

OFFICIAL MINUTES
VILLAGE OF BREWSTER
PLANNING BOARD

PUBLIC HEARING and REGULAR MEETING
JUNE 27, 2007

Christine Piccini-We are beginning the public hearing at 7:30pm and other than the attorney, and Bob (I thought Bob was coming in) everyone else is present.

The pledge of allegiance.

Public hearing

Christine Piccini- So everyone the 1st thing we're doing tonight is having a public hearing. I remind members of the board that public hearing means comments from the public And this is for the subdivision for 114 Main St./41 Oak St. In truth this is for us to be in compliance with the 239m requirement of notifying the county prior to having a public hearing , and there was a glitch last public hearing so we had a 2nd public hearing for that to occur, to receive back from the county any comment from them in relation to this subdivision, should there be any. There are none received, so we assume that they have no comment. If anyone from the public has anything else they'd like to say on the subdivision, now would be the time to say that...

Christine Piccini-No one is saying anything, if someone would so move we can close the public hearing portion of this meeting.

Mark Anderson- I move

Rick Stockburger-I second.

All in favor-aye.

Regular Meeting

At 7:34pm opening regular meeting of planning board of the Village of Brewster.

Present: Mark Anderson, Christine Piccini, Rick Stockburger, Paul Pelusio, David Kulo.

Applicants: Nasser Aqeel and Frank Milano

May 23 minutes-revision insert

Christine Piccini-First order of business is to accept or revise minutes from the May 23 regular meeting, we received those via email

Mark Anderson- A little bit harder to follow.

Christine Piccini-From my understanding of what we received the number pages up through p. 10 stay the way they are; halfway down page 10, the revision comes in the revision replaces everything to the top of p. 12.

Rick Stockburger- Which one do you have, the one that starts the regular meeting, or the one that says Jim Bruen said basically

Christine Piccini-That's the revision insert.

Christine Piccini- The first one had no attachment, and Amy resent it with the attachment, that was the first set of minutes, then after David responded to that, Amy sent a revision insert.

Mark Anderson-If I can catch up at the end... I'd like to revisit it and not waste the audience's time.

Christine Piccini-Let's at least move this to the end of the meeting.

Old business-subdivision for 114 Main St./41 Oak Street

Christine Piccini- The first item for old business, the subdivision for 114 Main St./41 Oak Street. This was public hearing held on this last month, two months ago, and we just had a public hearing on it this meeting, and there's no additional comments from the public. So this is the point in time for our members to discuss

Christine Piccini-The engineer's review on this, anything would have been received prior to this meeting , dated March 28th.

Mark Anderson- We'd be happy to talk to them; My understanding is the apartment rental registration law is soon to be taking effect, and soon landlords will be given letters similar to the town of Southeast, and this will be universal requirement, what 's being asked here...Maybe they can get an advance copy and try to fulfill that portion of the law that would be required or get that in very early in the game here...I imagine like the Town of Southeast there's going to be a learning curve ...this is a major change to the way of doing business...onsite inspections were unheard of in this community...

Mark Anderson- I understand they've been finding some things that were of interest to them, that I've had about 65 apartments looked at out of 140 so far...I think this is important. To this village that everyone understands and gets into the groove that we have limits.

Christine Piccini- With the motion seconded and everyone voting yes for that -- No, instead this item will be tabled until more information is available.

Christine Piccini- James, do you have anything that you want to speak to on this?

James Nixon- I'll pass this on to the owner ...

Mark Anderson- I work in multiple communities, and there is a state law which many other communities have taken the time and the effort to enforce, the state law requires building inspectors to examine multifamily homes on an annual basis, especially in regards to fire protection. This community has not had an employee who has done that. And I know that,

having over 140 apts. In this community for 23 years I have been allowed to do whatever I wanted to.

...

Mark Anderson- 70 ft for the 1st person, 60 ft for the 2nd person, 50 ft. for the 3rd person, 3 max

And the rooms that can be used for sleeping, I don't believe they include kitchens and living rooms... I hope that this applies the state code and it's found to be conforming.

James Nixon- I can always talk to Bob about it in more detail, but without looking at it, I think the rental and the housing, single family residences are permitted, it's either 4 or 5 boarders. And we also have the square footage rule. (Boarders meaning people who are not a part of the family).

Mark Anderson- The new apartment rental registration law asks that each person be identified, a floor plan of an interior be drawn, as it is submitted as the survey; That's the way of Town of Southeast is explaining this to me, and they've been in advance of the Village of Brewster.

Christine Piccini- It could be Mama Smith and her 17 children who own and live in the house...

Mark Anderson- It's true and having 74 1st cousins, I understand big families; and it's true, a family could get in trouble simply by having too many kids in this community under law I think.

Mark Anderson- You say we can have 5 boarders unrelated to...

Mark Anderson- Primary tenants

James Nixon- It's either 4 or 5, it's either 5 total, or the principal plus 4 boarders, not sure without looking at it...

Mark Anderson- You should grab a copy of the new rental registration law that's about to be promulgated.

Old business-538 N. Main St.

Christine Piccini- Next item of old business is 538 N Main Street. James I sent you a copy via email today, did you get it?

James Nixon- Site plan in existing structure is w/in 100ft. I meant to include a letter requesting a waiver on that one, I'll ask if the board thinks they're amenable only because in this particular case the site plan does show bordering , a building to the immediate north, and another building which is technically on the same site but is the adjacent building

James Nixon-In this particular case I don't know if this particular structure is within 100 feet.

Front lit sign preferred

James Nixon -On these revised drawings I showed the sign, my hand drawn lettered sign with dimensions and generally, its looks. Given that, we do not have a tenant ...

Jim Bruen- A self-illuminated sign, or sign with high hats or what type of lighting, is it recessed, or is it...

James Nixon-My personal concept is something like letters on a background, not backlit, as a designer that's my concept...

Jim Bruen- Not backlit.

Christine Piccini- Therefore lights being overhanging to cast down the illumination onto the sign.

Christine Piccini-And not neon.

Mark Anderson-Neon illegal?

Christine Piccini-A design preference.

James Nixon-There is sign regulations I don't think those other possibilities are prohibitive. I'm a little concerned about restricting the future tenant (whose identity is yet unknown).

Mark Anderson- They could be a national firm with a symbol.

James Nixon- It's one thing to not like the sign, it's another thing to prohibit the sign.

James Nixon- I have a preference...I have a preference for a front lit sign, although there are definite advantages to a back lit sign. I do think the back lit signs are easier to read from a distance. However, in the village you're not usually reading from a distance.

Christine Piccini- There's a different flavor to the property when you're looking at a backlit sign versus a quaint,

Mark Anderson- Wood cut...

Christine Piccini- Sign, with lights that hang over, there's a different flavor, considering the discussions we had at the last meeting, and the discussions about the effect on the windows and the entrance door, (what Jim is talking about), is an extension of those as opposed to something that goes into, a sort of asymmetrically opposed...

Mark Anderson-The applicant is saying do you not like it, or can I not do it?

Christine Piccini- That's a legal question that we need to ...

Gary Kropkowski-An aesthetic call? You are well within your statutory power right to do that... 7 725 a

Mark Anderson - Backlit we think is behind the design the light bulb is, what if the bulb is shining at the sign ...

James Nixon - And the pool hall just did...

Jim Bruen-A beautiful job it did.

James Nixon- That is my concept, I didn't give it to them, but that's what I'm thinking of.

James Nixon- Sounds like front lit is at least preferred.

Christine Piccini- More than that; if we had to vote on it, it would carry.

Mark Anderson- Madame Chairwoman.

Demolition and remains of existing building

Paul Pelusio- Extent of the demolition of the existing building.
Tearing down this building completely all the way down to the foundation...
One level of erosion, to maintain the foundation, some of the exterior walls, you're not going to have as much land as you started with...

Mark Anderson- That was my question, will anything remain of the old building ?
James Nixon- At this point, I'm assuming not.

Are you going down to the footings?
Paul Pelusio-I'm not sure
Mark Anderson- So you don't know yet.

David Kulo-So basically what you 're saying is that when demolition's completed, you really don't know exactly what the condition or the foundations going to be. (confirm not Paul Pelusio)
Christine Piccini- And the building inspector is going to say, this foundation is salvageable, or this is not salvageable, you need to take it all the way down...it's not at the owner's whim.

Rick Stockburger -On item 5, I'd be happy if we amended the notes to say that in addition to what's shown here, the building inspector will sign off on erosion control as required as part of the building plan, then if he amends it , you amend your design based on what you can see ... the bldg inspector will have to amend erosion control as he goes.

Rick Stockburger-Just looking at this, you're going to be digging into your retaining wall. You need something that's not shown on here.

Rick Stockburger- You're going to the retaining wall in the back, you're going to do the excavation in the back.

Mark Anderson- How many feet into that hill...
James Nixon- 12 max, we may decide that s more trouble than it's worth.

Rick Stockburger- May have to go back 16-18 ft.

Rick Stockburger-Does that sound agreeable?

Jim Bruen- I agree.

James Nixon- Number 6, the stages of development of construction proposed in a statement...Protect the surrounding neighborhood from noise...I guess this has always been in the checklist but I'm not sure what it's asking for...

Jim Bruen- Just asking that there's not too much noise going on, not air pollution, not so much traffic that it infringes on other people's...

Gary Kropkowski- It can't be before 7:30am and after 9pm.

James Nixon- I changed the window design from when I last showed you. In particular, the 2nd story windows.

James Nixon- Showing a brick front, a wood or wood like trim...I changed the windows; As I recall we had 3 windows across the 2nd floor. Now I have 2 larger windows

I opted against the grills on the storefront windows because it allows more flexibility on what you might do for display or signage.

The aesthetics of the building that businesses would want to have an office either you don't know or not if they're thinking about having a sign on the window. They may be looking for a place to have their office, with a nice new building

Mark Anderson- What he's saying and what I would tend to do personally as a guy who has to create building spaces for adaptability...by not having the mullions, you give an option in the user to put mullions in on their own because they think it's good...or to not put mullions in because it's in the way of what they want to have.

Mark Anderson- Let's say it's a storefront that has display mannequins in the window that are models for clothing...If there were mullions it would stop the ability to look and focus at what the marketing strategy is for whatever the merchant is there...If the merchant thinks mullions are the way to go they certainly have the right to put them in...By us demanding a mullion there may be a limit focusing in on a big display window...

I think merchants want display space...Certainly in the real estate business the more front-end you have in a store front, the better it is...

Mark Anderson- No you're talking about a wide variety of uses in the b1 zone, a restaurant is one of the many possible uses...the concept is the building may out survive the merchant's business...

Mark Anderson- And the merchant business may change from time to time therefore the building should be both attractive but adaptable that would be my argument. I think mullions are restrictive in a way that limits a merchant's ability to display and that it should be up to the merchant whether they want the mullions or not. If this is an attractive-looking product with a big piece of glass that's perfectly OK as long as the overall building is attractive
In this case mullions on that 1st floor are a positive move for that potential landlord.

The second floor

David Kulo- What about on the 2nd floor.

Mark Anderson-He just told us that we can't consider that.

David Kulo-Consider the windows.

Paul Pelusio Considering windows, I believe that I expanded my point that the mullions would improve the aesthetics of this building and would not be exclusive to this applicant, but would also apply to other projects in the Village.

Jim Bruen- We're talking about aesthetics what kind of windows on the 2nd floor James Nixon- On the ground floor are 2 big plate glass windows and upstairs they're broken into triplets; but basically my thought is regardless of what the use is and or if the use is storage you have picture windows, 2 operable windows on either side...large plates of glass not broken by mullions.

James Nixon- But I was thinking exactly what Mark said is that some people because of the design for their storefront display would opt to put in grooves, you can put them in a variety of ways, because that's the look that they want if they're doing a Christmas tree shop or something that may be the kind of look that they want.

James Nixon- Have grills with the snow in the corner or that kind of thing ...but you might not want that if your business is something different ...but they have the option to put it in ...they don't have the same option to take it out...

Mark Anderson-Bingo, I agree with that argument.

Jim Bruen- It's your architectural taste.

Mark Anderson- I know I'm only 1/5th of the board but I think that we need to look at the pragmatic issue of what these spaces are created for; they're being created for commerce. No offense, the building goes up, and is rented or used by somebody. And it needs to meet modern ideas when you go to a big building, like Hannaford's opened up last weekend, I don't think you see mullions in their windows

Christine Piccini- Let's not belabor this point so much as part ii of the same number which talks about the floor plan for the proposed 2nd floor. And indicating the proposed floor elevation and uses of all areas and that is probably a more critical piece of information than to mullion or to not. Because the 2nd floor is going to be a stumbling block depending upon what we're coming up against.

James Nixon- A second floor has been added to that sheeting small scale to place in a big box of storage...it has an interior stair it has an exterior stair it has an area for a future wheelchair lift if needed.

Mark Anderson -Which is that this would be to comply with ADA (should it suddenly become usable space). You couldn't build this bldg as a 2 story bldg from scratch with uses on the 2nd floor without ADA.

James Nixon- That's correct.

Jim Bruen- When you come into a situation like we are, we talk about something minor but also important in the long haul, the planning board here comes upon a point when we can stop this discussion...can we put it up to a quick vote, and say these are our feelings, or do we continually talk about it ...

Gary Kropkowski- With regards to what in particular...

Jim Bruen- So we can move on in this application process...I think we can talk forever about mullions and what have you, but should we...if we were able to just give the applicant an idea in the broadest sense of the word, is that enough so we should just move on?

Gary Kropkowski- Can I read something into the record with your permission?
Christine Piccini- Please.

Gary Kropkowski this might or might not help Jim but it's worth a shot...village law -7-725a (2)(a) does not specifically provide the general aesthetic conditions that are proper subject to site planning review. However, certain of the specifically enumerated site plan easement such as architectural features, and to a certain extent signs and landscaping lighting certainly are aesthetic in nature. The New York State Courts have long recognized aesthetics as a valid subject of municipal regulation and concern. Caveat: because aesthetics are somewhat subjective in nature, the courts have also closely scrutinized reliance on unspecific aesthetic complaints as a basis for denying zoning and land use permits.

(See People v. Stover, 12 N.Y.2d 462, 240 N.Y.S. 2d 734, 191 N.E. 2d 272, appeal dismissed sub nom. 107 S. Ct. 147, 345 U.S. 42, 11 L. Ed.2d 107 (1963); Modjeska Sign Studios, Inc., v. Berle, 43 N.Y.2d 468, 402 N.Y.S.2d 359, 373 N.E. 2d 255(1977) appeal dismissed 439 U.S. 809, 58 L.Ed.2d 101 (1978))

You, I know, I would say my legal opinion coming out of that is you can talk about specifics, you know Jim your application with the lighting doesn't fit in with the general schematic or the other buildings, therefore we have a problem with that, that will work. You know we have a problem w/ your overall facade being a little bit broad and may be too general.

Jim Bruen- So this conversation is legitimate,

Gary Kropkowski- So this conversation is certainly legitimate and you as a board should talk about it as long as you feel fit, as long as you see fit to do that.

Jim Bruen- And by giving the applicant a general feeling of how our thoughts are going rather than being a typical yes or no

Christine Piccini-A general feeling doesn't require him to do anything with it...that 's just hearing what we're saying...if you want to put a point to got to do, than it's got to appreciate a resolution or vote or whatever with the board...So if you're back to mullions and you want that as a got to do, then we have to have a vote, everybody says you have to [put mullions in the window], or not everybody says that. And that applies to each and every thing that we're going to talk about.

Jim Bruen- Otherwise it comes to the next meeting.

Jim Bruen- Can we generally discuss it now Rick, and then come back to vote on it?

Mark Anderson- Can we vote on it tonight?

Rick Stockburger- Otherwise what you're doing is Jim's getting a sense or feeling of what he needs to do to get 3 yes votes. If you think by not putting mullions in, he's already lost your vote...

Rick Stockburger- So maybe he wants to weigh that and say if you want to vote on mullions, you can vote on mullions.

Gary Kropkowski- Rick I would hazard a warning there...you should not be playing to 3/5th of the board, to the extent possible it should be a consensus of the planning board.

David Kulo- This whole issue of mullions to me has a lot to say. Also ...what kind of construction do we want to see in the Village. If we want to keep it loose, we can keep it loose and let many different types of business come to the village that want to... I guess my argument is that I would like to see certain types of , don't have to be up scale, high, but to try and attract the type of building, and the type of businesses that this village needs to thrive.

Aesthetics and Functionality

Getting a business to come to your space has a lot to do with the functionality of the space; the biggest space about a guy operating spaces aright now is we have what I call functional obsolescence. Functional obsolescence doesn't mean that your building has no value, it means that your buildings values diminished in a way that doesn't attract, you were talking about, and it gets grade B, grade C and/or grade D merchants who take what they can get because they are either priced out of the place they'd really like to be... You take a Danbury Fair Mall, the rates are extremely high because of traffic counts and because of what I'll call functionality.

You're not going to get first rate a plus businesses to come into this village if you don't have spaces that meet the needs of their presentation, their function, just like you wouldn't be able to place a restaurant in a place that don't have a sewer system. You need functionality.

Christine Puccini- but Mark, the functionality you're speaking of is not what we're talking about when talking about mullions in the windows.

Mark Anderson- Yes it is.

Christine Piccini- One's aesthetic, one's application.

Mark Anderson- No, they are combined.

Mark Anderson- Aesthetics & functionality are part of the same conversation. All I can say is putting, demanding that mullions be there, is a small little thing, and I think it's great in a colonial type of presentation.

Mark Anderson- All I'm saying to you guys is, all of you, and it can go 4 to 1 and I'm not going to be offended, to demand that the mullion be there, I agree with James's argument here. A person who wants it there could put it in if we vote it in, but a person wouldn't be able to take it out if it doesn't fit in their marketing plan if we demand that it is required.

Mark Anderson- If you want businesses to have the flexibility to present themselves the way they want to present themselves, don't limit them by this kind of little thing, a mullion in a window, I think it's misdirected.

We discussed this before. We have mullions in the window at the former Boone dog. The windows upstairs have the golden windows. Another storefront where the former pet rescue

was does not have muttons in the windows; I think those two aesthetics coexist very well on Main Street. I don't think ...I don't even see a justification for the rule that everyone has to have muttons.

They want to find a community that is more walkable...

Which is why I call this question as chairperson...

Christine Piccini- Now you have a choice, we vote or we don't , the first thing is do you want to vote. I want to vote on whether we're voting. How many people want to vote? OK.

Now, mullions. How many people want mullions?
You guys win (Mark Anderson)

Christine Piccini- We want to go for the charm and the aesthetic that encourages further development of the village, not more of the things you can pick up a dime a dozen all over the place, we want things that begin to redefine what you think of when you think of the village of Brewster.

James Nixon- It is...Coming back to my question is what the heck is your argument that you have the right to tell a person that have to have mullions...it's not written by any law...

Jim Bruen- You heard our attorney, he spoke to us, we asked the right questions...
He told us we had the right to discuss architectural and aesthetic views.

James Nixon- Understood.

James Nixon- The basis of your argument that there should be mullions is what...

David Kulo-The aesthetics create the atmosphere that attract the type of businesses, the type of clients, the type of customers,

Jim Bruen- They add charm, and 3 out of 5 board agree.

Swale

Back to the staircase is that a swale along the side of the building, is that a vegetative swale...

James Nixon- I don't know about all the way back but at least where the front is

You can have a landing at the bottom of the stairs. Is that going to create

Is that a grading along that swale?

James Nixon- I think I do; and you're right to ask that.

James Nixon- Because the swale is curved.

It might be sufficient if just to walk on the swale.

Not a deep curve, I'll dimension it.

So it might be sufficient just to walk on the swale.

James Nixon- A retaining wall detail that will include that clarify that number 13
Paul Pelusio or David Kulo -Are you planning on using that back wall as a retaining...
James Nixon- Putting as a retaining wall; and becomes the back wall of the building.

James Nixon- I think we've gone through everything. I feel that for all the additional information-technical, conceptual, site plan- I'd like to schedule a public hearing.

Lease or easement

Christine Piccini- Well, I think we're still looking for the lease agreement information...

Rick Stockburger- We talked the last time and I think I had said that I thought the applicant package should put in a note saying that the spaces that he understands continue reused in occupation of the building will have to be maintained ...If the lease terminates, then the lease is justification to go back in and say we're in use of this building....

Mark Anderson- Either you tell us the duration is perpetual, or you don't have it; Anybody can terminate a lease...

Mark Anderson- So you guys figure out what duration is good, I personally feel that a lease is inadequate, and if you really are concerned about parking, you need to provide it.

Mark Anderson- Leases come and go.

Rick Stockburger- There are many easements in the village. I much prefer to have the easement off of that property

Paul Pelusio-I loved that argument last time... I still hold I would like to see an easement. David Kulo-I also would like to see an easement

Mark Anderson- I too would like to see an easement, not a lease.

Christine Piccini -That's what I'm asking -can the requirement to screen the parking area be part of the requirements to provide the easement
Mark Anderson-Do you know where this parking is being proposed, do you know what it looks like today, it's a cage beyond the red fox and before the old LMA site,
there's a fenced area with a 6 ft chain linked fence that's used by somebody right now, there are many cars in it today.

Jim Bruen- I think the auto body shops reuses it and it looks like a junkyard

Christine Piccini- It's overgrown, not screened.

Paul Pelusio- If we're talking about perpetuity here, I don't see, I see the easement as the best strategy to go. I agree that any lease agreements could create a very rocky road ahead.

Mark Anderson- Leases end.

Mark Anderson- When the lease is over...

Nothing compels you to get into a new lease, or to renew it...

Rick Stockburger- Let me just say that Gary can we make the approval the following as an easement conditional upon approval of the building permits. Prior to getting issued a building permit, then submit the notarized copy.

Gary Kropkowski- Can do it that way as well, absolutely

Mark Anderson- That sounds like a very reasonable approach, it gives us the linkage that I'm looking for, and lets him do it in an orderly fashion before he breaks ground, fair enough.

Christine Piccini-I think we need to see the list addressed before we schedule a public hearing which is going to bump us another month.

Tuesday July 24th

Christine Piccini-We haven't gotten to this point in our agenda but we're probably going to have to move our July date.

Christine Piccini- Ok, Tuesday the 24th is our next meeting so for that James then have everything back to us by Tuesday the 10th of July.

Mark Anderson- Thank you James.

...

James Nixon- It sounds as though the board is in agreement that they want an easement and not a lease.

Mark Anderson- Why don't we get his email address right now, what you said before was a great idea, can we get you on our list correspondents?

Nasser Aqeel-It's DRNAQEEL@aol.com

Mark Anderson- In comment 5, the building plan view does not match the building elevation view.

The front bldg elevation view contains horizontal plate in the building lines that do not appear on the plan view.

Mark Anderson- Can you illustrate to me what that means?

Paul Pelusio-This is the building, these are horizontal breaks

Paul Pelusio-This is one continuous wall line.

Mark Anderson-Here that...that that bump out exists.

Paul Pelusio- So I don't know if the bump out would be on the existing building line, or if the existing building line would be further back and the bump out is going to line up.

Mark Anderson- It could be that these spaces are along the same plane; is there an elevation change, something like that?

Nasser Aqeel- I'm not changing the size, the width of the building, I am changing the elevation of the building, basically maybe the elevation might increase, the height of the building might increase a little bit, that's where the break is...but the width of the building continues to be the same size.

So these horizontal breaks here are nothing more than the façade...

Nasser Aqeel- The façade, yes.

Mark Anderson- Thank you for clarifying that; I appreciate it.

Nasser Aqeel- The side of the building is not going to change whatsoever.

Nasser Aqeel- Whatever the board would recommend I'd be more than happy to address. If they want a front lit sign, if they want a back lit sign, a side lit sign, I'm very flexible.

Nasser Aqeel- Front lit sign. Personally I like the front lit sign; I'm glad you guys chose that.

Mark Anderson- Well we're all in agreement with that.

Christine Piccini- Because we have far more flexibility in the way those national establishments are marketing themselves. They are now being far more willing to present their names and logos in ways that meld w/ a local architecture than the old.

Nasser Aqeel. I go along, and I think Jim (Bruen) does too..the Subway is willing to come up with...raised block letters with their subway logo with front lighting. And the other signage would conform to drop lights.

Paul Pelusio- Individual raised letters, that 's what you wanted?

Jim Bruen- yes

David Kulo- Individual letters as opposed to a sign.

David Kulo If you look at it from the side with the shade creates shadows, individual stand out ...a sign itself and raised lettering on the sign, is that possible?

Like a box, w/ raised instead of individual letters...

Jim Bruen- and the lighting comes over the top of it

David Kulo- Ok.

Rick Stockburger- We get to does the fast food restaurant requires a special use permit where it's not allowable use.

Rick Stockburger- In the b2 zone I think

Rick Stockburger- Special permit use in b2

David Kulo- What categorizes Subway as a fast food rather than a deli.

Rick Stockburger- The definition of fast food.

Mark Anderson- What page?

Rick Stockburger- Page17018 (definition of fast food).

Jim Bruen- If Subway isn't fast food, would you object to Subway moving into this applicant's building.

Rick Stockburger- That discussion is purview to the Village Board. The thing you should do...we can go along because the Village Board is going to defer to us like they did to Duncan donuts. That's the recommendation.

Rick Stockburger- I think it's still germane to have the discussion so the applicant knows what our feelings may be when they sit it down for 30 day review.

Rick Stockburger-The discussion up top is because of the fast food restaurant, and that's a special permitted use in b2 zones, that needs to be done by the village board, although they will refer it back to us for a 30 day period with the planning board , should we continue this. Now, tell the applicant that he needs to make a special use permit with an application before the Village Board.

Gary Kropkowski- Well, he certainly needs to make the application before the Village Board.
Christine Piccini- Shall not include bakeries or delicatessens operating as retail establishments provided that such sale is not the principal business of such a establishment.
They sell chips, they sell cookies, they sell soda,

Christine Piccini- That's what the principal is the deli aspect of it, and that makes it a fast food establishment.

How if they sell milk...

Rick Stockburger- They would have to generate most of their business other than subway sandwiches...

Mark Anderson- I don't know, this might be the cart before the horse. The gentleman's looking to change an entire building. At this time, there are no signed leases right now.

So Subway is a concept...he could come to us to change the building, and then go to the Village Board to ask for the right to have Subway be one of his tenants in his newly changed use building. So we would he be able to drum through this thinking that Subway may or may not be the tenant.

Is that correct?
That's right.

Mark Anderson-I would like to continue discussing the whole of this application. You understand what we're doing here.. We're not talking about Subway...approval or whatever happens here is with us not even considering Subway.

Nasser Aqeel-If Subway comes in again, I have to go in front of the Village Board.

Christine Piccini- If this project gets approved, and you'll want Subway or any other fast food place in there, you have to have a special permit for that to be one of the tenants in your building.

If you have a chiropractor in each of the 3 spaces, then you don't have to get the special use permit.

Mark Anderson- Gary, does the applicant work simultaneously through both boards. Do they need the building approval changed first before he asks for subway as a special use.

Rick Stockburger- If we look at it as we did for the guy across the street, they went for the special use permit, and the Village Board referred it to us as the 30 day comment then it went back to the Village.

Rick Stockburger- Now we're talking about allowable retail spaces.

Mark Anderson- This is a change of use application to change from and automotive to b2 general.

And allowable b2 businesses.

I can provide lights on the building, leaning forward, I can put pole lights, that's open to comment.

General building lighting, Parking lot lighting

Paul, you wanted to see parking lot lighting?

Paul Pelusio- General building lighting.

Nasser Aqeel-I can provide floodlights on the building, do you guys want floodlights, more lighting?

Jim Bruen- Want to do it high enough that no one can reach and break it.

David Kulo- Something that looks like in and around the train station.

Doesn't have to be as ornate,

Nasser Aqeel-I did my homework on these lighting poles they go up to cost, such as \$3000 to \$4000

The train station type of lights can be very very expensive.

David Kulo- Page 16: that there is street lighting on the utility poles.

Nasser Aqeel-I just put lights around my dental practice in Yonkers, they were about 14 ft. high with an angled floodlight, angled, \$800. Something like that ok,

Jim Bruen- We'd have to see it.

I've also seen sconces that give out...with light from the bottom and the top. If you guys like it I can put these at both ends and in between the store fronts.

Mark Anderson- Is the street light illuminated by what's around it

Mark Anderson-That does offer illumination, there may not be any need to add anymore illumination.

Jim Bruen- You propose us with something that look fabulous, I'd like to see more detail from

an aesthetic point of view...you're showing a four inch, three path concrete coping up top?
Ok. What's your next piece of moulding, what's your next piece down to the façade?

Crown Moulding

Nasser Aqeel-Basically, I'm going to have a 4 street cast...

Mark Anderson- It looks like 3 pieces of moulding here...

I'm going to have a crown moulding underneath the precast cap.

May be a 5 inch for the lower crown molding then a 1 x 12 going across underneath that.

Jim Bruen- So we appreciate that if you put that breakdown in writing...

That sounds beautiful, that sounds great

Jim Bruen- Can we talk about your...these look like awnings

Awnings

What are my thoughts on the awnings? They're probably going to protrude about 2 feet off the building just to provide some shelter from the water...when patients walk in or if people walk in and out, pedestrians walking,

Jim Bruen- what will they be constructed of...

Cloth, the typical cloth

Jim Bruen- crank them in & out

Mark Anderson-so they'll have a small frame underneath them...

If you object to the color I can change the color...

If you want burgundy you want burgundy, if you want blue than blue...

Mark Anderson- Personally I think the contrast of green and red looks pretty good, I don't object to that at all...

Jim Bruen- I don't object to the color, I'm just thinking about the awning...

Paul Pelusio- I also like the landscaping screens in there, I think it's well put together...

These lines, are they squared off at the end, or do they hang straight off...

Jim Bruen- Aluminum tube type of frame.

Jim Bruen- You want to screen your dumpster, yes?

Basically yes.

The first thing I like evergreens, something that stays green throughout the whole year.

Jim Bruen- well evergreens

Spruces, Foxwoods, things of that nature

Going to probably screen 6 ft up.

Jim Bruen- But that's going to be on both sides wrapped around it,

Not only on the front but the side...

Jim Bruen- So you 're just going to leave the concrete walk the way it is, keep changing the walkway,

Probably going to repair it...

Benefit everybody...

Rick Stockburger- I'm trying to see what parking spots are required.

Rick Stockburger- B2 right?

Rick Stockburger- Residential commercial professional one for 400 sq ft.

It's going to be brick, the whole building will be brick.

Is that just squared off,

Are there windows on that side?

No windows...

Mark Anderson- And the back has no windows.

Those windows in back would be very nice.

Mark Anderson- If a tenant wanted to put it in, if it's a wood frame building, it wouldn't be technically implausible, the river is clearly one of the most attractive things the village has

Jim Bruen- Would you have a problem with putting some lights in your front window?

Absolutely not.

Christine Piccini- I have to say having done the mullion type discussion before on this type of a building, on this type of a building I don't see them.

See.

Finally. (Mark Anderson)

Christine Piccini- No, not finally. It's not the same style.

Jim Bruen- The brick, what you're doing is just beautiful, the whole process is going to be nice.

Rick Stockburger or David Kulo- I would have to say the lattice look would certainly be more appealing.

Rick Stockburger- I've got a question for Paul now.

Paul, the traffic pattern, we are looking at it the way it goes, would it make better sense to be closer to the street lights, the traffic lights, or further away?

Do you want more room to purge in, see the way the one way is? They're going to be exiting very close to the traffic light... is it better to be an entrance or an exit... especially if there might end up being a high volume user in there.

Rick Stockburger- We do a lot of discussions on the place across the other side, John Folchetti got into...

Paul Pelusio- Looking at that, there is a traffic survey engineer, can make recommendations into which way traffic flows...

Paul Pelusio- There are traffic engineers they live their entire lives and spend their entire lives to study this kind of stuff. Just from a broad perspective, into a lane of traffic in the direction of traffic is always preferable as opposed to having to turn in at the bottom side.

Mark Anderson- You're prohibiting people obviously with this sign from crossing the line of traffic and going the other direction.

Peter Pelusio- And anytime you can avoid a competing traffic flow is generally preferable.

David Kulo-This area I believe needs crosswalk, pedestrian signals, it needs to be deviated away from looking like rte 22 highway to like a street slow traffic down, minimize impact of collision, and all sorts of devious things that may happen on.

David Kulo-Appeal, not just for vehicles coming in this area but also to make it appealing and safer for pedestrians..., not just your site but also holds Duncan donuts at the other side, a crosswalk there

David Kulo-Because this application is going to have an impact on the street and the traffic...and all I'm saying is that I'd like to see in this village is implementing this section of roadway, and make it seem less like a roadway, and more like a street the same way Main Street is. Again people drive slower on downtown Main Street because it's perceived to be a street, they know there are pedestrians about...

Paul Pelusio-But it's dangerous crossing that road. Even though there's people across the street there to look at the cars at the used parking lot of Honda, as opposed to the new parking lot, there are no crosswalks, there is not, there is little incentive, drivers do not realize they are going into a village.

Mark Anderson- Right through that railway underpass you're suddenly in the village.

David Kulo- They maintain that speed and they go from state highway and there's only like less than a half a mile on the village streets, which is that hill, down to the light. There's no visual aspect to that corridor that would say to a driver you need to slow down.

Jim Bruen- A great idea, doesn't have anything to do with this applicant, but it's a great idea.

Christine Piccini- Can we table that for a discussion another time...

Jim Bruen- 2 crosswalks between...that would be dynamite...

David Kulo- I realize but I don't want to dwell on it. That this is important not just for this applicant, but also for across the street...and I...and anyway, we all want these applicants to succeed in their ventures, we have agreement on that, would like to see something that is going to help.

Christine Piccini- We're on #4 plan and method to ensure proper erosion and sediment control during construction specifically for long the East branch. (See 6/21/07 Paul J. Pelusio application for approval of project development plan, 851 NYS Route 22, S.B.L. No. 67.36-2-3).

Number 5

Christine Piccini-Here again...

Mark Anderson- Jim was talking about before...

Nasser Aqeel-You want me to see a brick façade, do you want me to draw elevations of a brick façade in the back and the left side?

Mark Anderson-You heard Jim ask for some more detail around here,

Mark Anderson- Which elevations are we missing...

The rear and the right and the left

Christine Piccini- We only have a front.

Is that it?
That's it

Christine Piccini- and he's already said there are no windows on any of the other sides, what about doors on any of the other sides...

Nasser Aqeel-If you guys want me to put a window in the rear, I'll be more than happy to do it, I'm open to suggestions, but it's going to hinder what a future tenant wants.

Rick Stockburger- Required to have 2 exits?

Mark Anderson-I don't think so, not on the 1st floor.

Mark Anderson-He's asking us to make a vote.

You can make it contingent.

Mark Anderson- Subject to approval, subject to him doing the changes

(everything we spoke of),

the silt fence, the lattices, the front lighting, it'll all be in our minutes

Gary Kropkowski- Are you satisfied that you've got what you need to make that conditional approval.

Jim Bruen- I am.

Conditional approval

Rick Stockburger- I would think we would have to write down the conditions that we're approving, right.

Jim Bruen- Subject to review, we approve of it, subject to review.

Christine Piccini- so what is the pleasure of this group of people, we can approve it conditionally in which case we have to list that he's going to comply with the conditions that we just discussed in the document review comments as provided by the engineer,

Jim Bruen- To do it intelligently we should have it written down to review.

It's not just a couple of things.

They're minor, they're minor.

Jim Bruen- They are not minor.

Nasser Aqeel-Another month, another 2 months, you're killing me here.

Jim Bruen- We're reviewing...and we're happy to have you here.

Nasser Aqeel-Minor, minor condition, right side elevation, left side elevation, silt fence, lattices on a window, know if a crown moulding or a 1 x 12, that's minor.

New construction, nothing existing, I'm just changing the façade

Jim Bruen- you're changing the façade, you're changing the look of the village, we're very happy, we're looking for, just like any an applicant that comes in front of us, we want to see the full architectural plan.

Nasser Aqeel-Can you approve it w/ the conditions...

Mark Anderson- We have approved things w/ conditions before.

Jim Bruen- How can we speed the process up for the gentleman? We're not trying to make you lose money. We're obviously behind it. But you also have to understand our situation here.

Nasser Aqeel-I'm going to comply with whatever demands you guys are willing to put up. You want lattices, I put lattices, you want me to detail the 1 x 12, I will detail the 1x 12, you want sconces in the front, and I'll put sconces in the front. I'm willing, I'm very flexible as long as you give me permission to start rolling.

Mark Anderson- Is it too hard for us right now to recite this, write it down, and make it part of the approval, I hate to say again that I'm sympathetic to a completely vacant building eating up their owners.

Christine Piccini- Make a motion

Christine Piccini-someone has to make a motion, someone has to second it.

Mark Anderson- I'll make the motion that we grant approval to this applicant conditionally upon the issues, and I'd like help from every board member to make sure that everything we talked about is listed.

Mark Anderson- From the issue of the architecture on the front, we want more specifics on the crown mold, the 12 inch.

Rick Stockburger- No, we have to tell him what the specifics are.

Mark Anderson- James, tell me exactly what you're

Jim Bruen- Ok the applicant spoke of what's on the plan, the 4" recaps constructed, concrete coping, he went with a 5-1/2 inch crown molding, below that he went with a 1-1/2 or 1 x 12 across the face of the façade.

Jim Bruen- you want me to go through the architectural stuff

Mark Anderson-Yes.

Christine Piccini- Yes.

Jim Bruen- We also talked about the silk plate. Needs to be there. We talked about the awning being of cloth nature, of the aluminum tubing to be hidden by the cloth, and the overhanging What 2-1/2 ft?

Approximately 2 ft.

Jim Bruen- Approximately 2 ft. We talked about the lighting being front lighting, for signage. We didn't talk of what we should, not recessed lighting, but the reverse lettering, raised block letter...we talked about the façade being brick, we talked about the lattice, we want mullions in place on all window spaces, not including doors...

Jim Bruen- We spoke about the screening process and the container at least 6 ft., spruces, screened on the back, screened in the front, I don't think he's going to have enough room to screen on the right side.

Mark Anderson- But he's not making any neighbor worse off because it's not there now..

Mark Anderson- The lighting you talked about you wanted 4 lights (sconces) on the front of the building, you wanted a silt fence at the back of the property to protect the east branch of the croton river, and we wanted elevations for all sides of the building to be available to the building department and us on a plan. That will become part of the permanent record of this property.

Mark Anderson- Does anybody else...

Christine Piccini- Clarify that all 4 spaced sides are going to be brick
All 4 spaced sides are going to be brick.

Jim Bruen- You're putting in concrete to the walkway to match existing so how wide is that concrete walkway going to be
Approximately 3ft.

Jim Bruen- So it's going to be a legitimate, it's going to be 3 ft. walkway, concrete 3 ft. walkway.

Jim Bruen- We don't need to go into handicapped because that's a matter for the building inspector, correct?

I don't think there's anything else...is there...

Mark Anderson- I think that covers pretty much, now if we can get that incorporated into approval subject to, I would ask the board to consider this applicant to be ready to be approved, subject to these listed things.

Rick Stockburger- And I would think we'd want to add that any fast food restaurants require special permits...

Mark Anderson- We have to write that right in there.

Rick Stockburger- Just so the applicant. So not in the future it is not shown as if we approved...

Mark Anderson- Subway.

Christine Piccini- Actually, what we have done, there has been a change in the plan, and it is not for a specific tenant.

Mark Anderson- It's simply...

Mark Anderson- That was for illustration purposes only.

Jim Bruen- When the applicant submits his plan as he has right here, and we've gone over what we'd like added to it, the original plan itself, and all other parts remain the same, remain in effect. We don't have to recognize the fact that new (macadam) is going to be put in over the overlap.

We don't have to add any of that we just have to add what we feel is over and above this.

Rick Stockburger- And that's important that the building inspector takes this with the condition to make sure he incorporated before he does the building permit.

Christine Piccini-We have a motion by Mark, we need a second.
I'll second. (David Kulo)
And all those in favor?
All aye.

One quick question, these conditions, I'll probably have them ready for you guys by next week, you want 10 copies of each.

Rick Stockburger- Not us, the building inspector.
Christine Piccini- But we do need a copy for our records.
I'll have 10 copies and give them to Joanne to put in your mailboxes.

Mark Anderson- Thank you for wading through all this.

Jim Bruen- See you later, good luck.

Christine Piccini-OK, last applicant.
And we will all try & stay focused on this.

Kobacher's, Variance

Frank Milano-1 & 2 I need to get them for you , 3 I need to get for you 4 I need to get for you, 5
Frank Milano- The zoning, am I going to need to get a variance...
Rick Stockburger- I think you need the zoning people to find out,
Frank Milano It's not, know I would need a variance if you're requesting that I need it
Because it's only...the building right now is 6 ft off the property line.

Jim Bruen- Are you saying we can override the zoning?
Christine Piccini- We cannot override zoning.
Rick Stockburger- You have a variance from last addition on, right.
Frank Milano- Right, this isn't going to increase the variance though.
oh yes it will...by 8-1/2 ft.

Frank Milano- So I need a variance.

Mark Anderson- This is all available to you at Peter Pelusio's office. They have mapped the entire village. And they can for a small fee reproduce all that stuff.
Rick Stockburger- Let's think about this.
Christine Piccini- If overhang existed on the original plan, and you went to zoning and got the variance in order to have the overhang, do you need a variance then to drop the wall from that they already waived from the ... roof overhang.

Rick Stockburger- when I asked for my variance it said the variance was for the foundation. So I've got a 5 ft setback, but my overhang is going to be closer to the line than 5 ft, so I did need the variance. The foundation 5 ft from my side yard from my backyard which is no variance required. So it was not required to get a variance even though my overhang...

Christine Piccini- But your overhang hangs into the 5 ft.

Christine Piccini- His overhang, the variance, we're talking about side yard variance are we not?
So this has already been... he's already got the variance to exist here.

Rick Stockburger- But I don't think they include the overhang...if we make a decision in the wrong, the ZBA can always overrule it. But if you think that includes just disrupting down the overhang...

Christine Piccini- I'm asking a question.

Jim Bruen- Why don't we put a mark by that Frank.

Rick Stockburger- If he already got the variance

Mark Anderson- For the awning, you're not getting any closer to the sideline; you're at that point.

Mark Anderson- Highway is not applicant's property.

Meeting closed approximately 10:45pm