Liguori said so what they're going to do is say 'do you have the appropriate fire separation between the Uses? Do you have sprinklers dealt with? Do you have parking dealt with?' And if that's fine then you can resume a residential use on the second and third floor. Boardmember Stockburger said yes, but just so you understand it will be a condition of the Site Plan requiring that. Mr. Besharat said yes and what I'm saying is that I will address the New York State Code Compliance, Fire Separation and everything from the get-go so when we use the apartments we have already addressed that during the construction. Mr. Liguori said our plans indicate a vacant second and third floor use for purposes of the approval and we certainly would expect that to be incorporated into the approval.

Boardmember Foster said your project narrative says *'it is understood the existing two apartments can only be occupied by tenants once an offsite parking agreement is established.'* Is that true, asked Boardmember Foster. Mr. Liguori said that's true.

Chairman Lowell said I saw a note in the engineer's notes about the parallel parking still impeding on the right-of-way. Mr. Atkinson said I have been involved in 2 or 3 phone calls and emails with the DOT and their point of view right now is the fact that they've agreed that what's being proposed is safer than what has been done in the past, but the DOT cannot approve this because it doesn't meet any of their requirements. What they did say was that they wished to remain silent on it, he said, and the Planning Board can make a Determination and if the DOT comes back 10 years down the road and says there's an issue then it will have to be dealt with at that time. Boardmember Stockburger said I would like to remain silent on that too as I think we've been pretty much assured by Mr. Folchetti that if there's an accident and someone comes back and sues the Board for allowing an illegal thing there could be no repercussions. Mr. Liguori said DOT told us that unless we can create a channelized entrance so it was kind of end of story. We were able to get out of them that 'hey look we like what you're doing much better than what you have,' he said. He said the rationale is that they have a legal prohibition and are only allowed to do certain things, but there's also a tacit recognition that we could really get into a serious 'taking' argument both with the Village and the DOT over the issue because if we're denied use of the building then we have an issue. Mr. Liguori said DOT recognizes that and so they're willing to go as far as they went with us and that was it. Boardmember Stockburger said I think I would like to get a vote or acknowledgement put on the record that we agree that the parking is as good as it's going to get and we're not going to object to it so I would say yes from me and Dave (Kulo) says yes. Chairman Lowell said I think we agree that everything that can be done has been done on that score. Boardmember Ward said and it's an improvement over what's existing.

Boardmember Foster said why did you go with two spaces in front rather than three? Mr. Liguori said I think the rationale was if we could minimize the impact or the interaction between...so the first iteration with the three spaces in front, what it did was

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have a handicap space in front of the “employee parking” and by freeing up that area you don't have to coordinate parking. It effectively leaves the handicap spot open at all times unless the garbage is getting picked up but we'll coordinate that. Mr. Atkinson said I also talked to the engineer about this and going down to two because it gives more room for the two cars that are parking parallel. Boardmember Foster said would two give even more space for illegal parkers? Chairman Lowell said please do everything you can to discourage anyone from parking more than two cars and keep them in the designated space. Boardmember Kulo said a crosswalk would be great. Mr. Atkinson said it's still DOT right-of-way and if you do a crosswalk there they would not want that. Mr. Liguori said I asked about a crosswalk and they told me no. Boardmember Stockburger said I'm the Village Parking Enforcement Office and as I mentioned before the delivery guys at the pizza place in the Village are always parked illegally and we just want to make sure you take care of your delivery guys so they don't get tickets.

Mr. Atkinson said the information that Mr. Shearing provided me with the actual sign details didn't go into colors per se and there's actually a palette that has to be followed.

Boardmember Foster said would the people using the wheelchair spot have to back out into traffic to get out of? Mr. Liguori said they're going to have to back out. Mr. Atkinson said that's not entirely true because you have the area where you can actually come and turn into it so it's the one closest to the building which will give you some room to get out. Mr. Liguori said you are not backing out into the travel lane.

Boardmember Foster said the narrative said *‘the parking configuration will accommodate off-hours deliveries for Dominos’* and I would like you say what you agreed to before that you would use the additional spaces on the side of the building and you would deliver with box trucks only and use those spots for deliveries. He said that way we don't have delivery trucks in the street nor 40 ft. trailers. Mr. Liguori said OK.

Chairman Lowell said Mr. Mole does the Public Hearing have to be noticed or can it be noticed by signage? Mr. Mole said it has to be published. Chairman Lowell said I will talk to the Village Clerk and find out what the earliest publication schedule we can get.

Boardmember Stockburger asked Mr. Hernandez if he has anything to add. Mr. Hernandez said during construction when they submit their plans I have a question regarding the retaining wall in the back and I think Mr. Atkinson addressed it at some point. Mr. Atkinson said they provided a structural plan. Mr. Besharat said we will address all the structural aspects during construction. Mr. Hernandez said once you do the removal of the existing wall there may be some drainage issues. Mr. Besharat said yes and we will see it better afterwards.

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Mr. Hernandez said the opposite side of the building closest to the alleyway, how is the drainage going to work there and accessibility? Mr. Besharat said as is it works but we must address the roof to minimize the spillage down the side.

Mr. Atkinson said are you going to do the AC unit on the roof with a smaller structure? Mr. Besharat said the AC unit will be on the top of the structure as that's the only way to have room. Mr. Hernandez said there isn't a parapet on that room. Mr. Besharat said there is and I think it's high enough to screen the unit.

Mr. Atkinson said I got a set a plans on Monday at my office have bollards on the time but there have been revisions since then. He said I have been working with the engineer to address my questions as long as everyone is OK with the DOT situation. Mr. Atkinson said there's a lot more detail now as the lighting plan was added and a few other things. He said Mr. Shearing was going to address the concerns from his most recent memo and by the end of the week have the newest plan submitted to the Board. Mr. Liguori said if it's more convenient we can do a ledger set and a PDF set. Boardmember Stockburger said you will need to have at least one ledger-sized set available in the Village office for people to be able to come in and read.

Boardmember Foster said you've taken down the existing right part of the structure so that will be paved over? Mr. Besharat said yes. Boardmember Foster asked Mr. Atkinson if there would be drainage concerns. Mr. Atkinson said right now the drainage from the roof is control and brought to the catch basin and that will remain impervious and will be directed toward the catch basin.

Mr. Atkinson said how many copies of the plans will need to be brought with the applicant for approval resolution? Boardmember Stockburger said for signatures they need three: one for the record, one for the Planning Board, and one to give back to the applicant. Mr. Atkinson said I think you need five to size because the Building Department needs one, I would like one for my office... Boardmember Stockburger said five would be good.

Boardmember Stockburger made changes to the August 20, 2018 Minutes stating Dominos Pizza is not at 170 North Main, it's at 162. Boardmember Foster said: on page 2 in the middle of the last paragraph it says lavatory building should be laboratory. On page 5 comer should be come. The Motion to approve the Minutes from August 20, 2018 as amended was introduced by Chairman Lowell, seconded by Boardmember Stockburger, and passed all in favor.

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