

**Village of Brewster
Planning Board
December 3, 2013
Regular Meeting**

Board members in attendance:

David Kulo, Chairman
Rick Stockburger, Assistant Chairman
Mark Anderson
Tyler Murello

Ms. Renee Diaz was absent.

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

Public Hearing - This Public Hearing was for the Murello Subdivision – Center & Prospect Streets. 67.26-1-26.

- . Mr. Kulo made a motion to open the Public Hearing. This was seconded by Mr. Stockburger and passed 4-0.
- . Mr. Kulo asked for comments and there were none from the public.
- . Mr. Stockburger made a motion to close the public hearing. This was seconded by Mr. Anderson and passed 4-0.

Regular Meeting

Mr. Kulo made a motion to open the regular meeting. This was seconded by Mr. Stockburger and passed 4-0.

First order of business:

Mr. Kulo stated that tonight's meeting was rescheduled from Nov. 26, 2013. There was no new business and directed the discussion to the Murello Subdivision - Center & Prospect Streets. 67.26-1-26.

- . Mr. Stockburger made a motion to approve the Murello Subdivision. This was seconded by Mr. Anderson and it was asked if there were any comments for discussion. Mr. Anderson asked Mr. J. Folchetti if everything he was concerned about was taken care of.
- . Mr. G. Folchetti advised that the Board do the SEQR determination before approving the subdivision.
- . Mr. Kulo read the following: SEQR determines significance as a negative

declaration regarding the Murello Subdivision No.67.26-1-26. The proposed action is for a subdivision of an existing +/- 0.394 acre parcel into two single family residential lots. Each proposed parcel shall be served by municipally owned sanitary sewer and power and water facilities.

. Mr. G. Folchetti stated that the Board could now adopt this as a negative declaration and then take role call vote.

. Mr. Stockburger made a motion to adopt the SEQR determination as a negative declaration as written. This was seconded by Mr. Anderson and passed 4-0.

. Mr. Stockburger stated, after investigating, that the recreation fees of \$5000 for subdivision payable on final approval of site plan. Mr. Anderson stated that this was required when final construction was completed.

. Mr. G. Folchetti stated that it was important to note the date of the last subdivision revision, which was October 28, 2013, to ensure that it was clear that it was this set of revisions made on that date that were approved.

New business:

John Degnan application, Prospect Goals, Inc., formal name of applicant.

. Mr. Stockburger stated has copy of 239. Mr. Stockburger also stated that Mr. Degnan withdrew his application from the Zoning Board because he requested a consideration of the zoning law 263-29 which is about changes to non-conforming use. Applicant is asking to change to all residential use and eliminate the commercial use.

. Mr. Anderson recused himself from this discussion as he worked for Prospect Goals, Inc. for many years.

. Mr. Stockburger explained that what the Planning Board has to do now is prepare a report with its recommendation to the Village Board. If the Village Board agrees with the recommendation, the application has to go before the Zoning Board for variances. Once those are obtained the application comes back to the Planning Board.

. Mr. G. Folchetti stated that what the Planning Board has to do is provide a report to the Village Board with a recommendation as to the non-conformity being changed from residential/commercial to residential/multi-family residential, which is what it is.

. Mr. Stockburger restated as follows: Do we feel that the multi-family commercial is better than the multi-family multi-family? Is this better for the neighborhood? If we think so, the recommendation would be that it would be more nearly conforming.

. Mr. G. Folchetti stated that what the Board wants to do is make a motion

to make a recommendation to the Board of Trustees that the proposed action will more nearly conform to the provisions of the zoning code.

. Mr. Stockburger made a motion of what Mr. G. Folchetti said. Mr. Murello seconded and motion passed 3-0, with one abstention.

Pending Business from meeting of October 22, 2013:

Commercial Building at 538 North Main Street, 56.82-1-18.

. Mr. James Nixon stated that the village engineer's comments from the last Planning Board meeting have generally been addressed.

. Mr. Nixon presented site plans to further explain parking issues.

. To review history of the site – Prior pizza parlor on this site had a fire and the building was demolished.

. The current plan is to rebuild with a second floor consisting of one apartment and one office space for a total of 700 square feet, and the downstairs space to consist of 1722 square feet of commercial space.

. This is located in the B1 district; parking overlay district 2 which dictates one parking space for every 600 square feet.

. Therefore, four parking spaces would be required for the commercial space and two parking spaces would be required for the upstairs space. This would lead to a total of six parking spaces.

. This site would need to accommodate this with two pair of tandem parking spaces (one space behind the other).

. Mr. Nixon stated that this would be acceptable for the residential space, however, would be a problem for the commercial space.

. Mr. Nixon then stated that parking could be provided up to 750 feet away, and that the owner of this property has other property that would satisfy this need.

. Mr. Nixon talked about parking in neighboring building, which is a two-family house. He stated that this is already pre-existing, non-conforming, but could assign two parking spots as the current residents don't need the spots. However, restated that the owner could provide parking spots down the road on other owned property.

. Mr. Nixon also stated that prior approval includes the easement.

. Mr. Stockburger asked about seeing this other property. Mr. Nixon advised that he and Mr. J. Folchetti scheduled a site walk for 1:00pm on Thursday, December 5, 2013. Mr. Murello and Mr. Anderson agreed to accompany them.

- . Mr. J. Folchetti advised not to approve yet.
- . Mr. Kulo mentioned that one doesn't see tandem parking a lot.
- . Mr. J. Folchetti stated that one needs to see how easy/difficult it will be to park in an eight-foot wide spot.
- . Mr. G. Folchetti recommended that if the spot is non-conforming, one could go to the Zoning Board. But that parking on the nearby lot doesn't need Zoning Board approval.

Mr. Kulo asked about the new design which goes beyond the current footprint, goes further back. Mr. Kulo asked about the retaining wall being modified and that more engineering detail was needed.

- . Mr. Anderson asked if the retaining wall would become part of the building. Mr. Nixon responded, Yes. Mr. Nixon also said that the extension is 10 feet to 12 feet beyond the current footprint.

- . Mr. Kulo asked if the retaining wall was part of the demolition and Mr. Nixon responded that it was part of the reconstruction.

- . Mr. Nixon asked if there were any other questions.

- . Mr. Stockburger asked about the 239? Mr. Kulo responded, No.

- . Mr. J. Folchetti stated that a more complete submittal was required first.

Accept draft of October 22, 2013 minutes

- . Board reviewed draft of minutes from October 22, 2013 meeting.

Three changes were made:

Page 3, under Second order of business section. First part of fifth bullet (Mr. Anderson asked if the buildings were an easy to conformance issue and Mr. J. Folcheti responded, Yes. However,) was deleted. Fifth bullet now reads: Mr. J. Folchetti stated that Application has other issues, re: retaining structure.

Page 4: Third bullet, (Mr. Stockburger stated that on 3/2/13 it was decided not to grant waiver for the 100 feet.) was deleted.

Page 4: Eighth bullet was revised from: "...one parking space..." to "...two parking spaces..."

Mr. Stockburger made a motion to accept amended minutes of October 22, 2013 meeting. This was seconded by Mr. Kulo and approved 4-0.

Adjourn meeting

Motion to adjourn meeting made by Mr. Stockburger; seconded by Mr. Anderson. Vote passed 4-0.

Meeting adjourned at 8:05pm.