

VILLAGE OF BREWSTER
PLANNING BOARD
October 24, 2007

Regular Meeting

In attendance:

Christine Piccini
Rick Stockburger
Mark Anderson
Jim Bruen
Dave Kulo

Note: Pledge to flag done at Public Hearing immediately prior to Regular Meeting.

1. Call to Order

Rick Stockburger motions to open the meeting, David Kulo seconds.

2. Old Business

538 North Main Street (56.82- 1-18)

Christine Piccini defers to applicant to address prior to questions from the board. James Nixon has no objections to anything in the engineers report (letter from Paul J. Pelusio dated October 22). They need to address more specifically what happens to the catch basin on the site, i.e., hay bales on top (addressed in item #5 below)

Engineers memo of October 22, 2007, is gone through item by item for update/reply to issues raised. (Italics at each number are from the engineers memo, with status/update below)

- *A list of all property owners within 500 ft. of the zoning lot should be provided.*
 - Completed.

- *The Site Plan should show all existing structures within 100ft of all lot lines, as required by Village Code §170-17B(5).*
 - The applicant is requesting a waiver for this requirement, given that this is already a well documented area. Christine Piccini asks if the Planning Board wants to waive that requirement at this point in time. Mark Anderson, states it's not like it's a pristine meadow ... this is not a big deal. Mark Anderson motions for approval of waiver, Jim Bruen 2nds his motion.

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- Ayes: 5 Nays: 0
- **Waiver Granted**

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- *The Site Plan should show all existing grade contours with 2ft interval or less, as required by Village Code §170-17B(7).*
- - Paul Pelusio provided topography maps, and there are plans to be added to the file provided by James Nixon.
- *The location, type, size, wording, design, color and illumination of proposed signs should be provided, as required by Village Code §170-17B(12).*
 - This information has been provided, and this is completed.
- *A description of measures planned to assure proper erosion and sediment control both during and after construction should be provided, as required by Village Code §170-17B(15).*
 - The Erosion plan has been partly addressed. The catch basin at the NW corner is to be protected. James Nixon has a note on the plan in site construction notes. The basin in question is recessed behind the sidewalk and is elevated by 2 ½ feet. It can be protected with hay bale without affecting foot traffic. James advised that they don't know what it's hooked into, but regardless, it will be addressed, and will be more fully addressed as they go through with the building inspector. Paul Pelosio, Village Engineer, is fully satisfied.
- *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 shall be provided, as required by Village Code §170-17B(20).*
 - The stages of construction has been addressed, and the information provided.
- *Schematic architectural plans should include all exterior elevations in sufficient detail to indicate the exterior building materials, color, ornamentation and signs, as required by Village Code §170-17B(21). The floor plan for the proposed second floor shall be provided. Floor plans should indicate proposed floor elevations and proposed use(s) of all areas.*
 - There is a floor plan, it has elevations, signage as indicated on plan, brick veneer on front, and partial on southside. Heritage brick will be used (nothing unusual). The rest of the building is white stucco. The trim work will be molding with freesboard and dentals under the eaves. It will be made of a synthetic material vs. wood that is more maintenance free. The building will be red brick, white stucco,

and white trim. Examples of brick, trim, molding, was shown to the Planning Board.

- *The application documents should clearly identify the extent of existing building elements (i.e., foundation system, structural walls, etc.) that will remain in place and serve the renovated structure.*
 - This was discussed before and noted. All will be removed, nothing from prior building will remain.
- *The Applicant should provide information regarding the Putnam County Department of Health, approved design capacity for the subject parcel in gallons per day. Furthermore, the Applicant should provide the estimated rate of sanitary sewage generation from the proposed renovated structure based on the intended use of the space and occupancy.*
 - This is now a moot point, since the property is served by the recently completed Village sewer system.
- *The site plan drawings should provide dimensions and material of the existing drainage swale that extends along the north building elevation from the rear lot line to the front lot line. Furthermore, the site plan drawings should clearly indicate how the new exterior staircase, on the North building elevation, will be installed in the drainage swale*
 - The Drainage swale, in the alley that connects to catch basin, would be addressed in the same way as point #5, and with a meeting with building inspector.
- *The Applicant should provide dimensioned details of the proposed exterior staircase.*
 - Outside stairs been added to the plan, and this item is complete.
- *The site plan drawings should clearly identify how access to the proposed entrance/exit door to the second floor, installed on the south building elevation, will be provided. The door opening appears to be on the passive side of the existing retaining wall (elevation 0.0).*
 - The rear door in the crook of the retaining wall had been shown incorrectly. You can enter at the south side of the building at the rear of the building at the farthest most point. If the building isn't that deep than the door will move forward. Item Complete.

- *The site plan drawings should clearly identify how access to the proposed entrance/exit door to the second floor, installed on the south building elevation, will be provided. The door opening appears to be on the passive side of the existing retaining wall (elevation 0.0).*
- - Partial information has been provided. The Applicant is advised that due to the height of the retaining wall, a complete retaining wall design including structural calculations and details prepared by a licensed professional engineer must be submitted to the building inspector prior to the issuance of a building permit. Additionally, since sections of the proposed foundation and building walls shall serve as earth retaining structures a complete foundation plan design including structural calculations and details prepared by a licensed professional engineer shall be submitted to the building inspector prior to the issuance of a building permit.
- - Schematics shown, this will require more detail before it is constructed. James Nixon agrees with the village engineer, and a structural engineer will provide details with permit for building applications. After excavation they will further detail the wall. Curtain drains to expel water. Mark Anderson asks if most of the footing will be under building. James Nixon advises that is correct. The preference is for the footing under the building (it will be finalized when structural engineer gets involved) vs. footing back into the hill which would require further excavation. Mark Anderson questions building on slab vs. basement, James affirms. Christine Piccini places a condition: Paragraph 13a, above recommendations in engineers report, to be put into resolution for meeting with structural engineer prior to building permit. James Nixon affirms.

Questions from the board:

NONE

Comments:

Christine Piccini – for the record we did notify Putnam county per a letter dated October 1, regarding a public hearing on this project. We sent them a copy of finalized plan on October 10, and they have 30 days to respond. We can make our decision tonight, and they would just have to be held to ensure there were no issues from the county. If a super majority of the board decides to go with this we should be able to go ahead with this

Rick Stockburger motions to approve site plan with the condition as noted under 13a in the minutes (and item 13 in the October 22, letter from Paul Pelusio). Mark Anderson seconds the motion.

AYES: 5

NAYs: 0

Conditional Approval granted.

Christine Piccini asks, “No other old business, is that correct?”

From the audience, Mr. Sonic addresses the Board to bring forward a project at 576 North Main Street. Southeast Mechanical received all of its approvals from the Village Zoning Board and we were expecting this to be on the agenda. Christine Piccini advises that this was news to her, and asked if Mr. Sonic had any formal documentation from the Village Zoning Board. He doesn't either. Christine advises that we couldn't have taken any action, as we would have needed the documentation from the Zoning Board, as well as the review from the Village engineer. Christine Piccini states, “Let's see what we can do now. Was there a public hearing as part of zoning board?” Mr. Sonic affirms there was, and Rick Stockburger advises that he was in attendance at this Public Hearing. Rick Stockburger adds - some of the variances were not required by the zoning board. (10 foot variance was granted, 28 foot 10” variance was granted; 34 3” variance granted). Others were not required. There were mutual easements granted by Kobackers & Southeast Mechanical. Christine Piccini states – I think that unless someone tells me differently for us to be doing things correctly we need to have you formally on our agenda. I'm not comfortable giving approval as a walk in, although I hate that we're making you wait an additional month. Jim Bruen asks to see the property line, it's an irregular shape. Property line shown to Planning Board, on the site plan. Jim asks, “ what is the south building?” Answer: A garage to house Mr. Ratajak's vans, the 2nd floor is for storage. It is a 3 bay garage. David Kulo asks – what is the border here.. Answer: that is the setback line. It was difficult to ascertain what the front yard line was, even the Village attorney had a problem. David Kulo – it's hard to comment when you don't have the engineer's comments. The entire property does abut to the railroad. Christine Piccini – is the sole change in everything addressing the variance issues. Answer from Mr. Sonic – correct. All the other requests were for technical specifications regarding drainage, construction sequence. The intention was to get Village Planning Board approval, then to meet with the building engineer.

Christine Piccini - The next meeting on agenda would address issues already in response from engineer. So we can move forward for approval if you've already addressed all those. Paul Pelusio agrees procedurally that this is the right approach. Christine Piccini advises, so that means anything you are going to submit to us needs to be submitted to us two weeks ahead of time. We do not have to require a public hearing since the Village Zoning Board had one.

Christine Piccini - we have no documentation saying Zoning has approved, we haven't reviewed this again, the engineer needs to have several issues that were raised in July addressed. The questions that existed in July still exist, and they can't be answered tonight. That is the updated material is needed 2 weeks prior to the meeting. Further that we're looking into a special meeting to help expedite. Mr. Ratajak was frustrated as he thought it could happen tonight, and was concerned with impending bad weather. Christine Piccini advises that there are 11 items that need to be addressed, and that the Planning Board isn't prepared to do that as they didn't have time to go through the engineers report. We only know from what the applicant is advising, that the variances have been granted. Our only option would be a special meeting. Joe Mansfield Architect appearing on behalf of Southeast Mechanical. – clarifies that public hearing is not required. The Planning Board affirms. Statement of use was distributed.

Mark Anderson moves to schedule a special meeting for November 14, 2007. David Kulo seconds the motion.

AYES: 5 NAYs: 0

A special meeting will be held on Wednesday November 14.

ACTIONS:

- All materials from applicant are due on October 31.
- Peter Hansen will be advised to notice a special meeting of the Planning Board meeting on 11/14.
- Christine Piccini as Chairman, to request a written copy of the memo from the Zoning Board, as required by zoning.

3. New Business

There were no new applications received by October 10, 2007.

4. Other Business

New Inquiries

There was a procedural question from a member of the audience. Tyler asked, "if I have a legal building lot, once the moratorium is lifted, is there anything I need from the Planning Board to build a one family home." Christine Piccini replied that it depends on when and how the moratorium is lifted and what zoning is in place. With the current zoning you wouldn't need approval, Rick Stockburger affirms that in the current zoning 1-2 family houses don't require site plans. Mark Anderson advises that he can go through the process now and be ready if moratorium is lifted. There's no way to apply. Rick Stockburger advises that he'd have to go to village board to get a waiver of moratorium, then go directly to the building inspector, as once the building permit is given, the zoning for then applies. There's no guarantee, however, that they'll give you the waiver. You will need something concrete, you need a plan to show it's not a McMansion that could be used for something else later on.

Jim Bruen suggested that the Village Board / Planning Board should be working on a categorized priority for projects that come in before the moratorium is lifted. Christine Piccini advised that it was talked about a while ago, and it was decided not to do that. That as projects come forward they come forward. If the moratorium doesn't get extended, it could go away, and zoning remains the same. Mark Anderson suggested Tyler pick up a copy of the proposed new zoning. Rick Stockburger then left the room to get a copy for Tyler.

NYPF Planning and Zoning Conference –follow up sessions (Folchetti)

Christine Piccini - I understand that Jim Bruen didn't attend the Saratoga Conference. Jim is going to contact NICOM to find out what he can take. In order to remain on the Board he must meet the educational requirements prior to the December 3 reorg meeting. Christine Piccini sent an email to John Folchetti's office, about doing some follow up discussion on what was learned in Saratoga. John is willing to do this. Christine asks the Board, "Are we interested in meeting with Mr. Folchetti again?" Mark Anderson states - I believe you can't have enough education. All agreed. Tuesday's after the beginning of November work for John. Rick Stockburger is not available on 11/13; Mark is available; Christine Piccini will send an email when confirmed. Christine Piccini - We should notify the board of trustees that at this time four members have met the training requirements; and Jim Bruen indicates that he will meet the requirements in time.

ACTION: Christine Piccini to provide Notification to Board of Trustees of compliance with NYS annual training requirements

5. Accept Minutes

a. September 26, 2007 – Regular Meeting

Mark Anderson motions to accept the minutes, David Kulo 2nds the motion. (All Board members were in attendance at the September 26, meeting)

Affirmative: 5 Negative: 0

Minutes accepted, and to be submitted to Peter Hansen for posting to the website.

Christine Piccini asks if there is anything else.

6. Close meeting

David Kulo motions to close the meeting. Jim Bruen 2nds.

Affirmative: 5 Negative: 0

Time 8:44