Village of Brewster
Planning Board Meeting Minutes
October 20, 2020

BOARD MEMBERS:
Rick Lowell, Chairman
Janet Ward, Vice Chairperson
David Kulo
Marti Foster
Katy New

PROFESSIONAL ADVISORS:
Greg Folchetti, Attorney - Costello & Folchetti
Todd Atkinson, PE – J.R. Folchetti & Associates

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

REGULAR MEETING:
Chairman Lowell made a motion to open the regular meeting. This was seconded by Boardmember Foster and passed unanimously.

861 ROUTE 22:
Chairman Lowell said the Board is here to review and make a recommendation to the Village of Brewster Board of Trustees regarding the change of use for the second and third floors of the building at 861 Route 22 to include two apartments on the second floor and one apartment on the third floor. He said I did not see anything that would sway me from voting against such a project and that more concentrated housing is not such a bad thing.

Boardmember Foster said I have a concern that it does not mention parking. In subsection 10 to 263-20 and Section 9 for PB District, which is similar, but has a parking requirement with one spot per unit; there is no parking requirement in here. Chairman Lowell said they're going to be seeking a Special Exception Use Permit so that's going to be spelled out in that permit should it be granted. Mr. Atkinson said we have looked at this and the parking requirements for apartments is actually less than what it would be for office space in that same square footage. He said he has discussed with the Village Board the need for potentially six parking spots and if the Board decides to positively recommend this application the applicant will need to come back before the Planning Board if they are approved by the Village Board. Boardmember Kulo said will there be restrictions for the parking in the leases. Mr. Atkinson said that can be put into the Special Use Permit. He said there are approximately 26 parking spots on this property, which would include parking for the apartments on the second and third floors as well as the retail spaces on the first floor.

Chairman Lowell said is this property part of the other buildings or is it a standalone lot. Mr. Atkinson said this lot is the building that is behind Norm's and does not include Norm's, which only has 6 or 7 parking spots. He said the property is a little over an acre

in size and a majority of the parking is located on this property. Boardmember Kulo said when you add these apartments and reallocate parking for them and you have the retail including the potential of a tenant at Norm's, here comes the conflict. Mr. Atkinson said Norm's is not part of this property. Chairman Lowell said with the different properties appearing as though they share parking, maybe this Board could say parking will need to be delineated. Boardmember Foster said I think our recommendation to the Village Board should be that they add a parking requirement to subsection 10 to help with this property. Mr. Atkinson said that is a good recommendation, we probably should have something in there about parking.

Boardmember Ward joined the meeting.

Mr. Atkinson said it appears that this applicant wants to make these apartments higher end to encourage tenants for the long-term and not be transient. Chairman Lowell said if there were a way to know that for sure that would be good, but you do not know for sure and I would not want to encourage too much parking and encourage subletting of rooms. Mr. Folchetti said you could put something regarding parking as a reasonable condition, but this would happen when this applicant comes back to the Planning Board. Boardmember Foster said I think the best idea is to stay along the lines of subsection 9 and add the parking requirement and let the building inspectors take care of the multi-tenants. Chairman Lowell said that part of the process is a little beyond where we are tonight. Mr. Atkinson said I think you could recommend making the parking requirement two spaces as part of the recommendation.

Mr. Atkinson explained to the Board how he worked with Mr. Mole, Mr. Cinque and his attorneys to come up with the verbiage for this application. He said this is the only property in that vicinity that potentially meets the requirements for this Exception Use Permit. He said people in that area could apply for variances should they want to attempt the same type of project. Mr. Folchetti said that is correct and they will still need to go through the entire Site Plan process should they be granted the Exception Use Permit.

Boardmember Ward said the area where the applicant wants to do this is very commercial and did not think it would be good to encourage apartments in that area or children in that parking lot. Mr. Atkinson said I believe the Village Board is looking at it because the applicant is saying that they cannot find anyone to rent the office space over that building and this is the only way of finding the value in the building. Mr. Folchetti said if they cannot realize a reasonable return from the building they can go to the Zoning Board and ask for a Use Variance for multifamily. Boardmember Ward said what is the purpose of putting in the Zoning Code and then always giving the exception. Mr. Folchetti said the Zoning Board of Appeals and the Special Exception Use Permits are specifically created so that people can get relief from Zoning so if the zoning does not permit it, they can come to an administrative board or the Board of Trustees and plead their case.

Mr. Atkinson said can we respond back to the Board with either a majority recommendation or let them know the issues we see. Mr. Folchetti said the report and recommendation should be a vote by the Board for some action or conditioned action; meaning they are in favor of it, in favor of it with certain conditions, or against it and that should be done by a vote. He said if someone is in favor of it and they do not get a majority vote, then someone who is against it can make a negative recommendation.

The Board discussed the other properties in the area and the viability of creating space for residential use. Mr. Atkinson said that the applicant is currently the only property meeting the requirements and others would need to go for variances.

Boardmember Kulo said the Board has always been encouraged to have mixed-use properties where you have residential and commercial that can work in sync with each other. He said his opinion is that it would be good to see mixed-use in the Village throughout. Chairman Lowell said one of the reasons it is good to have mixed-used is for security and to have more eyes around in the neighborhood. He said a store that has residence on top will never get broken in to and lends life to the Village, which is intending to grow substantially. Boardmember Foster said my concern is living quarters on top of a restaurant with vermin and other issues. Chairman Lowell said the enforcement inspectors would be on the establishment to ensure they are adhering to requirements. Boardmember Ward said I do not agree with residential in this spot; they are historic buildings, the traffic on that corner is very bad, and parking is a concern. She said I agree with multiuse, but not for that lot and I think the way that lot was zoned was correct and I do not think we should go around it.

Boardmember Ward said there is a reservoir river behind the building; doesn't the DEC (Department of Environmental Conservation) or DEP (Department of Environmental Protection) have anything to say about it. Mr. Atkinson said the stem ends behind the Verizon Building, so this is a tributary. He said they already have a review by the DEP for a deck that was put on the back, but the DEP would not have anything to say unless it was exterior. Mr. Folchetti said whether they get involved would depend on the type of improvements that were made.

Boardmember Ward said what about the historic value of the buildings being the Borden buildings. Mr. Folchetti said I do not know that SHPO (State Historic Preservation Officers) has anything there, but that is something that they will have to represent during their Site Plan application. Chairman Lowell said the historic character of a building usually refers to any changes to the exterior.

Chairman Lowell said would they have to make any contribution to the parks in terms of Recreation Fees. Mr. Folchetti said I would have to check the Code on that; I do not think so.

Boardmember Ward said there will need to be a Public Hearing so the public knows as part of the process. Mr. Folchetti said there would be one for the Special Exception Use

Permit, one for the Site Plan and SEQRA, and one at Zoning if there was any type of area zoning relief needed. Mr. Atkinson said there would also be a County review.

Boardmember Ward said what about a traffic study. Mr. Folchetti said there would be many more trips on the commercial side. Boardmember Kulo said in the past we did have a traffic study for when the dental offices went in. Chairman Lowell said this may decrease traffic as opposed to having active offices in that building.

Boardmember Kulo said I would be interested to hear what the response would be at a Public Hearing. Mr. Atkinson said there would have to be one with the Village Board in order for this application to move forward and they are looking for a recommendation or anything that this Board would like to add or remove anything in the requirements as they are proposing it. He said as Mr. Folchetti said it has to be a majority of the Board. Mr. Folchetti said they probably have a 62 day window from receipt of the application to hold the Public Hearing.

Chairman Lowell said Mr. Folchetti, what would be the wording of a recommendation. Boardmember Foster said there should be something in the recommendation to add a parking requirement to subsection 10 of the Code. Mr. Folchetti said to change the Code it would have to be done by Local Law, but you can say with respect to this application that the Board makes a Positive Recommendation with respect to the Special Exception Use Permit application with further recommendation that the Village Board of Trustees consider adding "x" number of parking spaces for the proposed use.

Mr. Folchetti worded the motion: It is a motion to make a Positive Recommendation for issuance of a Special Exception Use Permit conditioned upon the addition of two parking spaces per each approved dwelling unit.

Chairman Lowell made the motion to adopt the Positive Recommendation as worded by Town Counsel, Greg Folchetti, seconded by Boardmember Kulo and passed roll call vote of 3 to 1.

Roll Call Vote:

Chairman Lowell	In Favor
Boardmember Ward	Not in Favor
Boardmember Kulo	In Favor
Boardmember Foster	In Favor

The minutes of the September 15, 2020 meeting were discussed. The motion to approve the September 15, 2020 minutes as amended was introduced by Chairman Lowell, seconded by Boardmember Foster and passed all in favor.

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NEW BUSINESS:
None.

Mr. Atkinson discussed with the Board some issues that have come up with 530 North Main and suggested that as the project moves along to potentially have the Chairman, Trustee Gaspar, a member of the Building Department, and himself meet to discuss any issues and what steps need to be done as the project moves forward. Mr. Folchetti said that any issues with that project would be strictly code enforcement issues and the Building Department should be following that project and citing any issues with the applicant at the enforcement level and then the applicant proceed as needed to rectify them.

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

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