

**Village of Brewster  
Planning Board Meeting Minutes  
April 23, 2019**

**BOARD MEMBERS IN ATTENDANCE:**

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

**OTHERS IN ATTENDANCE:**

Mr. Todd Atkinson, PE  
Gregory Folchetti, Attorney - Costello & Folchetti  
Cathy Chiudina, Secretary  
Bill Scorca, Brewster Village Building Inspector  
Joe Hernandez, Brewster Village, Building Inspector

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

**REGULAR MEETING:**

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

**PUBLIC HEARING - 530 North Main Street:**

Chairman Lowell said we are here to resume the Public Hearing for 530 North Main Street but I believe Mr. Folchetti suggested we do the Public Hearing for SEQR first and then continue the Public Hearing for Site Plan. Mr. Folchetti said if you're inclined to resume and potentially close the Public Hearing for Site Plan I would suggest you open and take your public SEQR comments and if you can close it then you can go back to continue the Site Plan part of it. He said that way your Site Plan will be concluded whenever it's concluded after the SEQR Determination is made.

Boardmember Stockburger made a motion to open the Public Hearing for SEQR, seconded by Boardmember Ward, and passed unanimously. Chairman Lowell said this Public Hearing is open for the purpose of the State Environmental Quality Review Act. Chairman Lowell opened comments up to the public.

**Richard Brandt:** I missed last meeting, 19 March. I went to the Village to get the minutes from the meeting and they are not ready because they have to be voted on by the Board and in doing so I looked on the web and I saw no minutes from 2019. Chairman Lowell said how do we get those minutes published? Ms. Chiudina said Mr. Hansen does that. January's minutes were approved, which Mr. Hansen does have and the February and March minutes you have to approve tonight, as February was not done last month according to the minutes said Ms. Chiudina. Chairman Lowell said I

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thought we did February last month. Ms. Chiudina said it wasn't indicated in the minutes. Boardmember Kulo said I think we approved January. **Mr. Brandt:** Are the minutes available to be read? I know they're not approved. Chairman Lowell said once they're...**Mr. Brandt:** I'm at a little bit of a disadvantage not going to the other meeting and now it's carrying on as a supplemental meeting in a sense so I'm really behind the 8-ball. He said it doesn't seem in the public's interest to have minutes that are from February and as I said I don't see them on the web. Ms. Chiudina said February's are not yet; they have to be approved. **Mr. Brandt:** No, for January. Ms. Chiudina said I can check with the Village Clerk and find out about that. **Mr. Brandt:** I mean we're in an electronic age here. He said these things could be approved in 10 days; everyone here has iPhones or some kind of electronic connection here and it just doesn't kind of seem right to me to have to wait for a meeting to have them approved and then when you have that next meeting you're already behind. Mr. Folchetti said they can only be approved at a called meeting; the only way the minutes can be approved is at a duly called meeting. Chairman Lowell said right, I was about to say... Mr. Folchetti said so you're always a meeting behind. Chairman Lowell said you're always a meeting behind because they have to be read, amended if necessary, and approved and then they can be published so there's a minimum of a month in between. **Mr. Brandt:** That's what I'm saying, that doesn't seem...in this timeframe of electronic everything you go on the web, it's instantaneous so I'm suggesting that you change your way of doing things. Chairman Lowell said well there's a law, it's called an Open Meetings Law and we have to... Boardmember Kulo said you can make that comment to the Village Trustees, but we're dealing with a SEQR review here and that's a little off topic. Chairman Lowell said when it comes to the minutes they can only be approved at a meeting. He said a meeting is a public meeting, a meeting has to be noticed/published that it's going to take place 10 days in advance, and it's a regularly scheduled meeting. They cannot be approved by us phone-conferencing together and then sending them off, he said. If we could, he said, I'm sure we wouldn't mind for exactly the reason that you say, but it's just the way it is. Boardmember Foster said in addition, phone conversations between us if there are two or more members constitutes a public meeting and the public has to be invited so we've got those technicalities there. **Mr. Brandt:** I understand but the public doesn't approve the minutes. Boardmember Foster said no, but the public has to be allowed all meetings. He said that holds true for the Village Board, Planning Board, and Zoning Board. There are rules we have to live by, he said. Boardmember Foster said I share your frustration because I've complained about meetings that were sometimes six months behind and that has been addressed. Chairman Lowell said did you have anything about the business of this public hearing, for SEQR. **Mr. Brandt** said I only found out because I missed the last one and I was interested to see what was happening and then I got sidetracked because there were no minutes. Chairman Lowell said do you have any questions or comments. **Mr. Brandt** said I missed the last meeting, I don't know what was done. He said I know I sound like a senator but... Ms. Chiudina said can I get your name for the minutes? **Mr. Brandt** said Richard Brandt of 2 Wells Street.

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**Man in audience:** Excuse me, is that a requirement of this Board that you have to identify yourself. Chairman Lowell said no, it's not a law. **Man in audience** said recently you had PERC test done, does that have anything to do with SEQR. Chairman Lowell said no that's not part of SEQR. Mr. Atkinson said no, that's part of the stormwater design for the Final Site Plan approval.

Chairman Lowell said did we get any reports from anyone on SEQR. Mr. Atkinson said the County responded back the same way they did when the Village went to them with no position. **Mr. Brandt:** Are we talking about in general with a PERC test; I don't understand what that means. Chairman Lowell said the engineer can explain exactly what it is but it's about how the land handles stormwater runoff. **Man in audience:** When do we get to that point; the question I asked about the PERC test? Chairman Lowell said the question was is that part of the SEQR or do you want to know what the results of the test are? **Man in audience:** Yes, the results. Mr. Atkinson said they have to prove that an inch of water will drop within 2 hours and the results came back that it took 86 minutes and so it met the requirements of the New York State DEC's infiltration requirements. **Man in audience:** So concerning the septic system... Mr. Atkinson said there is no septic system; it's Village sewer and water and natural gas. He said I'm the Village Engineer and what they did was...the impervious surface that exists now, which would be the parking area, sidewalks, and building; they're increasing that impervious surface so under the New York State DEC requirements they need to account for the additional stormwater that will be generated based on that. He said what they're proposing is a pretty substantial infiltration system that will be below the parking area and will push the water into the ground in that area and not produce additional water going into the actual collection system as it stands right now. It will not burden people downstream, he said, it's going to be trapped onsite and pushed into the ground.

Boardmember Ward said the SEQR Public Hearing is to discuss any comments that would have come back from the interested or involved agencies or the public based on the notification that we sent out. Chairman Lowell said since we have no more comments or questions we can now we can conclude the SEQR Public Hearing.

Boardmember Stockburger made a motion to close the Public Hearing for SEQR, seconded by Boardmember Ward, and passed unanimously.

Mr. Folchetti said I have prepared a DRAFT Resolution to declare Negative Declaration and you can consider that if you are inclined. Mr. Folchetti said I would suggest that you at least read the initial page although there is an attachment with a series of findings, but in terms of your actually declaring after noticing your intent to act as Lead Agency and declare a coordinated review, I would read that entire thing and offer it as read.

Chairman Lowell read the SEQR Determination for Negative Declaration into the record: *"RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF BREWSTER APRIL23, 2019 530 N. MAIN STREET SECTION 56.82 BLOCK 1 LOT 47 530 N. MAIN*

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*STREET, LLC 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 530 N. Main Street, LLC Site Plan; and WHEREAS, the plan shows that 530 N. Main Street, LLC, is seeking site plan approval in connection with the issuance of a Special Exception Use Permit by the Village of Brewster Board of Trustees, and seeking to perform necessary site work and construction activity related to the erection of a 12 (Twelve) unit multi-family residential dwelling at the aforesaid location. 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.”*

Chairman Lowell made a motion to declare a Negative Declaration, seconded by Boardmember Stockburger, and passed unanimously.

Boardmember Foster said we've made a determination; who made the determination that there was a negative finding? Chairman Lowell said the information was sent out to allow various agencies concerned to respond and if they had objections to it based on engineering or other concerns they would say so and it came back without any issues. Boardmember Stockburger said you can read the attachment it states why it is a negative declaration and the things that were considered. Mr. Atkinson said the County was notified, DOT (Department of Transportation), Town of Southeast, Health Department, and the DEP (Department of Environmental Protection). Boardmember Foster said did everyone respond? Mr. Folchetti said there is a comment period to respond and if they don't respond or they respond that they're taking no action then that would be it. Mr. Atkinson said I didn't see anything from the DOT but we didn't expect to. He said we did get a response from the County, the Town of Southeast acknowledged receipt, and the DEP. Mr. Folchetti said the process is if they disagree with the Board's intent to act as Lead Agency they can go to DEC and petition to be the Lead Agency for the SEQR review, which no one has done so that authorizes the Board to take the reins and can declare Lead Agency. Boardmember Foster said is it traditional for the Planning Board to be the Lead Agency for SEQR review? Boardmember Stockburger said yes except for Type I, which are major projects.

Boardmember Ward made a motion to Continue the Public Hearing for Site Plan for 530 North Main Street, seconded by Boardmember Kulo, and passed unanimously. Chairman Lowell opened comments up to the public.

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**Man in audience:** It's a 3-story building: are fire escapes required? Mr. Atkinson said there will be sprinklers actually. He said the first floor is accessible out the front, the second floor is accessible out the back, and the third floor will be a sprinkler. **Man in audience:** Is there a fire hydrant near the place? Mr. Atkinson said there is a fire hydrant right on the corner. Mr. Hernandez, Building Inspector, said less than 500 ft. and the fire department is across the street. Mr. Atkinson said it's less than 150 ft. from the parcel. **Man in audience:** They've underwritten it, OK'ed it, the fire department? Mr. Atkinson said typically they're not part of the review process. **Man in audience:** There will be 11 parking spaces? Mr. Atkinson said I believe there are 16. **Man in audience:** And they will be in front of the property? Mr. Atkinson said yes. **Man in audience:** How large is the property? Mr. Atkinson said you can look at the plan right here if you want. Mr. Aqueel said it's a little under a half acre and there are 16 parking spaces in the front.

Chairman Lowell asked if there were any other questions. **Mr. Brandt:** I was always concerned, I wrote a letter, but I was concerned about a number of traffic items that were involved and he just said that DOT didn't respond. Mr. Atkinson said it's not a DOT road; we sent it to the DOT because we were concerned about the intersection of Route 6. **Mr. Brandt:** What I'm getting at is that Wells Street is busy on a Sunday, so much so that it's a one way street and of course the intersection is at that building and if you read the newspaper the Easter Egg Hunt was a great success and there were people all over the place and this building is right across the street from that. He said the ball field is always active other than the wintertime and it's only controlled by a stop sign. He said I think that's going to be an issue and in the letter I mentioned that there are 3 bus types for like 3 school buses and there are kids there from like 7 to 9 in the morning so with the cars out in front it just seems to be a hazard waiting for something to go wrong. Chairman Lowell said I recall in your letter it seemed to me that you were concerned about the driveway of this building emptying onto Wells but it's going to go directly onto North Main Street at the farther end of the property. **Mr. Brandt:** Well at the end there's a stop sign there and you've got a driveway coming out maybe 2 or 3 car lengths from the stop sign. Chairman Lowell said it's about 75 ft. Mr. Aqueel said it's about 75-80 ft. from the stop sign. **Mr. Brandt:** It just doesn't seem like a good plan. I'm not saying what a better plan is. I'm just saying you've got the ball field next door, you've got the stop signs, you've got the fire house down the street; it's one of the busiest streets in town and I think this would add to it. Besides, as he was saying, you've got other things going on. He said, I know they've changed and they're not going to have garbage pails because on a Friday three garbage pails for each resident it would like like nutso. It just doesn't seem like a good project to me. I think also as I mentioned in the letter it blocks the view coming down the street. Chairman Lowell said the parking is in the front so the building will be rearward of the lot so it really won't block the view. **Mr. Brandt:** I don't know about that though. I thought it was only 74 ft. back. Mr. Aqueel said it's going to be a little over 80 ft. from the corner approximately to the building. **Mr. Brandt:** To the building or to the back of the building? Mr. Aqueel said to the front of the building. Boardmember Ward said the building will be farther back than the existing building is now and where the driveway is now coming out onto

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Wells, the driveway will be on the far side so it will be much farther south. **Mr. Brandt:** Closer to the firehouse? Boardmember Ward said yes, so that improves the traffic flow of that intersection and we had asked them to add a sidewalk up Wells Street so as part of the plan they've added a sidewalk to make it safer and all of those things were addressed in the Site Plan. She said the most recent thing we were concerned about was the PERC test and that was completed and the design includes a very thorough infiltration system so as to not add any additional stormwater to the system. She said there have been multiple revisions to the Site Plan by the developer with the concerns that have been raised and how it affects the plan. As far as visual, she said, there has been an improvement for that. As far as the bus stop there will still be a place for the bus stop to happen, she said. **Mr. Brandt:** I was wondering if someone contacted the school to say maybe move it or that's not something that they have to do. Chairman Lowell said the area there is not going to be reduced but I think the sidewalk is 4 ft. on North Main Street. **Mr. Brandt:** But they overflow and even when Raskob was there, they overflowed big time and they'd have trash there and everything like that. I'm assuming when they had the PERC test, I think I wrote it in the subsequent letter, that it was a wonderful amusement park for them and the parents don't worry about them going on an excavator. Boardmember Ward said yes but that's the parents. **Mr. Brandt:** Yes, I'm just saying that it's another situation that needs to be addressed, especially during construction. If they're going to fence it off completely or if it's just going to be that orange fencing. Like I said I didn't go to the meeting and I don't know how much was addressed. Chairman Lowell said what's the regulation in the Village about fencing a site? Mr. Atkinson said it's State Code. Mr. Hernandez said it has to be fenced and protected and maintained. Boardmember Ward said that's included on the Building Permit. **Mr. Brandt:** We can see that whenever it gets approved, right? Boardmember Ward said you can look at the plan now if you'd like to. **Mr. Brandt:** Well, the last time I went to look at it the revisions weren't in place and that was before the March meeting. I talked to Peter (Hansen) and he said you can look at it but the revisions aren't in place so I wasted 6 weeks. Mr. Atkinson said for the March meeting the only thing that was not shown on the plans was the 4 ft. sidewalk going all the way up Wells Street because that was something that was requested as part of that meeting. **Mr. Brandt:** Well that's what he said so I'm just repeating what he said. Boardmember Ward said if this is approved then the next step for them would be a Building Permit.

Boardmember Foster said with the school bus stop and now that there's going to be a new driveway on North Main Street will the number of children go as far back as being in front of the driveway? Mr. Atkinson said no, it's over 70 ft. back from the corner. Boardmember Ward said the driveway is all the way on the southern end of the property and the children are on the corner closest to Wells.

Boardmember Foster said we also received an email from Peter Hansen who received one from Laurie Bell, Town Assessor, about subdivision versus joining together? Boardmember Stockburger said we need to close the Public Hearing and once we close the Public Hearing if someone wants to make a resolution to approve the Site Plan and it gets seconded, then we have a discussion before we vote; that would be the

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procedure. Boardmember Ward said are there any more questions? There were none from the public.

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

Mr. Folchetti said to address Boardmember Foster's comment: I was copied and I spoke to Mr. Atkinson about the concerns with the assessor in the Town regarding the subdivision and what I located from my own records is that about two years ago they got as far as SEQR review but I don't know that the subdivision was ever approved. He said regardless, I drafted a proposed resolution for your consideration on the site plan. Boardmember Foster said what was being subdivided; aren't they two separate properties? Mr. Folchetti said it was supposed to be subdivided into two separate lots. Boardmember Stockburger said it was one, it got divided into two, we approved that subdivision, Mr. Raskob filed it with the County and there are now two tax map numbers. He said Mr. Folchetti's point is that if we approve the Site Plan it will nullify that so it will come back to one property. Boardmember Stockburger said the subdivision was done at the request of the property owner. Mr. Folchetti said you can put a specific recitation in the proposed approval resolution that any prior subdivision approvals for the property in the site plan, upon issuance of any approval it will be determined to be deemed nullified regardless of what was filed so if you go to approve it, it will be nullified by operation of law and by your resolution if you vote. Boardmember Stockburger said what is the mechanism of getting it removed from the County maps because they won't file this. Mr. Folchetti said if it was filed with the County it's always going to be a filed map but what's going to happen is by virtue of this the Town of Southeast Assessor will abandon the subdivision on its records and this will go back to being one lot. Mr. Atkinson said the assessor will merge the properties. Boardmember Foster said I think we should proactively notify those people that this is going on so they know what to expect and they do the right thing. Mr. Atkinson said they've already asked me about it and we will take of it.

Boardmember Stockburger made a motion to approve the Site Plan for 530 North Main Street and seconded by Chairman Lowell.

The Board discussed the approval. Chairman Lowell said on page 3 of the resolution... Boardmember Foster said I haven't had a chance to read the resolution and I'm not sure I want to try to do a speed read now. Chairman Lowell said we will discuss it now; it's a standard resolution with a couple of points that... Boardmember Stockburger said it includes the information we have been going over the last 4 or 5 months. Boardmember Foster said OK but I would like to study it in more detail so that I can know that everything we've talked about is in there as we agreed upon. Chairman Lowell said number 5 at the end of the paragraph the word extension strike that; and number 6, Mr. Atkinson's letter was dated April 22; and should it be included in this resolution the performance bond, recreation fees, and escrow? Mr. Folchetti said the performance bond should be in the resolution. Mr. Atkinson said I have not received

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information from Mr. Hansen for the bond. Mr. Aqueel said I spoke with Mr. Hansen and he left it up to me to adjust the bond. Mr. Folchetti said you can add a condition stating any reasonable bond as required by the Village Engineer as a condition of final approval prior to the execution of Plat as well as any applicable recreation fees, which I don't know that there are any. Boardmember Stockburger said yes, there are, \$5,000 per apartment. Mr. Folchetti said because the escrow fees are in the Code you do not necessarily have to have it in your resolution. Chairman Lowell said is there any further discussion on the site? Boardmember Foster said yes, I am very uncomfortable with this. He said I'm not happy with being asked to vote on something I haven't had a chance to review in detail and I don't think that this Planning Board is performing its duty correctly if it votes on something that it hasn't had a chance to review and from the discussion we just had there are still things that are up in the air. Chairman Lowell said we have been reviewing the Site Plan for a year and the only thing we're talking about now is the technicalities of how to put into the resolution the performance bond, recreation fees, and escrow fees, which do or do not have to be in there as they are part of the Village Code. He said the bond is something that will be set by the Village Engineer. Boardmember Stockburger said this just approves the Site Plan that we saw the last month and we had the discussions last month on this and we just say that this Site Plan is the basis that the inspector and engineer will use but we haven't added anything or changed anything except what we agreed to last month. Boardmember Foster said are we approving this letter or the Site Plan that we saw last month? Boardmember Stockburger said we're approving the letter that incorporates that Site Plan. He said this letter will make that the formal Site Plan for that property. Boardmember Foster said that's fine and I'm certain everything in here has been discussed but I'd just like to see a final version before I vote on it. Boardmember Stockburger said we want to be sensitive about not adding another month onto this construction project. Chairman Lowell said we approve things all the time 'as amended.' Boardmember Foster said I have not reviewed this document. Boardmember Ward said what if we read it? Mr. Folchetti said you can read the entire thing. Boardmember Foster said that's really not going to address my concerns because I haven't had a chance to review it. Mr. Folchetti said you have a motion and a second so you can vote but if you want to add the recreation fees and the bond you should do that and then vote. Boardmember Ward said can you give us the language? She said if we read this into record and you give us the language for those three pieces that gives us the language of the resolution read into record.

Boardmember Stockburger made a motion to amend my original motion with the changes as incorporated on page 2 item 5; page 2 item 6; the incorporation of the clauses 16 for the Recreation Fee and 17 for the Performance Bond as provided by counsel. Mr. Folchetti said and those would be conditions of signing the Final Plat. He said you can move that as amended and see if you have a second. Chairman Lowell seconded the motion.

Boardmember Ward read the resolution into the record: *"RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF BREWSTER APRIL23, 2019 530 N. MAIN*



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*STREET SECTION 56.82 BLOCK 1 LOT 47 530 N. MAIN STREET, LLC FINAL SITE PLAN APPROVAL WHEREAS, an application for final site plan approval for property located at 530 N. Main Street has been submitted by the 530 N. Main Street, LLC (hereinafter referred to as the "Applicant"); and WHEREAS, the site is located within PB Zoning District and seeks the current multi-family residential use pursuant to Special Exception Use Permit issued by the Village of Brewster Board of Trustees is more specifically known and designated as Tax Map #56.82-1-47 (hereinafter referred to as the "Site"); and WHEREAS, The proposed Action involves site plan approval involving the demolition of an existing 1,650 square foot commercial building, and in connection with a Special Exception Use Permit issued by the Village of Brewster Board of Trustees, construction of a 5,650 square foot, three (3)- story residential apartment building and all related site work. The proposed site plan will utilize existing utilities for water and sewer currently servicing the parcel; and WHEREAS, the Final Site Plan consists of the following drawings prepared by P.W. Scott Engineering & Architecture, P.C. 1. "Parking Site Plan" Sheet SY1 dated September 17, 2018; 2. "Utility Plan" Sheet SY2 dated September 17, 2018; 3. "Drainage Details" Sheet SY2A dated September 17, 2018; 4. "Erosion Control Plan" Sheet SY3 dated September 17, 2018; 5. "Sequence of Construction" Sheet SY3A dated September 17, 2018; 6. "Lighting and Landscaping Plans" Sheet SY4 dated September 17, 2018; 7. "Erosion Control & Misc. Details" Sheet SY5 dated September 17, 2018; 8. "Standard Details" Sheet SY6 dated September 17, 2018; 9. "Stormwater Pollution Prevention Plan" dated October 3, 2018 WHEREAS, on or about April 23, 2019, The Village of Brewster Planning Board, made a Negative Declaration with pursuant to New York State Environmental Quality Review; 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, 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 530 N. Main Street, LLC, as depicted on the plans identified above is hereby granted subject to the following conditions: 1. 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. 2. 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: 3.*

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*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.*

*4. 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. 5. Said improvements shall be completed within a maximum period of one (1) year pursuant to §182-1(T) of the Village of Brewster Zoning Ordinance and the performance bond shall so state the same. 6. All comments of the Village Engineering Consultant contained within the memorandum of J. Robert Folchetti & Associates, LLC dated April 22, 2019 shall be satisfactorily addressed. 7. All building improvements shall be designed in accordance with all applicable New York State Building and Fire Code requirements. 8. The hours of any construction activity shall take place in conformance with the applicable Village Regulations. Any new site utilities shall be installed underground. 10. 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. 11. All signage located at the subject site shall conform to Section 199 of the Village of Brewster Code and/or be otherwise permitted by virtue of variance granted by the Village of Brewster Zoning Board of Appeals or the Village of Brewster Board of Trustees. 12. Any prior subdivision approvals for the subject property and site plan are, upon issuance of the within approval, deemed and determined to be a nullity, of no legal effect and are hereby extinguished, regardless of whether any such previously approved subdivision plat(s) or map(s) were ever filed in the Office of the Clerk of the County of Putnam. 13. 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. 14. 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. 15. The applicant shall be responsible for obtaining all other applicable approvals and/or permits for any and all agencies or authorities having jurisdiction over said Site Plan and the property comprising said site plan, and shall pay all other fees as a part of the execution of the final site plan. 16. The applicant shall post a performance bond in amount to be determined by Village Engineer. 17. The applicant shall pay recreation fees as set forth in §182-1(A)(4) of the Village Code. 18. The applicant shall replenish escrow account in connection with this application pursuant to Village Code §263-36(C). 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 April 23, 2020, pursuant to the terms of Village Code §182-1(T). BE IT FINALLY RESOLVED that this Final Site Plan approval resolution shall have an effective date of April 23, 2019.”*

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Boardmember Foster said I'm still not comfortable with the parking in the front and I want to go on record as stating that I don't think it's right and I think we're putting ourselves in a bad position to allow exceptions because the next one that comes along will ask for some other exception; even though there's not a legal precedent there's a precedent. Boardmember Kulo said I wish you would be more specific with your objection: do you find something of this applicant that is not appropriate for this particular site in the zoning it's in, which appears to be within their right to do so. Boardmember Foster said I don't like the idea of the parking in front. He said we had long discussions and we never completed our discussions because the Village Board took a vote allowing the parking in front but I'm still not happy with the parking in front. He said I'm not convinced with everything I heard; there were supposed to be some mathematical calculations that I never got a chance to review in detail because the Village Board superseded us. Chairman Lowell said I think it's time to conclude the discussion and vote.

Roll Call Vote:

Chairman Lowell	In favor
Boardmember Stockburger	In favor
Boardmember Kulo	In favor
Boardmember Foster	Not in favor
Boardmember Ward	In favor

The Resolution is passed by a vote of 4 to 1.

The Motion to approve the Minutes from March 19, 2019 was approved by Chairman Lowell, seconded by Boardmember Ward, and passed all in favor.

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