

***Town of Southeast
Architectural Review Board
1 Main Street
Brewster, NY 10509***

Minutes – May 22, 2019

ARB PRESENT: John Goudey, Chairman
Thomas Frasca
Virginia Stephens
Mary Larkin
Katherine Weber
Ashley Ley, Town Planner
Victoria Desidero, Administrative Assistant

HSC PRESENT: Danielle Cylich, Chairperson
Lisa McCarthy, Vice Chairperson
Cathy Croft
John Duncan
Betsey Rider
Dean Abatemarco

CALL TO ORDER: JOINT MEETING OF THE ARCHITECTURAL REVIEW BOARD AND HISTORIC SITES COMMISSION

AGENDA: Pledge of Allegiance

1. RED ROOSTER DRIVE IN, INC., 1566 Route 22, (Tax Map ID 46.-2-43) – Review of an Application for Changes to an Approved Site Plan and a New Structure

This was a review of an application for changes to a site plan and the addition of a new pergola as referred by the Building Department. The application contained the following documents:

1. ARB Application, prepared by Insite Engineering, dated 4/5/19
2. Memorandum to Chairman Goudey from Insite Engineering, dated 5/15/19
3. Memorandum to Chairman Goudey from Insite Engineering, dated 4/10/19
4. Proposed Materials and Colors, prepared by Insite Engineering, dated 4/12/19
5. A, Aerial Photo, prepared by Insite Engineering, dated 4/10/19
6. Four Color Renderings of Red Rooster, no preparer, undated
7. EX-1, Existing Conditions & Removals Plan, prepared by Insite Engineering, dated 1/4/17; last revised 5/15/22
8. SP-1, Layout & Landscape Plan, prepared by Insite Engineering, dated 1/4/17; last revised 5/15/22
9. SP-2, Grading & Utilities Plan, prepared by Insite Engineering, dated 1/4/17; last revised 5/22/19
10. SP-3, Erosion & Sediment Control Plan, prepared by Insite Engineering, dated 1/4/17; last revised 5/22/19

11. LP-1, Lighting Plan, prepared by Insite Engineering, dated 4/24/17; last revised 5/22/19
12. D-1, Details, prepared by Insite Engineering, dated 1/4/17; last revised 5/22/19
13. As Built Map, prepared by Red Rooster Drive-In, Situate in Town of Southeast, prepared by Insite Engineering, dated 4/22/19
14. T-1, A-1, A-2, A-2.1, A-3, A-4, A-5, A-6, A-7, A-8, A-9, As-Built Plans, prepared by Edmond G. Loedy, Architect, PC, dated 5/10/19
15. Two Color Renderings, no preparer, dated 4/25/17
16. Historic Sites Commission CoA Application Review, prepared by L. Danielle Cylich, dated 4/26/17
17. Planning Board Report from ARB, dated 4/27/17
18. ARB Approval, dated 7/25/18

Jamie LoGiudice of Insite Engineering, Architect Ed Loedy and Jeff Ginty of StruXure Outdoor appeared before the Board. Ms. LoGiudice said since the last time we were here we were asked to provide a before and after of what was previously approved back in 2017 and then what we are currently proposing or was "as-built." Chairperson Cylich said Jamie (LoGiudice), actually we are here really to discuss the pergola so we are here to vote on the pergola: we did want to know what you've done versus what was actually approved but we just want to hear the pergola. Ms. LoGiudice said OK, great so let's go right into that. She said so we do have renderings showing the pergola with the current conditions, you have the deck, the railings, the pergola as it was designed and proposed on the deck itself. Mr. Ginty said so basically this is simulated exactly as you would see and as we had talked about previously at the last meeting there are possibly provisions for the side walls and so forth. But just to put it in perspective, he said, what we are trying to do is basically have this installed: we cannot have the sides on there, its not like they would come in one piece and we would have to come back and completely measure for side walls and anything special that went on there. Ms. LoGiudice said this one shows the screen option: it would be clear vinyl (inaudible) so you can't really see it as much (inaudible). Mr. Ginty said in essence, it would have somewhat... roughly about a 6-inch wide border (inaudible) but again it is something that is phase two because nothing can be... this unit comes in full lengths and everything has to be cut down and site adjustments and all that so obviously it has to be built entirely 100% before we even can estimate the adjustments for height and what not. He said but you had asked for somewhat of a rendering so that presents it pretty well. HSC Boardmember Duncan said are the walls something the owner is opting for? Mr. Ginty said it would make sense... I am pushing for it: I am on a commission basis... Boardmember Duncan said are they permanent? He said no and then explained how the pergola sides are installed and are able to be rolled up so they don't show at all. They talked about how the sides come up and that they can be motorized and removed if necessary. ARB Boardmember Frasca said are they like screens or clear? Mr. Ginty said you can do both. Chairman Goudey asked about how the screens are lowered on tracks and Mr. Ginty explained in detail the different ways the pergola can be set up and the ways the screens can be raised and lowered. Chairperson Cylich said this sits back against the far railing and there is no egress through it unless you are actually opening it: so, your egress is actually back through the restaurant? Ms. LoGiudice explained the view being shown and they discussed the different views. Chairperson Cylich said so where is your door? She said there's two tri-fold doors here... Chairperson Cylich said so there is no way out this way unless you are actually opening the screen? Ms. LoGiudice said we don't show it but

we discussed having like a break-away... Mr. Ginty said we could install either one of these and if it illuminated the exit sign it would be installed (inaudible). Chairman Goudey said do we know or are we concerned tonight whether that is proposed or not? Town Planner Ashley Ley said something that was inaudible because multiple people were talking and Mr. Ginty said yeah that's all understood but I mean we didn't come here to have that... Chairman Goudey said yes, but it may change the look of what we see now which does not have a typical means of egress. He said if it is a break-away for emergencies then that is one thing... Ms. Ley said until you have details whether you are going to go forward with vinyl or screen, perhaps we could just focus on the pergola for tonight and then when you actually have a plan for the screens you could come back for review. Mr. Ginty said well I am not the one who asked about the screens. Ms. LoGiudice said yes, we could entertain that. Chairman Goudey said I think that's a good idea: right now, I don't think we have enough information in front of us regarding the screens or the sides... Chairperson Cylich said how are they planning to enclose... another question I have, having gone to the site, is how far off the ground you are in the back so I don't know what you have done about adding vegetation towards the back but you are adding this huge white thing at the back of your building... Ms. LoGiudice said we provided some in existing conditions so right now, photos from this morning that will assist in that (multiple people talking). ARB Boardmember Larkin said I have an issue I want to bring up about the selection of the color... (inaudible)... all I am looking at is white pergola so my question is for Ed (Loedy): wouldn't you have wanted to black it out and emphasize the Red Rooster? She said because to me, all I see is white pergola but if it is already purchased then I don't know why we are spending all this time discussing it. Mr. Ginty said yeah, it has been purchased: basically, they offer standard colors: there's white, camel, dark brown and black and then there's custom color. Boardmember Larkin said you would come in front of the Board with your colors and we would give our recommendation as to what we would suggest so this is all coming to us already decided. Ms. LoGiudice said I think at the last meeting we also discussed the possibility of putting the wrap on portions of this so it would blend in with the building a little bit more. She said is that something that the Boards would be... Mr. Ginty said here's one idea... when we looked at this there's two primary colors on this project: red is obviously a custom palette color which increases the price outrageously so we opted for white but what we could also do is add custom fabric like a simple valance like a red and white stripe. He talked about how that would take away from the white. Boardmember Larkin said what is Ed's (Loedy's) input... he designed the building? Mr. Loedy said yes, I did design the building and I'm happy with it and I am very happy that you are happy with it. Jeff (Ginty) and I have spoken about retaining my firm to assist in bringing this aesthetically somewhat or... if I get involved, I feel confident I can do something with that but we haven't had the time to work that out between the last meeting and this meeting. He said if we are going get involved then we will be prepared at the next meeting to make a presentation to you that would be in the same quality as the first time where you will see what we have in mind. He explained the level of detail of what they will provide. Boardmember Duncan said I am not going to beat up on you guys but as the Historic Site Commission, the only reason we are involved, the only reason, is because it has been deemed a historic site and we talked about the color scheme to keep the Coca Cola red and this, as I said, has taken, in my opinion without some type of coloring in that, it's just white, it doesn't meet the directive of ours about maintaining the historic site so definitely I would like to see some options to bring that in to what we originally talked about. Chairperson Cylich said or to make sure it stands alone understanding this is a modern addition to a building because I think what's happened is it has

taken what is a lovely small situated site historically and added on a very large structure, you've added on lots more glass after what was initially proposed. She said so I think what you changed is really the character as it relates to the very quaint initial historic building so its fine to make a separate reference for adding an addition. Actually, I liked the initial reference when this was shown as a wooden structure because to me that was more organic, she said. Mr. Loedy said are you referring to the pergola as the big addition? She said the big addition was the added interior space and now we are adding even another structure to that. Mr. Loedy said this addition with the pergola is being proposed by Mr. Ginty. Chairperson Cylich said I am just saying in the context of your building and adding onto what was a unique and small building is being overshadowed and we tried to help mitigate that process in our review and now we are adding on another structure to it that is, again, overshadowing the unique aspect of the original building. So, what you may consider is perhaps something that is not so modern but actually more organic, she said. Someone asked if they had a picture from the street front and Ms. LoGiudice said yes. The Historic Sites members discussed the view from the street. Ms. LoGiudice said I would like to point out that what you see from 22 is not as imposing as it appears it is going to be because you really don't see a lot... if you are standing in front of the building you only see a small sliver of the pergola and even if you look at some of the photos I provided coming along 22, at this photo standing at that far entrance right here, there are several trees in front of the pergola, several landscape items, and you are going to see maybe, at best a third of the pergola from the road. Chairperson Cylich said this process of what the building is in its landscape, is not just the front; it's the experience of the building so it's not where you are going to see what but the building and how you are adding on to it and your experience to it. Mr. Ginty said so just to tap on that point, the experience of it, would be to be able to come to the Red Rooster, go out back and be able to dine, have kids parties, banquets, whatever and then be able to reserve the space rain or shine being that the louvres close, it's a waterproof system so we have talked about retractable awnings, something to that extent is to, basically, just shade from the sun which is great because you are out in the sun but it's a negative because we have the winds that come through like the past couple of days. He said you would have to roll this thing in entirely because it could potentially bust right off the building and the owner would have some liability so they wouldn't be able to book these tables and seating spots outside if they didn't know if they would have cover from the weather. He explained in detail the way the system comes and what can be done to it. HSC Boardmember Croft said how many months of the year would you expect it to be used? Mr. Ginty said it depends; it's kind of being outside with a tent over you but if it is sub-zero weather (inaudible)... Chairperson Cylich said does it have that feeling of (inaudible)? He said no, I am just giving an example of just being outside in the winter; we also have a tent rental division and we don't have a party tent that size. Boardmember Duncan said is this comparable to what's on the side of the Kobu Restaurant in Mahopac, the Japanese restaurant that has an outside patio with the same things that come down... they're very nice but they only use that... it's not a 12 month out of the year use. Mr. Ginty said obviously they are not insulated; we are talking millimeters so obviously people in the winter don't even want to sit outside anyway. Ms. Ley said since no specifications or design details either a screen or vinyl sides have been provided, I think we should focus the discussion on the pergola structure and you will have to come back if and when you ever choose to move forward with that design. Boardmember Croft said when you were talking about doing colors to the wrap, were you talking about doing striping or what were you... Mr. Ginty said obviously, at the last meeting, I didn't know how to blend it in really

any better because the system comes in rectangles and squares and it's really the most (inaudible) and it's my fault that I hadn't spoke with Ed (Loedy) sooner to come up with a better concept; I kind of thought the process was running on its own but I did kind of look back to this era with you know the red and white stripe and my thought was possibly to put the structure up, and I could always do a rendering of this, is possibly even adding somewhat of a valance. He used the renderings to show where the valance would go and talked about his ideas for colors and stripes and said it would take my guys a couple of hours to make it and install it in detail. He said pretty much the baby is born; this is what we have here but we can add fabric to it and bring the stripes and umbrellas in and whatnot. Chairperson Cylich said it is also a little hard to see this because you have it straight on from the rear; we can't see it against the building. She said I think it is a great red, it's a fun color, its now just getting more candy-striped to me. Mr. Ginty said it is just an option. She said right, I think we need a little more thought as to how this adds aesthetic value, visual value to your project. He said so what do you propose? Just so we have an idea, he said. Chairperson Cylich said I don't know that you need a pure white material; it may be something that is completely different than what you are building. She said it's a stand-alone thing, its not part of your historic structure that you tried to grow; this is really another thing that you are adding on to this that is a temporary exterior dining area. Mr. Ginty said so something decorative; we also have a graphics division and we would add some type of... Boardmember Frasca said just out of curiosity, on the posts, the uprights, are you mimicking the mass of the building on the posts so it looks as though it blends? He said I am thinking more of balance than I am... because it's not a temporary structure, it's there... Chairperson Cylich said I know, that's the thing, its not temporary. Boardmember Larkin said I want to see it disappear, black it out. Boardmember Frasca said that might be an option, I don't know but... Chairperson Cylich said can you paint the material? Mr. Ginty said it's (inaudible) so no, I mean they could be wrapped. *(Multiple people talking.)* Boardmember Frasca said how much of an offset is this from how the roof lines in the back: is it 4 ft., 6 ft., 2 ft.? Mr. Ginty said I would say roughly 16 inches from the wall to the edge of the gutters. They talked about the length and width of each part of the structure and how many sections there are. There was a discussion about the interior layout of the restaurant and how it relates to the deck and the pergola. Mr. Ginty explained that he didn't know about the Architectural Review Board or the approval process. Chairman Goudey said if I may, regardless of the Historic Sites view of this, I want to echo the Chair's comment that when initially we looked at this, we saw a whole new structure change the shape of what was the original Red Rooster. He said the building was enlarged in size, you had a deck there and this now is another structure added onto it. I recognize the difficulty of the two Boards here together asking questions, he said, I recognize that and that you purchased it already. He said I recognize it is a great business decision; the thought to encourage parties and better business is great but I have to say it's another structure. So, I do see it as a large addition to what we had all approved originally, Chairman Goudey said, and Mary (Larkin) had mentioned making it disappear so it doesn't stand out so much and to me this does not enhance the beauty of what we already approved in the addition, the original addition, and now this is different so I have to agree if it weren't there or blended in or was hidden or something, I know that would help me. Also, he said, not everyone is going to see this from (Route) 22; they are going to see it from the side, from the back, from inside, that's where the public is going to be. He said we have a lot of people here to talk about it, to bring up questions but we don't necessarily have an answer to design it and say if you do this, it will be fine. Mr. Ginty said so here is my proposition to you: is that if you would give us the OK to

at least get the structure up, because it is what it is, but together myself and Ed (Loedy) could get together and maybe come up with several different scenarios of how we could dress this up and I am thinking more of like a fabric look, something like a (inaudible) valance, something that might resemble this age and then we could propose to you how we could... or maybe which one you think might fit because something like that we could do pretty quick. He said but just to get them open and... Chairperson Cylich said I don't think they need our OK for the pergola (inaudible) for the CO (inaudible), I assume that is based on other things and not just on the pergola. Ms. Ley said it actually is all lumped together. Ms. Ley said the Boards can consider approving everything else that changed and you still have to deal with your other Building Department issues, and you could move forward and open and come back later for the pergola. Chairman Goudey said I don't see where the pergola now is going to stop business; if the pergola is not there you can still run the business. Mr. Ginty said I mean they can and if that's your decision to say that we don't want to do the pergola, that's fine we have to wait another month but on my end it has already been purchased; it is sitting in the manufacturer's warehouse in Georgia and they are crushing me with daily storage fees to keep this thing down there and we all know that at least the shape of it is not going to change. This is exactly what you will see but what we can transform it into can be very inexpensive, he said, we are looking at a half days work. He said I know what I paid for, what they paid for and just you know holding up the monies is putting... I know I am not trying to beg you guys but I just am trying to explain it is a financial burden on us because it is such a big project. He explained in detail what he and the architect could do to get ready for the next meeting and get the work done the next day to make it what the Boards want. Boardmember Weber said I am sorry to interrupt but at the last meeting the sentiment we all echoed is that you and Ed (Loedy) should collaborate to come back to us with something that was aesthetically in keeping with the building so it is difficult for me to sit here and hear you say that let's put the thing up and then we will come back because we actually asked you to come back with a different solution. Mr. Ginty said right and, again, its my fault and explained he lost some employees and has a lot on his plate and said I was under the presumption that we were going to talk about a couple of things we might propose and maybe we could have Mario (?) who did these possibly do a new rendering or something. He said when I got to Ed (Loedy) he said 'you should have let me know the day after the meeting because I need three weeks on this' so I dropped the ball. He again made a case for putting the pergola up and coming to the next meeting with several different options. Chairperson Cylich said I just think the owners have to come back with what was asked and we need something that will answer the issues we've raised. Ms. LoGiudice said I think to move forward we would be willing to take the pergola off the application and then continue on with everything else to try and move this forward and then come back with a more developed design of the pergola. Boardmember Larkin said we can't allow something to go up and then say we are going to edit it; that's not a precedent that we do so... Boardmember Weber said it pains me to know a successful establishment that is really well known and all that... but I just think this is a conversation we had last time and it was that we wanted an aesthetic change for this meeting and I am still looking at a pergola that should be in Miami. Ms. LoGiudice said understood, so we will come back with the pergola design at a future meeting so the pergola is out, sides are out for tonight and I guess we can move forward with the other items? Chairperson Cylich said so I think what we had noted the last time we met and that we just want them to meet and confirm and perhaps let us see that they are taking this seriously that the application that was brought to us in April of 2017 and what we approved is not actually what was built.

She said we have seen significant changes in your project including the windows, including ADA Accessibility, including the railings so as to our hesitancy to offer anything else to go for this project without us clearly understanding what the end is... so there was the change in the custom railings that we originally approved, the ADA accessible ramp for whatever reasons, that design we had approved was not done; the window (inaudible) opening has changed on all sides of the building; the AC units were clearly, clearly an issue raised to be underneath the deck and its not and I don't know how that is going to be handled. She said and the last piece are the front doors, there was a design submitted where you had four windows on the right hand side of the door and now there are three which means, to me, that the windows are wider which changed the whole character of the building because you have added this big glass block onto the end that was not initially approved and we just want to infer that we had codified that and make you aware that was never... this is not the project that we approved. Chairperson Cylich said we realize that this is an establishment that is looking to enhance its building and we tried to be part of that process and we feel that we did not land at that same spot. Chairman Goudey said I think Historic Sites takes precedence over the initial decision here and the Architectural Review Board will follow their comments. Ms. LoGiudice said we fully understand your concerns and thank you; we'd like to go through each of those items and provide reasons for the work done and fully understanding that they were not what you originally approved so we would just like to walk you through that. Mr. Loedy said I think you are 100% right; there have been changes and these changes have been, in some instances, in one case because of an insurance company recommendation, we changed the layout and another instance there was a well discovered during construction on the site that called for some changes so I'd like to go through the items. He said the front doors, we had a couple of months ago, at the urging of the owner put two front doors instead of just one and submitted through Victoria (Desidero) and also through Ashley (Ley) and we were told it was a very minor change, basically looking at a glass wall and I think we got the nod that that was OK to do. He said in my opinion as the architect and, I guess you can put me in charge of the aesthetics, but we always deal with (Building Inspector) Michael Levine on Code so everything you see has gone through Michael Levine and is Code compliant and as the builder... as he ran into situations that call for changes, they always contacted me and I wanted to make sure that aesthetically this matched the building. He said so the double doors didn't create a problem for me because the whole front is basically a glass façade. He went on to describe the construction documents that were submitted to the Building Department and asked Ms. Ley if she looked at them. Ms. Ley said they were forwarded to me and I forwarded them to the Chairs of the Boards. Mr. Loedy suggested looking at the renderings and then explained each rendering in detail and said the railing needed to be changed because of the insurance company concerns about kids climbing up on the horizontal rails. He explained the change to the stainless-steel railing that is vertical, saying he felt comfortable it would look good. Mr. Loedy then explained the change to the ramp which needed to be moved because they discovered a well during construction that was right where they wanted to put the ramp. He said again they checked with the Building Department to make sure it meets all the Codes and I felt that it was perfectly fine. Boardmember Duncan asked if it is an abandoned well and they said no, it is a functioning well and needed to be brought above ground as per Health Department regulations. Mr. Loedy said I just need to add that the builder and the owners didn't just take it upon themselves to make all these changes; they dealt continuously with Mr. Levine per the Code and with me as the architect. He said the other item that came up was the stairs and he explained how the stairs were

eliminated and that he thought that was completely fine. He talked about the large strip of windows in the back: they were the outcome of the owner requesting a better interface between the deck and the building itself. He showed the original rendering and said we showed the walls all removed in the second presentation we made. Chairperson Cylich said no we didn't have that; no, we never saw that and that's why we were so confused. She pointed to the original rendering and said that was the rendering we had; those were the plants we had. He said I don't have... that's the only one that you had? He said there was another presentation made and reviewed and approved where we changed all the sides and we had brand new renderings. He said you didn't have these here? Chairperson Cylich said I did not, no, they were not presented to the Historic Sites Commission. Chairman Goudey said if it didn't go to Historic, it shouldn't have come to us. Ms. Ley said I don't remember if when it came to ARB it had gone to HSC. They discussed this in detail. Mr. Loedy said to Boardmember Duncan: I remember you, sir, are the one who said if they were going to design this addition originally, it would look just like this and I considered it a great compliment. Boardmember Duncan said if this was 1950 and I had the money and I wanted to go from a small space to a large space, I think this would have been one of the proposals. He said I am not beating up on what you are doing but I think there has been a lack of communication in the process, not in the action of what you have done, but in the process and that could be from us to you or you to us. Chairperson Cylich said even this to me is peculiar because even what you sent us to review your double doors had four windows to the right of the double doors and you only have three so you changed the dynamic. Mr. Loedy said that is true; that was also a minor change and there were construction reasons that we had to make the change. He said I think it is in keeping with the aesthetics and it does meet Code. When we see that building, he said, yes, there have been some changes and, all of you and us that are very much involved, who reviewed this building, we can find all these little things that changed and 100% they have changed but the image of this building is still the Red Rooster and then he talked at length about how things come up during construction that require changes and work cannot stop. He said if something is going to change, we said we need to comply number one with the Code and number two with the spirit and aesthetics of this building. Ms. Ley said the Planning Board resolution of approval, which is the final Board you go to in this entire process, specifically states that any changes to the architecture requires the review of the Architectural Review Board and it also refers, in this case, to the Historic Sites Commission. Mr. Loedy said that's correct. She said so, although you were reviewing them, every single change you should have been notifying Victoria (Desidero), you should have been notifying Danielle (Cylich) and then, on a case by case basis, either Board would have said whether or not that rose to the level of needing you to come back at the time that you were implementing the change. She said that is not to say you need to stop work every time you come across something but, obviously, it is taking time now at the end of the process. Mr. Loedy said you are 100% right and the very first one was so minor, the doors, the first thing I did was I went straight to Victoria and said here is what we would like to change and I recall Victoria said to me, fine I will get a hold of Ashley... Ms. Ley said that is the only one I ever got an e-mail about, the doors, we never got anything about the railings, about the moving of the bathroom on the inside because the plans that the ARB and HSC approved had a bathroom in that corner so I highly doubt it was windows all the way down. Ms. Ley said the last revised date on these (Planning Board) plans is the last revised date in both the ARB resolution and the HSC resolution so it changed after you came before these Boards. He said we prepared completely new exterior renderings when the owner requested we put the bathrooms to the other side and that, I know for a

fact, I told the owner you are going to have to go back to these Boards and I need permission to make new renderings so those were submitted: there are renderings that show glass instead of the masonry all around that corner and they were presented to both Boards to my memory. Ms. Ley said it may have happened but what I am saying is it may have happened after you got your approval to move forward from the Planning Board... He said it did come after. She said it should have been reviewed by both Boards. Ms. Desidero said may I just make a suggestion to, in the future, from a process point of view it really would help if you would put revision dates on your renderings because there were never dates on the renderings and it has been very hard to re-construct... Ms. Ley said yes, that is required. Mr. Loedy said that is a very valid point. Chairman Goudey said as I said before, we recognize the difficulty of going through this process, this being a historic site. In all good intentions, he said, these changes are significant enough that they should have come before both Boards so I have to say it does change the look, regardless of the one item we are not sure of: the windows in the back... the ramp location, the elimination of the steps, the window line, the number of windows, those are significant enough changes on our Board here and I could understand would trigger and be at least as important, if not more to the HSC. Mr. Loedy said I appreciate the pickle we are kind of all in and my buddy over here, Jeff (Ginty) said this is the pergola and it is not going to change... well I know better than that because I know your Board can outright turn that down and he hasn't built it yet. He said I need to tell you that these items have and you've seen it: the ramp, the rail, even these windows, these things have been built. We are guilty of not coming to you before, he said, because some of these things kind of snowballed but very frankly, would you go so far as to say... Chairperson Cylich said I just wanted, for the record, that we were clear about the fact that there were so many significant changes to what was presented to our Board for review than what was actually constructed and we wanted that on the record. It's done, she said, I understand it's done. I think that it is unfortunate that you didn't come back because I don't think you would have had an issue helping us understand why you made some significant changes that you believe helped the aesthetic value to our lovely intimate, old historic Red Rooster, she said, but what I think is very disturbing is the fact that you didn't come back to us. Ms. LoGiudice said I think we had a very big misunderstanding when we were doing these changes. I think between the contractor, the owner and the Building Department, there was just a very big misunderstanding of who was essentially approving what, she said, basically going back and forth with Michael (Levine) and, by all means we are not throwing him under the bus or calling him into question by any means but in discussing with him ADA Code or Building Code, I think it was interpreted on our end, and wrongly so, that these changes were accepted and now obviously, as Ed (Loedy) mentioned, we stand guilty and are here just to review them and we do acknowledge that they are significant and offer apologies for that. Chairperson Cylich said I know that the ARB has a lot more on their plate; I think if we wait to see some of the other pieces put in that might help ameliorate for the (inaudible) of the complete building like if you add that flavor to all your signage (inaudible). She said I will still say what is surprising to me is even when you came to us with what we thought were good plans, is the fact that the AC units is nothing any of us would ever have imagined: I mean its huge and its outside; it's not underneath and to me that is just very surprising that you didn't understand that, even after you came to us the first time when you added such a large addition to your project. Someone from Red Rooster said I didn't realize it was going to be (inaudible). She said I think there is a significant misunderstanding on your end that you didn't know that. Ms. LoGiudice said we acknowledge that we have a very big misunderstanding;

we've established that. Chairperson Cylich said and as part of you coming up with your landscaping that somehow needs to be addressed (inaudible) so I think when you come back and you present what you believe is a quality understanding of what might add value to this building then you will have a little better sense of how you are going to handle that. She said you need landscaping to cover what I think is a very imposing structure. Ms. Ley said the landscaping is under the purview of the ARB as well, and the ARB resolution clearly states that the air conditioning unit was supposed to be underneath the deck. Chairperson Cylich said so does ours. Ms. Ley said at this point it is obviously already in so one of the things that both Boards need to discuss tonight is specifically adding landscaping or other screening around the air conditioning unit and that is something that could be memorialized in a resolution tonight. (Multiple people talking.) Boardmember Frasca said what is the setback of the landscaping to the unit? Ms. LoGiudice said I believe you only have to have about 2 ft. They discussed the size of the HVAC unit and what type of landscaping will do the best job of screening it and surviving the conditions around it. Boardmember Larkin said Jamie (LoGiudice), you are really good with landscaping; what can you suggest that's a little higher and a little more substantial? They discussed what might meet the requirements of height and density and volume. Boardmember Duncan said I work for Con Edison and they use these privacy slats and I am not sure if that is something you would like or want to accept? (Multiple people talking.) Boardmember Larkin said I would be worried about the deterioration; they look great in the beginning but... Ms. Ley said I can't recall a time when the ARB ever approved those. Chairman Goudey said after a few kids get to it or a few storms, you start missing one here and there and it looks worse. He said I think the trees will add a barrier to keep the kids away from climbing up the fence. Boardmember Larkin said so how can we get you a conditional approval by saying the height, the density and the variation? Ms. LoGiudice said that would be good. Boardmember Larkin named a few species that might work. Ms. Ley said we could do a conditional approval specifying the quantity, the variation and the height with the plan submitted for administrative review as it is a very small area. They discussed and agreed on the numbers: a quantity of 9 shrubs at 5 gal. on the back side; 7 at 5 gal. on the northern end; and 1 on the corner. They discussed the chain link fence at length. Chairman Goudey asked Chairperson Cylich if she had an opinion about the view from the deck railing. Chairperson Cylich said I think if you are allowed to go out on the deck... because one of the issues I think for understanding how your pergola works with the building you have to be able to get access to the deck, so I don't know. HSC Boardmember Abatemarco said when we last saw this, there was just a big vent which is now covered. Ms. LoGiudice said yes, so we provided the duct work and it is covered so that it is not sticking out and we felt that having the white when you do sit on the deck, it really does blend in with the building. Mr. Loedy said the back of the building has always been white and all of these things we did discuss. He talked about the fact that Memorial Day is coming and the owner thinks that is his biggest weekend of all. He said Michael Levine looked at everything we've done and he has agreed to issue a permit as long as we get some nod from these two Boards. Is there a way we can come to some agreement that whatever we can change, however you want to fine us or whatever, that at least there is some chance we can get a conditional OK... Ms. Ley said the ARB is looking to move forward on everything but the pergola tonight. Chairperson Cylich said the only thing, frankly, to review for us is the pergola; the rest is done and I felt strongly it needed to be iterated that the process was not well done. Mr. Loedy said understood and we... Ms. Ley said in terms of the building, the only other item that I think the ARB might want to discuss is the addition of the employee break area. Mr. Loedy said it was

not... Ms. Ley said it was not shown on the plan and normally we would look at the materials and... Ms. LoGiudice said we brought the materials tonight to review: we have the railing which is Trex material and the block on the wall... (multiple people talking – inaudible)... Ms. LoGiudice explained why the break area was added after the area was torn up during construction. Chairperson Cylich said is it at the north end of the building? They all said yes. Boardmember Larkin said is this where the workers are going to go smoke and stuff so there will be a smoking receptacle and... Andy of Red Rooster said it was always a mess there and the kids were always jumping over the chain link fence so this is an area where they can have a sandwich or something on their break. They discussed where the corner area is and what it looks like now versus what it was before. Ms. Ley said does your Board have any other questions? Chairperson Cylich said it is just another on the list of things that unfortunately happened without... Ms. LoGiudice said we get that. Ms. Ley said if there are no more questions at this point then your Board can move forward with its approval of the field changes and... Chairperson Cylich said no, I don't think we are going to approve the field changes; we are just acknowledging that they happened. There is a distinction, she said, I think we want to codify that these things happened and that we understand and have a record of what actually has been built versus what we approved. (Multiple people talking.) Ms. Ley said we would need you to accept them so that the Building Department is aware that they are able to move forward. She said that you are not going to require them to rip them out, is basically the issue. Chairperson Cylich said so we are voting to accept the six changes to the plans we already approved and acknowledge that you have submitted them to us as constructed? The motion to acknowledge that the six changes were submitted to the HSC as part of the revised plans was introduced by Chairperson Cylich, seconded by Boardmember Duncan and passed all in favor. Ms. Ley said so for the ARB resolution there is one condition that has several parts to it and then she read the conditions. 1. Wrap landscaping around fence for HVAC unit: minimum of 9 shrubs (5 gal. min.) along east fence and 7 shrubs (5 gal. min) on north side; shrubs shall vary in density and height; all evergreen; and one shrub on the south corner of the HVAC unit. 2. Final screening plan to be reviewed by Town staff prior to installation. The ARB voted to approve these changes with the conditions noted.

Motion to Approve: Thomas Frasca

Seconded: Katherine Weber

Voice Vote: 5 to 0

JOINT MEETING ADJOURNED

CHAIRMAN GOUDEY CALLED THE REGULAR MEETING OF THE ARCHITECTURAL REVIEW BOARD TO ORDER

1. WORLD INSURANCE ASSOCIATION, LLC, 3 Starr Ridge Road, (Tax Map ID 68.-2-1.-100) – Review of an Application for a Sign

This was a review of an application for a Sign as referred by the Building Department. The application contained the following documents:

1. ARB Application, prepared by Dave Bruen, dated 3/28/19
2. Photo of Existing Sign over North Entrance, undated
3. Black & White Rendering of new sign, undated
4. Color World Insurance Associates LLC logo, undated

Paul DiDio appeared before the Board. Chairman Goudey said why are you here? Mr. DiDio said they are looking to just change the sign in front of the building; they're doing a new logo and the lettering staying on the same sign. Ms. Desidero said they were on the agenda last month and no one was here so you received it then. Chairman Goudey asked if everyone had a chance to look at this and everyone said yes. He said it meets Code? Ms. Desidero said yes. The ARB voted to **approve** the application as submitted.

Motion to Approve: Virginia Stephens

Seconded: Thomas Frasca

Voice Vote: 5 to 0

2. BREWSTER FORD, 1024 Route 22, (Tax Map ID 68.5-2-32) – Review of an Application for Two Signs

This was a review of an application for Two Signs as referred by the Building Department. The application contained the following documents:

1. ARB Application, prepared by Chad Nehring, AIA, dated 4/2/19
2. Color Rendering of Brewster Ford, no prepared, undated
3. A-200, Front & Side Elevations, prepared by Chad Nehring, AIA, dated 5/22/19 by Building Inspector
4. Sheet 2, no preparer, dated 12/21/14; last revised 5/22/19 by Building Inspector

Architect Chad Nehring appeared before the Board on behalf of his client. He said I am here to have two signs approved, one that says 'Brewster' and one that is the iconic oval Ford sign that has been the Ford logo since 1907... so 112 years ago. We have five signs total, he said, one was approved, two we are here for tonight and two were going for a variance next month and you might see us again for that. Mr. Nehring explained the Ford branding program and gave the dimensions of the two signs. Boardmember Weber said it says Brewster on one side of the building now? He said it does say "Brewster" on the side closest to the exit and the side closest to the highway there. They talked about the similarity of the existing sign and the new ones. Chairman Goudey said these are illuminated? Mr. Nehring said yes, they are LED, very gentle lighting, unobtrusive. Boardmember Frasca said so it matches the illumination of the other Brewster sign? He said I cannot say that; it is a non-LED sign I think, and it is older and that's being removed as we renovate the building. Boardmember Frasca said my point is the lighting will be the same throughout? He said correct, they are all new, state-of-the-art signs. Chairman Goudey said is there a timer or a sensor on these? Mr. Nehring said we certainly could put them on a timer, I would think. They discussed the how a timer would work. The ARB voted to **approve** the application with the following condition:

1. Signage lighting will be on timers.

Motion to Approve: Katherine Weber

Seconded: John Goudey

Voice Vote: 5 to 0

3. 577 NORTH MAIN STREET, 577 North Main Street, (Tax Map ID 56.19-1-40.2) – Review of an Application for Two Signs

This was a review of an application for a Site Plan Amendment as referred by the Planning Board. The application contained the following documents:

1. ARB Application, prepared by Bart Lansky, dated 4/23/19
2. Memorandum to ARB Secretary from Bart Lansky, dated 4/25/19
3. Landscape General Notes, prepared by Bart Lansky, dated 5/2/19
4. Property Survey, 577 North Main Street, prepared by Rowan Land Surveying, PLLC, dated 12/3/18
5. Aerial of Parcel, no preparer, undated
6. Four Color Photos with Views of Property from different angles, undated
7. BEHR Color Samples with “Navaho White” highlighted, REV. 9/18

Owner Bart Lansky appeared before the Board. Mr. Lansky said you might remember me because I was here in the winter for a roof and also for a concrete fence and some plantings. We’ve made some progress in all of that, he said, and I am here with a referral from the Planning Board seeking a Conditional Use Permit for outside storage and a Special Use Permit for auto service repair so I was referred here for those. He said the good news for me is my building was historically ugly so we don’t have that issue to deal with. Mr. Lansky said so we looked at last time the siding for the building, the shingle roof and there is a gable going on it. He talked about the details and colors of the previous approval. He said we also did an approval for a concrete fence and at the time I was looking at a manufactured product and we had some discussion about colors and I was leaning away from having it colored and we approved the natural concrete. I found out that the trucking for that fence coming from the Midwest was around \$6,000 and it made sense to build it out of natural materials and I think it came out nicer, he said. He said there are photos attached; it is certainly more durable. As I’ve been working on the roof, he said, I’ve peeled off some coping stones out of some of the parapets and I’d like to use them on top of that concrete fence so I kept the same look of the concrete fence in terms of putting a column with a similar spacing and now I am submitting a color chart and I was recommending Navajo White; that gives me two Navajos: Navajo Beige and Navajo White, or I can do a custom color to match the siding. I can also do an accent on the columns if the Board would like that. Mr. Lansky said we approved landscaping in front of that: I put some purple gem Rhododendrons, I put 17 of them in, I added some blue rug Junipers around the lighting. The lighting is existing and they were stainless steel and custom made by a previous tenant there, he said. Mr. Lansky continued: I moved Pine trees from one side of the property and you have some photos in there showing them and I am proposing to do five more. He said that is the nature of the application and I want to thank the Planner for giving me comments along the way so I could complete my submission. Ms. Ley said so this plan was in your packet; this is the plan that was submitted after my memo so it includes updated landscaping, plant schedule and photos. Boardmember Larkin said these are the evergreens that you moved? He said yes and he explained where they came from on the property. Chairman Goudey said I have a comment about the color of the fence, frankly I am not sure about matching the color of the building. The Board discussed this with the applicant and expressed an interest in having a contrast between the wall and the siding color. Ms. Ley said are these the coping stones you want to put... He said yes. She said just one thing to be aware, if this fence is right on the property line and it is 6 ft. tall and you add these it might put you over the height limit of the fence. Mr. Lansky said I’ll add some dirt at the base and I

will be right back (inaudible). Multiple people talking. Ms. Desidero said it doesn't work that way. Chairman Goudey asked him to describe the changes he made to the wall and he described the manufactured wall he proposed originally versus what he built in detail. They discussed the texture and the color. Mr. Lansky said to me, the Rhododendrons accent the wall, they're one gallon but they are going to grow. They're doing very well. I think they are going to be offset with a wall, he said, I don't feel very strongly either way. The Board discussed color options and chose a color called Silverado Spur with the terra cotta color coping he already has. Ms. Ley said you really need to make sure that you measure the height of the wall to make sure this is not putting you over because changing the grade around the wall isn't going to exempt you from the height requirement. Mr. Lansky said but I am not on the property line with that. She said in order to be over 6 ft. there is a formula in the Code as to the distance you need to be back from the property line before you can go above 6 ft. He said I am set back from the road some 80 ft. She said from the side yard? He said if you look at the site plan, the wall is here so from this side I am 130 ft. by 80 ft. from the front: I am in pretty good shape here. Ms. Ley said isn't it on the property line on the side property line? He used the survey to show the sides, front and rear lines. They discussed this and Ms. Ley said the section at the corner is something to look at and he said I think I am still all right. Ms. Ley said I would just double check that. Chairman Goudey said you understand the concern? Mr. Lansky said I do and, if I have to pull it off one day, it will come off. Boardmember Larkin said is there a possibility that you could do 2-gallon Rhodies instead of 1 gallon? He said they are in and doing wonderfully. Ms. Ley said they were approved when the wall went in. Mr. Lansky said they are really doing wonderfully; you want to get them in before the spring rains and I did. The Board confirmed the color of the wall and Boardmember Frasca confirmed that it is a stain not a paint. Ms. Desidero asked if the new proposed plantings are all right and Boardmember Larkin said he has five (5) 1.5-inch caliper white Pines spaced at 15 ft. apart. The ARB voted to **positively refer the application to the Planning Board** with the following condition:

1. Fence color: Silverado Spur, MS-49 by BEHR

Motion to Approve: John Goudey

Seconded: Mary Larkin

Voice Vote: 5 to 0

4. LAKEVIEW PLAZA, 1505-1515 Route 22, (Tax Map ID 46.-1-1.-1) – Review of an Application for Changes to a Site Plan

This was a review of an application for Changes to a Site Plan as referred by the Building Department. The application contained the following documents:

1. ARB Application, prepared by JMC, PLLC, dated 4/22/19
2. Memorandum to ARB from H2M architects + engineers, dated 5/13/19
3. Project Narrative, prepared by H2M architects + engineers, undated
4. Five photos of views of wall, H2M architects + engineers, dated 5/7/19
5. C1.0, Photo Location Plan, H2M architects + engineers, dated 5/1/19
6. S-1.0A, Redi-Rock Wall Front Elevation – 1, H2M architects + engineers, dated 2/14/18; last revised 5/8/19
7. S-1.1B, Redi-Rock Wall Front Elevation – 2, H2M architects + engineers, dated 2/14/18; last revised 5/8/19

Dennis Lindsay of H2M Engineering + Architecture and Lucille Munz of JMC appeared before the Board on behalf of Urstadt Biddle. Mr. Lindsay said we are here with senior management of Urstadt Biddle and our design team. He introduced the landscape architect Lucille Munz who explained how she got to where she is in the design of an improved landscaping plan based on the original site plan approval. She said we are trying or stay more with native plant material and adding color and massing. She described their meeting with the Planning Board and her meeting in the field with Town Councilwoman Lynne Eckardt in detail. Using the plans, Ms. Munz gave the Board details regarding the issues with the landscaping at the north end of the plaza; the islands in the center areas of the plaza; the curbing of these islands; and the entrance areas. She said we are here tonight hoping to get some feedback from you folks so that we can memorialize a plan that reflects plant material choices, shrubs versus perennials and locations of some of the trees. Ms. Munz talked about needing to create an as-built plan since what was planted was not on the original site plan. She used the plans to give more detail of all the types of plants she is considering for each area. Chairman Goudey said you mentioned planting in abundance so that should make a difference. Boardmember Frasca asked how she will disperse shrubbery and perennials and she explained her thought process for keeping the areas interesting even in the winter when the perennials are gone. Boardmember Larkin said my concern is the thin borders where nothing grows and I understand that nothing will grow there because I have seen them try. She said I welcome the fact of bringing in the stone to help with the truck issues but in the middle can you do three good looking trees? Ms. Munz said I am going to say no because I did look at the entire site and I have been looking at all kinds of shopping centers and trees, even honey locust trees will limp along and not really thrive there. Ms. Munz said I did think about something today and I will throw it out there: do you know what sunchoke is? It's called Helianthus, she said, and the reason is: it is native and also it can be aggressive and it's a tuber. She and Boardmember Larkin talked in detail about flower color, about how it grows, how tall and how wide it gets, etc. They discussed other options to make the islands look more kempt and tidier. Boardmember Weber said regarding people cutting across the larger islands, what about possibly adding walkways? They talked about the pros and cons of that and about the pavers they are planning to add to the other smaller islands. All of the Board members expressed their opinions about the importance of making that shopping center look better and said they liked the concepts being presented for landscaping. Mr. Lindsay started to talk about the wall and Chairman Goudey asked if any action is required on the plantings. Ms. Ley said there is essentially two items before the Board tonight: one is this field change which he is going to go over about the wall and the second is the landscaping. The landscaping will need to come back to the ARB, she said, that's going to be considered a minor site plan amendment so it will get your review and recommendation to the Planning Board. Ms. Ley said the field change is an approval that gets referred to the Town Engineer who, ultimately, will be approving the field change. Mr. Lindsay said Lucille (Munz) described the things you can see from 22 in the front, there is also something going on in the back of the center which you may have seen and reviewed previously. He said but you can't see it unless you are in the reservoir and that is the wall here and what happened is this: we have the wall that we built in front of the existing wall and it comes up to a certain height and then it is sloped back. When we spoke to you last time, we had plans here and on the sloped back it said grass with a jute matting on it. He said we also had a note on the drawings that said an option was to use shot rock but when I described it to you and we looked at it, we had green and we showed grass. Mr. Lindsay said it is coming to that point in the construction

where materials were delivered and I got a call from (Town Engineer) Tom (Fenton) who said I thought it was going to be grass up there and I said no, it was going to be the option of either one and I thought we presented it that way. Victoria (Desidero) told me no, you didn't present it that way; she looked at the minutes, I looked at the minutes and I never should have challenged Victoria, he said. She is absolutely right, when we presented it we talked about the grass; we did not talk about the other option, he said, however that option is available to us and it is a much superior engineering solution to the problem of slope stabilization back in this area and that is a one on two slope, it's fairly steep... He explained in detail the engineering aspects of the two options. He showed the Board photos from the other side of the reservoir and the type of stone they want to use. Ms. Desidero said it is actually a Field Change request and they have submitted all of the fees and so forth so it is, as Ashley (Ley) said, an aesthetic question for the ARB and the Town Engineer will make his determination on the request. Boardmember Larkin asked what is underneath the shot rock for control and Mr. Lindsay said there is a rock layer that is built with field fabric, recycled concrete aggregate that is backfilled on that, compacted and it continues up with layers and the shot rock is placed on top of that. Chairman Goudey asked if the shot rock is level to the top of the wall and he said it comes down on a slope to a point just short of the wall and there is a little fence there. Boardmember Frasca said this is like 6-inch shot rock? Mr. Lindsay said no, it is larger, going to a maximum of 24-inch and with a minimum of 4-inch. Chairman Goudey said things will grow up through that? He said we are not looking to have things grow but things happen. Boardmember Frasca said the other alternative was grass, right? He said yes. Boardmember Frasca said but from a maintenance standpoint, this is better. Boardmember Stephens said yes and no one is going to see it: I was back there today just because I wanted to see it but no one else is going to want to. The ARB voted to **approve** the field change as submitted.

Motion to Approve: Virginia Stephens

Seconded: Thomas Frasca

Voice Vote: 5 to 0

Ms. Munz asked about next steps in the landscape development process and Ms. Ley said the deadline is two weeks before the meeting so what we would need to see is the fully developed landscape plan with the planting schedule and the details on the Belgium block, including colors and manufacturer. She said this needs to be reviewed by both the Planning Board and the ARB so, simultaneously you can file with the Planning Board for amended site plan while the ARB can continue to review it. Once the ARB is done with their review, they will give you a recommendation to the Planning Board.

5. Meeting Minutes of March 27, 2019

Motion to Approve: Mary Larkin

Seconded: John Goudey

Voice Vote: 3 to 0 with Boardmembers Frasca and Stephens abstaining

6. Meeting Minutes of April 24, 2019

Motion to Approve: Virginia Stephens

Seconded: Katherine Weber

Voice Vote: 5 to 0

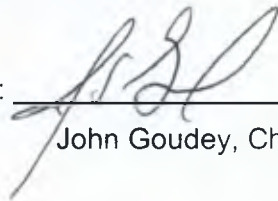
7. Close Meeting

Motion to Approve: Mary Larkin

Seconded: John Goudey

Voice Vote: 5 to 0

Signed By: _____



John Goudey, Chairman

Date: 7-24-19