

**Village of Brewster
Planning Board
May 27, 2014**

Board members in attendance:

David Kulo, Chairman
Rick Stockburger, Assistant Chairman
Mark Anderson
Renee Diaz
Tyler Murrello

Also present, Mr. Greg Folchetti, Counsel to Planning Board.

The Pledge of Allegiance was recited, whereupon the proceedings were called to order at 7:30pm.

Public hearing

Mr. Kulo made a motion to open the public hearing. This was seconded by Mr. Anderson and passed 5-0.

First order of business

Mr. Kulo stated that the first order of business was in reference to 850 Route 22, map 67.36-2-23 - request for waiver of moratorium.

Applicant described this project as a café/bistro.

. The objective of this business is to provide the public with a place to go after one has dinner, but doesn't want to go home yet. The expectation is that this location will provide the public with a new experience, put people back in time; provide the public with a location that will emulate a café/bistro that one would find in Europe. They will offer coffee, paninis, pastries, after dinner drinks, etc.

. The project involves only interior work; no exterior changes.

. Mr. Stockburger asked about how much space this location will take. The Applicant stated that this location is in the middle of this strip mall; the Marines storefront is staying; the dance studio is leaving in about four months.

. Mr. Anderson asked about an entrance on the side. Applicant responded that he's talking to Joe Hernandez about this.

. Mr. Stockburger asked about the space's designation and stated that it's B-2.

. Mr. Murrello asked about the total square footage and the Applicant

responded that it's between 16,000 – 17,000 square feet.

- . The Board had few additional questions.
- . Mr. Stockburger made a motion that this Planning Board make a recommendation to the Village Board to support the waiver of moratorium. This was seconded by Mr. Anderson and supported unanimously.

Second order of business

Mr. Kulo introduced the second order of business: 22 Garden Street and 14 Eastview Avenue – 67.27-1-1 and 67.26-2-26 – request for waiver of moratorium for lot line adjustment on two parcels.

Applicant was represented by David Strong, attorney for the Brewster Central School district. Mr. Strong stated that this request was for a lot line adjustment, on paper – re: conveyance of small strip of land to neighboring property. Size of the strip of land: 15' x 120', 1/25 of an acre. The objective is to remove governance as a district owned property. Applicant also stated that one other lot does have restrictive covenants, but it benefits Southeast.

After a brief discussion Mr. Stockburger made a motion that this Planning Board make a recommendation to the Village Board to support the waiver of moratorium. This was seconded by Mr. Murrello and supported 5-0.

Third order of business

Mr. Kulo introduced the third order of business: presentation of concept plans for a new application at 152 Main Street, Brewster, NY.

Mr. Nixon, Architect, presented. Mr. Nixon stated that this project predates the moratorium and that it is already grandfathered in. The purpose of this meeting is an informal review of the site plan for A&R Service Station at this location.

Mr. Nixon presented:

- . They are proposing an addition.
- . They already have a variance for pre-existing, non-conforming use for the front yard and side yard setbacks (already granted).
- . There is no exit/entrance from Oak Street.

Mr. Stockburger asked where the runoff was going. Mr. Nixon responded that the runoff was tying into the sewer system, not the storm water storm drain. He emphasized that this business is primarily a detailing station, not a car wash and any washing is done by hand.

Ms. Diaz asked if the water was to be recycled. Mr. Nixon responded, No.

Mr. Murrello reiterated that the project was basically enclosing an existing area.

Mr. Folchetti confirmed that the variance was obtained about six months ago.

Mr. Stockburger advised Mr. Nixon to get the site plan paperwork filled out and this Board would get the recommendation from the Village Engineer.

Pending business

First order of business

Mr. Kulo asked if there was anyone present from St. Lawrence O'Toole, 67.26-2-15(16), for site plan review and recommendation regarding the waiver of moratorium. As there was no one present, meeting continued to next applicant.

Second order of business

876 Route 22(Old Getty station) 67.36-2-19: Site plan application.

. Applicant missed the public hearing. Mr. Cameron represented the applicant.

. Brief discussion reviewing what was discussed earlier and conclusion on the tanks. They will be swapping tanks and they meet the criteria for the setbacks, which are 25' from the building and 20' from the pumps. Mr. Stockburger asked, Which code? and Mr. Cameron responded, The National Fire Protection code.

. Mr. Anderson asked about parking. Mr. Cameron responded that the conclusion from the last meeting was that the proposed parking arrangement would work: a total of ten parking spots (four at the pumps and six at the store).

. Mr. Murrello asked what was the actual requirement and Mr. Cameron responded that a minimum of five parking spots was required. Mr. Cameron also stated that a convenience store only requires 2.5 spaces per 600 square feet.

. Mr. Stockburger asked what the square footage was and Mr. Murrello responded, 1500 square feet. Mr. Stockburger referred to the parking overlay district to determine that this site is in district 2. And for that district, a retail store requires one space/600 square feet at ground level.

Therefore, this application meets the requirement having five plus 2.5 spaces. Mr. Stockburger then stated that everything looked good.

. Mr. Anderson asked about adequate room for a truck to get around, and Mr. Stockburger reminded the Board that the Applicant is going with a propane exchange and that is now resolved.

Mr. Stockburger stated that this is already a 239N and that the County is already notified.

Mr. Folchetti suggested to the Board to determine SEQR, which needs to be 30 days out. He also stated that the site presents less than 4000 square feet disturbance and therefore, becomes type 2. Mr. Folchetti also suggested a negative declaration.

A member of the audience stated that the site is contaminated and it needs remediation. The Applicant said that is already in the plan with DEC and that they are already doing it.

Mr. Anderson stated that he was surprised that the applicant was able to close on a site that was contaminated and the Applicant stated that Getty and the DEC have that agreement to remediate.

Mr. Stockburger stated that the Applicant wouldn't be able to proceed with any construction until DEC and Getty remediate the site. Only when Mr. Cameron advises that the site has been remediated will the Building Inspector allow him to start putting his foundation in.

Mr. Folchetti reminded the Board that the issue is the SEQR determination.

Mr. Stockburger asked how many square feet the building was, and what the square footage of the tank area was, because it's going to be disturbed. Mr. Stockburger recited: Construction or expansion of a primary accessory apartment non-residential structure facility involving less than 4000 square feet of gross floor area and not involving a change.
. He then asked if the tanks a gross floor area.

Mr. Cameron commented that SEQR isn't real clear and there's some confusion as to whether the 4000 refers to the building or for the site. They don't really address site.

Mr. Folchetti stated that he was proposing negative declaration. However, if it's under 4000 square feet, it falls under Type 2, in which case no further action required.

Mr. Stockburger said that they could do a negative declaration if they think it's an unlisted action. And Mr. Folchetti stated that it's definitely an unlisted action.

Mr. Stockburger asked what Mr. Cameron's preference was. Mr. Cameron stated that he preferred to do a SEQR.

Mr. Stockburger made a motion that they approve the resolution for the Planning Board of the Village of Brewster on May 27, 2014 for the Route 22 Brewster LLC, 876 Route 22 section map: 67.36-2-19 a SEQR determination of significance negative declaration, and read the following:

**SEQR DETERMINATION OF SIGNIFICANCE
NEGATIVE DECLARATION**

WHEREAS, the Planning Board of the Village of Brewster is conducting an uncoordinated SEQR Review of an Unlisted Action, known as the Route 22 Brewster, LLC Site Plan; and

WHEREAS, the plan shows that Route 22 Brewster, LLC, is seeking site plan approval involving the reconstruction of an existing convenience store building, installation of petroleum tanks, installation of new gas pumps and new canopy. The proposed site plan does not modify, alter or revise the existing/permitted use of current building structures located on the parcel nor is there any proposed modification of existing utilities for water and sewer currently servicing the parcel.

WHEREAS, the Village of Brewster Planning Board, as Lead Agency is conducting an uncoordinated 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.

After reading the above Mr. Anderson and Ms. Diaz also read the SEQR determination of significance negative declaration themselves.

Mr. Stockburger made a motion to accept the offer as read. This was seconded by Ms. Diaz and passed unanimously.

Mr. Murrello asked if there was any schedule provided by DEC and the Applicant responded that they were working on it now, but to date they don't know how much contamination there is yet.

The Board discussed setting up the next public hearing. Mr. Stockburger made a motion to make the next public hearing on June 24, 2014 at 50 Main Street, Brewster, NY. This was seconded by Mr. Anderson and approved unanimously.

The Applicant asked when this would be heard and the Board explained that after closing the public hearing, the regular meeting will follow at which time the Board will vote (unless there are any comments by the public that need to be addressed that might interfere with the vote).

Third order of business

Mr. Kulo asked if there was anyone present for the third applicant, 542 North Main Street, Brewster, NY – El Dorado bar application and request for waiver of moratorium.

- . Mr. Kulo stated that they now have a completed application.
- . Mr. Stockburger asked if the Board could make a recommendation with the applicant being present. Mr. Folchetti responded, Yes.
- . Mr. Stockburger asked if the Board should allow them to proceed, stating that there are no exterior changes and that the current bar remains a bar.
- . Mr. Kulo didn't see a problem.
- . Mr. Stockburger said that he would recommend giving them a waiver of moratorium and Mr. Murrello said that he would second that.
- . The Board discussed that this was a building issue and not an issue for the Planning Board to decide.
- . Mr. Anderson recommended staying out of this.
- . Mr. Stockburger made a motion to recommend waiver of moratorium for El Dorado. This was seconded by Mr. Murrello and approved 4-1, with one abstention (Mr. Anderson).

Acceptance of draft minutes of April 22, 2014

Mr. Murrello made a motion to accept minutes from the April 22, 2014 Planning Board meeting. This was seconded by Ms. Diaz and passed 4-1, with one abstention (Mr. Stockburger, due to absence from that meeting).

Mr. Stockburger made a motion to adjourn the meeting. This was seconded by Mr. Anderson and passed unanimously.

Meeting adjourned at 8:25pm.