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Village of Brewster Planning Board

Public Hearing
50 Main Street
Brewster, NY 10509

May 18, 2010

Pledge of Allegiance

In Attendance:

Rick Stockburger – acting Chairman
Mark Anderson
Kathleen Meyerson

Absent:

David Kulo

Recused:

Renee Diaz

Rick Stockburger motions to open the Village of Brewster Planning Board Public Hearing at 7:30 pm. Mark Anderson seconds the motion.

AYES: 3 NAYS: 0

Rick Stockburger - I will be acting as Chairman for tonight's Public Hearing. David Kulo and Renee Diaz have both recused themselves. We have Mark Anderson and Kathi Meyerson. We'll be talking about is the Village property on 2-4 Allview Avenue. We've got Tim Allen & Mike Liguori here. If anyone wants to make a comment, we'll go down the list, and allow each person 5 minutes, if there is time left, additional comments can be made. After this, we'll hold it open for 10 days an accept written comments that will be reviewed at our next regularly scheduled Planning Board meeting on June 15, 2010.

Good evening, I'm Michael Liguori, I'm the attorney for Brewster Honda for this part of the project that is in the Village of Brewster. This is a picture of the total site, and comprised of 3 tax parcels. Tax parcel 2 is located in the Village of Brewster. Brewster Honda is proposing to construct a roughly 36k square foot automotive service and prep facility on tax parcel #4 in the Town of Southeast. The Village aspect of the parcel is limited to the driveway that accesses the site. The proposal for the aspect of the Village

is to bump out the driveway to provide screening up the side of the property, to tear down the structure currently located on that parcel (the former daycare) and it's proposed to have some drainage facilities that will replace that structure. The addition of drainage will be collected and routed back. There is not going to be any drainage that is connected to the Village sewer system. There isn't that much that is proposed on the site plan for the Village other than that. The Village Planning Board was concerned about was the effect of the overall development on the neighbors, and they asked us to restrict the use of the back end of the property so there can be no further development and to provide a permanent demarcation so that the Village and the Town can inspect and readily ascertain if the use has expanded. I've drafted a document that has been submitted to the appropriate Boards for the Village and the Town, which is a declaration of covenants and restrictions. What that document does is restricts the use of the parcel from this point on and limited solely to the construction of a septic system to serve this building that is over here. The restrictive covenant will require that we provide a permanent demarcation by having monuments placed. We're happy to answer any questions to ensure that everyone understands what we're asking the Board to approve.

Jim Bruen – This green area – what is this considered? Mike Liguori – it's just a color it's not intended to represent anything except to set apart where the pavement is. Jim Bruen – so the green doesn't mean greenery or that there is something growing other than that? Mike Liguori – It's only designed to designate the impervious vs. the non-developed portion will be. Jim Bruen – so tell me what surface is being placed in this Village tax lot? Mike Liguori – that's the only surface that is being proposed. Once the building comes down there will be some additional drainage put in. Jim Bruen – again what will the surface be. Tim Allen – it will be grass. Jim Bruen – this whole area will be grass? Tim Allen - Correct. Jim – and what size plantings are you initially putting in? Tim Allen – it's not final site plan yet, but 4-5 foot spruces. Jim Bruen – that seems very minimal, I see they are staggered which is nice. What are they some kind of pine? Tim Allen – we're doing two things: spruces to screen above, as well as low shrubbery to hide any headlights. The goal is to stagger and any headlights that may come toward the neighbors would be screened by the low shrubbery. Jim Bruen – what is the scale? Tim Allen – 1 inch equals 30 feet, it's fairly dense. Jim Bruen – it would be my suggestion that this barrier here be as large as you can, you can get spruces up to 15 feet. I know it's expensive, but it's crucial to the neighbors. Tim Allen - the one thing we didn't want to do is – particularly in the back on the southeast side there's a large woodline through this area we didn't want to intrude onto the wooded area, but keep a perimeter as far as the thickness of the area. We want to preserve as wooded in that area. Jim Bruen – this perimeter should be as close and thick as possible. What are the plans when people come by Allview Avenue and look in. Tim Allen – the Brewster Honda sign, which will be on the right of the entrance way, and the driveway itself. Jim Bruen – anything else? It's important to have a plan that's pleasing to the eye.

Yoshi Ito – Adding to what Jimmy said, I'd like to see something solid beyond the trees, so there is four season protection against headlights that you mentioned. So that even in winter there's not headlights shining in on the homes of the neighbors. The zoning code as you know has a provision for placement of truck driveway and truck

loading area next to a residential district. The Village code requires that it be 35 feet away. Have you considered the implication of that section to this project?

I can tell you the Lumber distribution center use pre-existing non-conforming use expired prior to the application to be rezoned was filed. The Brewster Honda people were kind enough to provide letters confirming that was the case. And the correct use of this space I'd stay a trucking terminal under GC2 I'd like the attorney to confirm that the present use, unloading zone is indeed permitted use right now under GC2. I'm wondering under what theory the driveway which is closer than 35 feet away can be allowed in the Village. That's a requirement that we've had for many, many years. And it's a standard protection for residential areas, and please keep that in mind.

Keith Greene – I live at 3 Meadow Lane. Since this is a new site plan and a brand new use on this site if this goes ahead this needs to be completely conforming to our code, which means that 35 feet from my property line which is there is where that driveway has to go. Otherwise it's up for a variance and the project stops before going to the ZBA. I don't think, in fact, they can be in front of the Town if they are required to have a variance for what is happening in the Village. I throw it out because I believe it to be true, but I don't know the law. This right here needs a variance. I'm an aggrieved party because I'm directly affected. I'm in the Village and this is in the Village up to here and they're within 35 feet of my property and I intend to make sure it doesn't wind up that way. What is this conservation easement line please? Mike Liguori - the restrictive covenant goes to the edge of the parking lot. Keith Greene – so the restrictive covenant does not show this line here? Mike Liguori – no the covenant as drafted shows the line from here over. Keith Greene – so this is not a current drawing in front of the Board. Tim Allen – it's current in front of the Board, but the lines changed. Keith Greene – March 4 was the last time it was updated. Keith Greene – what are these other lines in here. Tim Allen – there were conflicting zoning lines. This current zoning line, and an old zoning map that showed a line further away, and those are the 2 represented lines. Keith Greene - Our main concern is what goes on in the village, and many of us have signed petitions this use contiguous with village residential homes with school buses, children, and homes that were recently rezoned from two- family to one family and trying to revitalize the area.

Michael Liguori – just to make note Mr. Chairman, the Village Board also rezoned the piece that's located in the Village and its B4 which specifically allows automotive use, so there was some thought about that when the Village did that in 2008.

Jane Carruth – how many feet are you planning on moving the driveway closer to Route 6. You mention it's going to get bumped a little, how little. Tim Allen It's about 15 feet away from the property line. The driveway that exists today, is right on the property line so we proposed to shift it away to provide the screening. Jane Carruth - I live at 15 Allview Avenue, I show concern for my neighbors, and my neighborhood. One of my main concerns is the effects of the increased traffic on Allview Avenue. My concern is that if you move this 15 feet, it's already almost up against Route 6, this turn where you would pretty much have to make a u turn if you're coming from 684 to get into the entrance. How's the car carrier going to do this? We already have pictures of

car carriers all the way into the oncoming traffic lane to get into this driveway. If it's even closer to Route 6, it's going to be even harder for them to manage turns and for the influx of traffic to manage it smoothly. Another concern would be since it's so close to the intersection, people will miss the turn, and would drive up into this residential area looking for a place to turn around. I urge you to consider the traffic implications and how it would affect the neighborhood.

Tim Allen – you made a very important point, as Mr. Greene pointed out there's a 30 foot requirement, and I think counsel has backed us up on this, we're moving the driveway over. We're improving an existing non-conforming condition that exists today. Quite frankly this driveway is slightly on the property to the south. Our traffic studies show that it's okay where it is right now, but if it moves further towards Route 6 it could be a problem so we're trying to balance that condition on where that entrance is. Jane Carruth – they need to talk to their truck drivers then, they never make the turn without going into oncoming traffic. Any time that I see a truck, they are going into oncoming traffic to make that turn.

Laura Green – Just a few things, many of them have already been covered. You mention 4-5 foot spruces – most of our homes look down on that property, so if we look out our back windows we're looking over the top of the tractor trailers, so 4-5 foot spruces are not going to help. As Yosh mentioned, Village zoning code states, no access driveway for trucks within 35 feet of any side or rear lot line which constitutes the boundary of any residential district. Lastly another traffic concern, there are many cars shooting back and forth between the 2 Honda sites on Route 6, which is a traffic concern, that I don't know was accounted for in the traffic study.

Jim Thompson – I'm listening and not going against what's being said, but we're going to give leeway to property that is the Town of Southeast, and the Town is going to get a lot of tax money, what are we, the Village, going to get from this. I own property on Meadow Lane and by the Italian American Club so I can't lose either way. But I don't see us in the Village making any money, unless we give you this right of way and they pay Village tax. Mike Liguori – we pay Village tax on the driveway portion that's in the Village. Jim Thompson – I mean on the whole thing. We're going to let you open a business, are you going to pay the Village now money because we're letting you make money getting through our property to get there. Mike Liguori - I think that would be illegal to require that or make it an obligation of us. Jim Thompson – then we should just turn it down. Tim Allen – let's make it very clear, the Village does not own that property. Jim Thompson – then why are you here? Tim Allen – because we need site plan approval, we're not going through Village property. That's Brewster Honda's property it's just located in the Village of Brewster. Greg Folchetti – any condition of approval based upon an agreement to pay taxes is something that wouldn't fly. There's a portion of the property that's within the Village and it's taxable in the Village. Jim Thompson – what can you build on that property? Mike Liguori – it has the access on it, and the access has been on it for a number of years.

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Tim Allen – one thing also we discussed is the potential for gates. That was something we discussed through this process, and I think that should be flushed out now.

Renee Diaz – I'm curious this isn't a final site plan, so when there is a final site plan will there be another public hearing or is this Board being asked to vote in good faith on something that hasn't been finalized yet.

Keith Greene – are you opening the gate issue for just general observations. Rick Stockburger – anyone that wants to speak and talk about the gate. Let's go back to the top.

Jim Bruen – we'd like to see a picture of the gate. I agree it's not a permanent site plan. I'm trying to remember this area through here, wasn't there a pretty good retaining wall here. The retaining wall will remain intact? Honda runs their sales business across the street. They slowly took over the piece of parcel across the street, it used to be a convenience store. It's gone from the business on the right, pulling all their vehicles bumper to bumper down the road, I'm not sure if anyone has asked for permission in the past to do that but it looks horrible. It's been abused. We entering our village do we really want to see that? I'd like to see some sort of natural screen going across. Something to buffer off all of these cars that are 6 inches away from each other.

Rick Stockburger – anyone else want to speak again?

Yoshi Ito – As you just indicated contract zoning – is illegal. Can you distinguish that and getting the restrictive covenants in exchange for getting site plan approval. Greg Folchetti – I won't speak to anything that the Town of Southeast Planning Board is doing or anything they've been advised by their counsel. If a condition of approval is that some portion of the site is left undisturbed, that's a condition in the discretion of the Town of Southeast. Mike Liguori it was an offer. Yoshi Ito – I just don't If it's a condition of approval that we're going to have legal problems down the road. Greg Folchetti –they both have their conditions, and can impose whatever reasonable conditions that the applicant is willing to entertain. That entire property is within the Town of Southeast, but it's something this Board was pleased to entertain.

Tim Allen – there's a provision in most Town/Village codes that is a self imposed restriction of property. I think under Village law you can put it in as a condition of approval, since it's self imposed, and legally binding in their resolution.

Yoshi Ito – this would always stay? Even into future owners. Greg Folchetti – yes .. and the Town or the Village would have the right to enforce and to seek injunctive relief. Mike Liguori – there's two levels – we provide that no rights of the Village or the Town are given up in the event they wanted to violate the owner based on a site plan violation. Typically you'd bring an action in Supreme Court, but because we've offered this as a site plan condition to mitigate any impact to the neighbors. Two things could happen the building inspector could issue a hearing ticket for site plan violation, or Town/Village

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attorney could bring an action in the Supreme Court, and neither one is mutually exclusive to each other.

Matt Lonegan – I live at 11 Meadow Lane. I've lived here 19 years. I know this intersection very well being I have 3 kids in the school district, No lie, I'm through the intersection a dozen times a day. This is a very bad intersection for what's proposed. It's quite unique, it's at the top of a hill on one side (coming from the Village), there's a railroad trestle when approaching it from the 84 side, and it's at the bottom of the hill on Allview Avenue. It's not conducive to safety for what's being proposed. At least 6 times in the last 6 months, I come down Meadow Lane onto Allview Avenue, and just before I get there a tractor trailer, either loaded or unloaded, pulls right out in front of me. The guy is already moving and not even looking, they are looking in front of them to make the turn, and they don't even see a car coming down the hill, and I've had to stop short. More often than not he's going back to 84, and he's crossing traffic, across Allview and all the way across Route 6, to just about make a U turn and crossing Route 6 to get back onto Route 6 going toward 84. Safety issue – the intersection is terrible for that. We love it there, we're the last house on a dead end street, it's quiet it's peaceful, and you're talking about putting a buffer up. The lights and the noise are not going to be buffered, and that's ruining my quality of life. This is only benefiting one entity that is not even a Village resident, nor I believe Town of Southeast resident. I've gone to all the meetings. And other than the people that either work for Honda or are connected to it. At the last meeting there were several letters read in support of the project, but there was some financial gain. Honda comes to do their business and then goes home at night, their quality of life isn't being changed.

Jane Carruth – you mentioned the gate. Is the proposal of the gate aesthetics or security?

Tim Allen – Both.

Jane Carruth – what I thought about is the noise of the gate opening and closing, but I realize you can get an electronic gate and it can be quieter. What happens when a tractor trailer gets to the gate when it's closed? The reality is they're going to get there before hours. Where are they going to go. If you do have a gate there they're going to park along Route 6, they may just park in front of my house waiting for the gate to open.

Tim Allen – you make a great point that's the pros and cons we were working out with this Board and we wanted the public input on this. Two considerations either into the property and then they can pull in and park there, or if it's on Allview and a truck pulls in and the gate is at the end, the truck will then have to drive up Allview Avenue to get out of there. Jane Carruth – that concerns me. Tim Allen – that's why the Board wanted the input of the public. We're going to limit the access and the hours of operation will have signs up but in our view the gate makes more sense into the property so as to avoid the trucks having to go up Allview Avenue. We're indifferent on where it is.

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Jane Carruth – living where I live - my back deck with 30 feet spruce that must be 50-60 years old in the summer sitting on my deck, we're blinded by the lights with major old growth trees. That's something else to consider.

Keith Green – when it comes to the gate, my fear is if we put the gate at the end, they'll drive through Allview Avenue and down Turk Hill and it's going to be a mess. If you set it in further they'll be idling in my backyard, I don't know what kind of idling noise laws there are. I don't know what the solution is. Tim Allen - One of the things we did discuss was not having a gate at all. That the trucks can pull in behind the building which is where they load and unload, but from a security standpoint. Keith Greene – then you have to worry about vandalism, etc. it would be an open site. Tim Allen – it's an open site now. Mike Liguori – same thing with the current dealership. It's an open site. I know that you don't want them idling in your backyard, but if they are able to pull behind the building, it at least blocks the noise. Keith Greene – I don't know about my neighbors, but if Brewster Honda was amenable to leaving the site open that would be my preference to have the trucks behind the building. It seems as though the gate isn't going to solve a problem. It's very loud. And if there are going to be speed bumps in there, do you know what 9 cars in a trailer going over a speed bump sounds like. It's very loud. Renee Diaz – at 4 am ... I do. Keith Green – can the violation of delivery hours be a site plan violation. It's an enforcement issue. Can it be a violation of the site plan approval to have a tractor trailer on their property after hours? Tim Allen – that's the proposal Keith. I believe before the Town of Southeast we have proposed delivery hours. The question is if there is an off hours delivery every once in a while what do they do. Mike Liguori – according to Chip it'll be a new site and within a short amount of time the people that are driving will know what to do. There's going to be a lot of work on our side that the people know when they can come and can't come. What we can't predict for is when this first opens new people coming to the site, etc. it'll work itself out. Keith Greene – there's an area on the other side of metro north where all trucks sit. I don't know what that causes for the Town or the Village but it's got to be better. Mike Liguori – the only problem is the one guy that doesn't know with the gate at the very front and makes the mistake of coming up Meadow Lane or going up Turk Hill which isn't any better. Keith Greene – I think if it's enforceable through site plan.

Mike Liguori – the hours are on the site plan – and quite frankly if someone is there at 5 am and any pictures, documentation provided to the building inspector would be a violation of the site plan. Keith Greene – is there anything that you know about the rest of the site plan that the Town would share enforcement capabilities of this site also with the Village. Mike Liguori – only the Declaration of Covenants and Restriction provides that.

Tim Allen - you could have similar stipulations in the hours of operation that way the Village could have the same rights on enforcement as the Town on enforcement. Mike Liguori – quite frankly the site plan that we've submitted to the Village have the hours of operation on it, so that would be a violation of that site plan as well.

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Renee Diaz – if I'm not mistaken, what I heard is that the onus of enforcement after hours is going to be on the shoulders of the home owners. Rick Stockburger – if someone observes a violation and swears out an affidavit Bob Serino will act on it. Renee Diaz – so we're going to have to take time out of our day to enforce this zoning code. Rick Stockburger – that was the question Renee – where do you want the gate? We all have all our opinions, but wanted to hear what the public had to say.

Laura Greene – regarding the restrictive covenant the intended line is not reflected on the site plan which is a problem. Then about the trucks going behind the building and it would lessen the noise. Anyone that has ever been in the vicinity of a tractor trailer unloading the vibration, rumbling, idling for 45 minutes or longer, if I can't see the tractor trailer we still know. Because sometimes they do pull back there and that hasn't solved the problem.

Jim Bruen – the gray area is Mccadam? Tim Allen – yes it's mostly Mccadam now. Jim Bruen are these parking spots, is there anyplace else that will have vehicles. Tim Allen – everything else that is gray will have vehicle storage. There are 2 areas designated for vehicle storage. Here and this area here right now. Jim Bruen – did everyone see that. I think we're being deceived by the green for one thing that's got to be thought about it with all the cars being parked. Tim Allen – that's in the purview of the Town of Southeast and we've been very clear there about parking cars on the property. Tim Allen – the lease across the street from Brewster will not be renewed. We've been back and forth with the Board and the Village Attorney, Greg Folchetti, to incorporate their items and concerns into the overall project, the Village Board has provided a lot of great suggestions that have been incorporated into the plan such as the restrictive covenant, additional screening, gate, etc. We're working with the Board as best we can. That area is all paved right now. Jim Bruen – when does that lease up from the other property? And will those cars be moved to this property. Mike Liguori – we'll need that property for at least another 2 years, and the cars will move over to this new property. Jim Bruen – did we adopt a self illuminated signage in the Village. Tim Allen – yes you did. That sign meets the requirements. We were very, very strict on that.

Mike Santos – I'd recommend keeping the public hearing open until we have a final site plan that we can make intelligent comments on, and that the Planning Board refers this to the Zoning Board of Appeals regarding the driveway and the location of the driveway and a ruling is made.

Jane Carruth– I want to go back to the traffic issue. Increased exponentially with how the business grows, the only traffic studies have gotten done by Brewster Honda. The traffic there now is horrendous, there's nothing that they've proposed that makes the traffic at the gateway of the Village any better, it's going to make it terrible. Mike Liguori – the traffic studies that we've presented contemplated an increase in business have been reviewed by both the Village engineer and the Town engineer. The proposed mitigation proposed by the Town's Planning Board is that we put aside \$10k to fund a traffic study one year after operation has begun, and put additional funds into escrow or a bond to fund our fair share of a traffic light if it's determined it's needed.

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Yoshi Ito – there's no better judge of the traffic situation than those of us that live there. We experience it every day, and give some weight to what we say. We're not an instrument measuring the number of wheels. Please do not wait until there is a problem to act. Plan ahead to ensure there will be no negative impact on us.

Laura Greene – talking about safety concerns and traffic, I'm sure you've seen this photo already (photo included at the end of the minutes) but I would like to submit it. You can see how the tractor trailer crosses over the double yellow line and there's a school bus trying to make the turn and having to stop. That's one example. Mike Lonegan – and how many times does that have to happen for someone to get a picture of it. Mark Anderson – in this depiction the truck is turning a wide arc comes into the opposing lane and the school bus from making a right turn from Route 6 onto Allview Avenue coming up the hill.

Mark Anderson – does anyone else have any more comments?

Laura Greene - I was curious as to where the traffic counters were placed, as where I observed some in the road they didn't seem to capture any of the traffic going back and forth between the 2 sites. Tim Allen – I remember there being them on Route 6 in both directions, I don't remember where they were on Allview. Laura Greene - Can we see in writing with a picture on exactly where they were placed? Tim Allen & Mike Liguori – it's in the record already. Laura Green – when I saw the counter, it was on Allview Avenue above the 2-4 driveway. Tim Allen – to be honest with you I didn't do the traffic report, I don't remember where they were. Laura Greene – so that didn't take into account any traffic going into that driveway.

Tim Allen – generally you're looking at a traffic report that has peak information, so that information during the morning and evening commute times. I didn't write it, and don't want to say anything that's wrong. You're always looking at peak hours of use.

Laura Green – I did go through the traffic report, page by page. Tim Allen – I did also, I just don't remember page by page. Can someone get back to us with where the counters were placed? Tim Allen – sure.

Jim Bruen – can someone outline where the truck goes? Would it go around the building. What is the I. Tim Allen – that's an island. So it comes in, and has to stay to the perimeter and wrap around to get through out the back. Tim Allen – correct.

Jane Carruth – the concern of no gate is that if they're already back there, what's stopping them from unloading at 6 am? Tim Allen – hopefully policing it in terms of policing it and hours of operation that this Board and the Town Board will impose. Quite frankly the neighbors are the police to start with, and the police are the police after that.

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Keith Greene – most facilities have after hours drop off? How would that play into the hours of operation? Have you reviewed that with the Town Board? Tim Allen – our hours of operation would be considered within those hours. If there's a gate up certainly you can't get in at that point. Keith Greene – so there's be no after hours operation on that site? Tim Allen – well the hours may end at 5 pm, but the hours of operation are until 9 pm so they'd be able to drop the car off.

Rick Stockburger – when we spoke with Brian last meeting, he was talking about potentially having an afterhours drop off across the street. The intersection where the old car audio place was. Mike Liguori – depending on what happens with that property. It goes to where the gate is. They'd be directed to the dealership to drop off. Keith Greene – so if I'm dropping my car off and have to get a ride out of there, so that's 2 cars. If I drop it off on the other side of Route 6 they then have to take it back across the street which wasn't accounted for anywhere in the traffic study. Tim Allen – you'd be surprised how little that happens Keith.

Jim Thompson - If the Town of Southeast approves them, and we turn them down does that squash what Southeast did? Rick Stockburger – no, they'd just take us to court and play their case that we made a mistake. Mike Liguori – we also have a right of way of Meadow Lane. The back property is benefitted by a right of way and that's right on Meadow Lane. Nobody wants to do that. Keith Greene – you can't it's already been taken up, it's a pump station. Rick Stockburger – the previous owner gave an easement for the pump station. Mike Liguori. – we have an underlying right and if we had to move it we would. We have the right to do it. Would we want to do it, no? But if we had to go to court, we would be entitled to access you can't landlock a piece of property. We're trying to put the best plan in front of the Village that we can. Jim Thompson – it's not landlocked now. Tim Allen – we're trying to make it a little better. It could stay where it is.

Kathi Meyerson– we've all had a chance to speak, I motion we bring this part of the public hearing to close. Mark Anderson – are we going to leave it? Kathi Meyerson – legally its left open for the next 10 days for people to get to us with written comments.

Rick Stockburger – if I could say the site plan that we're looking at is pretty final. Tim Allen – what happened legally is this Board once the public hearing is closed, then it has a period of time to make a decision. If this Board is not comfortable with the information received, we received some information that is very helpful. We agree to postpone that time until such time as the Board is comfortable to make a decision. We can close the public hearing and then make some slight amendments and tweaks to the site plan, we've heard input from the public regarding the gate, etc. Mike Liguori – certainly we'd ask that you leave the comment period open.

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Rick Stockburger – I motion to close the public hearing and accept written comments for the next ten calendar days. Kathi Meyerson seconds the motion.

AYES: 3 NAYS: 0

Rick Stockburger – I'd recommend that anyone that had a comment to put it down in writing so that in addition to our notes in the minutes we can go through them and discuss them.

8:46 pm

Written comments received after the Public Hearing:

To: Rick Stockburger - Acting Chair Brewster Village Planning Board

From: Laura & Keith Greene, 3 Meadow Lane, Village of Brewster

Date: May 28, 2010

Subject: May 18 Public Hearing re: 2-4 Allview Ave.

Dear Mr. Stockburger:

The following comments are provided for the Planning Board's consideration, pursuant to the 10-day period during which such written comments are to be received for entry in the record.

1. The Village Zoning Code states at §263-18 E. (6) "No business, industrial or office use shall have any truck loading space or spaces or access driveway for trucks within 35 feet of any side or rear lot line which constitutes the boundary of any residential district." Therefore, the driveway must be at least 35 feet from the residential property lines. The portion of the access driveway for trucks shown on the Site Plan on the Village parcel is substantially less than the minimum 35 feet required. Variances from the minimum setback are required at our rear property line (tax map 68.5-1-6) and at the Derasmo's side property line (tax map 68.5-1-2). We respectfully requested that these variances be described in accordance with Village Code §263-21 D (4) (b) regarding Procedure for Site Plan Approval and that this application be referred to the Village Zoning Board of Appeals.
2. The intended line for the Restrictive Covenant was not reflected on the plans submitted to the Village Planning Board. We requested that the plans filed accurately represent the language in the Covenant.
3. Traffic at the Route 6 and Allview Avenue intersection. Safety issues with the tractor trailers (car carriers) crossing the double yellow line. (As one example, please see school bus photo submitted and attached hereto). The traffic going between the two Honda sites including pedestrian traffic. We asked where the counters were positioned for the traffic study and report, but have not received a response, to date.

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4. They are proposing 4-5 foot spruces as a buffer between the residences and the parcels in the Town. We believe the buffer should be more substantial. Earthen berms were discussed early in the petitioning process, but are not indicated on the latest plan. We realize this is an issue for the Town Planning Board, but present it here for your information.
- 5.
6. We respectfully request a copy of the "...stages of development or construction proposed and a statement from the applicant on steps the applicant will take to protect the surrounding neighborhood from noise, pollution, traffic or disruption," as required under Village Code §263-21 D (4) (y) regarding Procedure for Site Plan Approval.

Thank you for your consideration of these important quality of life issues affecting us and our neighbors in the Village of Brewster.

