

VILLAGE OF BREWSTER
BOARD OF TRUSTEES
May 1, 2013
PUBLIC HEARING & REGULAR MEETING

Minutes

The Board of Trustees of the Village of Brewster held a Public Hearing followed by a Regular Meeting on May 1, 2013 at 7:30 PM at Village Hall, 50 Main Street, Brewster, NY 10509.

Attendees:

Mayor: James Schoenig
Deputy Mayor and Trustee: Christine Piccini
Trustees; Tom Boissonnault, Mary Bryde, Terri Stockburger
Village Engineer:
Village Counsel: Anthony Molé,
Clerk & Treasurer: Peter Hansen

Absent:

John Folchetti

Pledge to flag.

Notation of Exits

Public Hearing: Caché Restaurant & Lounge Special Exception Use Permit Application to operate a “Cabaret”

NOTICE OF PUBLIC HEARING FOR A SPECIAL EXCEPTION USE PERMIT PURSUANT TO SECTION 263-20 OF THE VILLAGE CODE

PUBLIC NOTICE is hereby given that Caché Restaurant & Lounge LLC has submitted to the Board of Trustees of the Village of Brewster, New York, an application for a special exception use permit pursuant to Section 263-20 of the Village Code, to operate a cabaret establishment at 55 Main Street, Brewster, New York;

NOW THEREFORE, pursuant to Section 263-20(C)(1) of the Village Code, the Board of Trustees of the Village of Brewster, New York will hold a public hearing on the aforesaid request for a special exception use permit at the Village Hall, 50 Main Street, Brewster, New York 10509, on Wednesday, May 1, 2013 at 7:30 p.m. in the evening of that day, or as soon thereafter as time permits, at which time all persons interested therein shall be heard. The Board of Trustees will make every effort to assure that the hearing is accessible to individuals with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Village Clerk.

Dated: April 5, 2013

BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF BREWSTER
PETER B. HANSEN, VILLAGE CLERK

Mayor Schoenig motioned to open the public hearing, Trustee Stockburger 2nd all in favor 5 to 0.

1. Norburo Torres states he is in support of the Special Exception Use Permit. He feels it is a family oriented business.
2. K.C. Anderson doesn't necessarily understand the ramifications of a Cabaret use. Is there a formal description? Counselor Molé read the Brewster Village Code definition. Ms. Anderson said, "is there a limit to the number of uses within the district?" Counselor, "Yes."
3. Janet Lambert speaks in support of Caché application and says it is a fine place to be.
4. Johnny Gomez speaks in support of the Caché application.
5. Janet Lambert adds that the expansion will be a good addition to the space and the outside is kept very nice.
6. Deputy Mayor Piccini clarifies that the expansion is separate from this application.
7. Included an email in the minutes (attached) from Lydia Nioras.
8. Included a letter into the minutes from Steven Priest of Jack & Jill Amusement Center (attached)
9. Public Hearing tabled until Caché attorney, Mr. Sirignano, arrives.

Mayor Schoenig motions to open the regular meeting, Trustee Bryde 2nd all in favor 5 to 0.

Regular Meeting

1. Minutes April 17, 2013 – Trustee Bryde motions to approve the minutes for April 17, 2013, Trustee Boissonnault 2nd all in favor 5 to 0.
2. Budget report Year to Date – Hansen provides the year to date financial report. We are on target to have roughly \$8,000 added to the General Fund balance, \$60,000 added to the Water Fund balance, and \$102,000 deducted from the Sewer Fund balance. These numbers are all in line with our budget 2013 & for 2014. We will have recommended budget line transfers for FY2013 at our meeting on May 15th and will plan on Capital transfers to occur when the Annual Update Report is completed, hopefully by the end of August.
3. Vouchers Payable – Deputy Mayor Piccini reviewed the vouchers and found everything in order.

3.1. A	General	\$11,899.12
3.2. F	Water	30,473.00
3.3. G	Sewer	106,526.09
3.4. TA	Trust & Agency	458.90
Total Vouchers Payable		\$149,357.11

Mayor Schoenig motions to approve vouchers payable, Deputy Mayor Piccini 2nd all in favor 5 to 0.

4. Other Business

4.1. Deputy Mayor Piccini

4.1.1. Several members from all three boards attended the NY Planning Federation meeting and would like a discussion to take place at our next meeting as part of the monthly reports for Zoning and Planning. The intention is to dialogue together. Ms. Piccini spoke with Ellen Pemrick regarding updating the Niche Marketing report to reflect current conditions. Ms. Pemrick submitted a quote for two options, one for a Market Demand report update, and one to update the entire report. We are still waiting for an answer from Pattern for Progress on a market demand report deliverable. Trustee Bryde opened the discussion to determine how much we might spend and what return on the investment.

4.2. Trustee Stockburger

4.2.1. Trustee Stockburger attended the Planning Federation meeting. In addition, Ms. Piccini, Mr. Anderson, Mr. Murello, Mr. Ruchala, Ms. Degnan-Kropkowski, Mr. Stockburger, and Mr. Kulo all attended.

4.3. Trustee Bryde

- 4.3.1. Are we still going to the Wastewater plant on May 11th? Mayor Schoenig said, “yes.”
- 4.3.2. Did Verna Bergstrom receive notification of her nomination to Women of Distinction? Ms. Piccini indicated she has been notified and the office of State Senator has all the information.
- 4.3.3. Noted we should receive the \$2,500 payment from the School District for the GSS report shortly and thanks Mayor Schoenig for his diligent follow-up.
- 4.3.4. Trash complaint on container pickup (middle of the night). Did we contact the trash hauler. Hansen said, “yes but the hauler made no guarantees.”
- 4.3.5. NY Alert flyer was a good addition to the Sewer Bill. Did we notify the school or fire department to add the information to their electronic signs? Hansen said, “No.”

4.4. Trustee Boissonnault

- 4.4.1. Broken sidewalks that NYSEG did on Prospect while doing some installation work. When will they fix them? Unknown.
- 4.4.2. Any progress on Aluminum ramps for Carmel Ave. Bridge? Not until DPW Superintendent and Village Engineer weigh in on the solution. Trustee Stockburger asks if we can get it cheaper. Hansen said he doesn’t think so, other vendors were much more expensive.

4.5. Mayor Schoenig

4.5.1. Met at CFA forum with NYSERDA rep regarding street light funding. There is an option to apply for funding to offset the cost of more energy efficient lighting.

5. New Business

5.1. Trustee Stockburger

5.1.1. Flowers will be purchased sometime in May.

5.2. Trustee Bryde

5.2.1. Received an invitation from Anthony Ruggiero and Vincent Tamagna to attend TOSE Board meeting and she will not be able to attend. Mayor Schoenig intends to be there.

5.3. Trustee Boissonnault

- 5.3.1. Flowers for Carmel Avenue Bridge are to be purchased and containers will be provided that have reservoirs.
- 5.4. Mayor Schoenig
 - 5.4.1. Informs the Board to sign and accept the revised handbook and return the old one and asks if all the employees have done so at this time. Hansen said, "not all employees have received the new book with the letter of instruction but they will receive soon."
 - 5.4.2. Team Brewster tomorrow at Walter Brewster House. Mayor will be unable to attend as he is meeting with the East of Hudson Watershed Corporation at that time.
6. Public Comment
 - 6.1. Janet Lambert noted that Garden Street School had glass on the playground. Who should address this? Contact the District Office. Mayor Schoenig will also notify them by email. The Town usually sends the street sweeper but it may not have done so this year.
 - 6.2. KC Anderson asks if our police patrol the abandoned school. Mayor Schoenig says they already do.
 - 6.3. Rick Stockburger suggests putting in an application for a grant for a public toilet in the Village. KC Anderson suggests a business might be able to provide this service.
 - 6.4. Steve Priest thanks the Village for trimming the trees on Main Street.
 - 6.5. Erin Meagher says the bicycles are running on the sidewalks again and it is dangerous.
 - 6.6. Janet Lambert asks about the Bike & Hike Trail. Will it continue? Hansen states the extension including a bridge over the tracks is about 18 months out.
7. Counselor Molé recommends we hold the public hearing open through May 15th as their attorney should be here during the discussions.
 - 7.1. Amy Campanaro asks if there is any police activity or police calls at Caché? Does that cost the village money.
 - 7.2. Mayor Schoenig notes the Board can impose conditions on a special exception use permit as needed.
 - 7.3. Mr. Torres asks about the limitations on the uses in the B1 district. Counselor Molé conveys the restrictions within the B1 district. Both the Adult bookstore and the Pool Hall constitute the two uses allowed.
 - 7.4. Deputy Mayor Piccini motions to keep the Caché Special Exception Use Permit public hearing open and resume it at 50 Main Street, Brewster NY 10509 at 7:30PM on May 15th.
8. Mayor Schoenig motions to adjourn, Trustee Boissonnault 2nd all in favor 5 to 0.

Peter Brewster Hansen

From: c.properties <c.properties@verizon.net>
Sent: Friday, April 26, 2013 5:29 PM
To: Peter Hansen
Cc: Chief Delgado; Mayor James Schoenig
Subject: Special Exception Use Permit for Cabaret -- CACHE RESTAURANT & LOUNGE

Peter -- please read this on the record for Wednesday evening, for I will not be able to attend the meeting personally.

To: Mayor Schoenig, Village Trustees, Mr. Hansen:

I received notice from Mr. Michael Fuller Sirignano, Attorney, representing Cache Restaurant and Lounge and Nelson Colon, tenant at 55 Main Street.

My corporation owns the Southeast House at 52-54 Main Street. I have a five story, multifamily residential dwelling plus commercial store fronts.

I have no objection to their cabaret application **WITH THE EXCEPTION of ANY "adult entertainment"**, including but not limited to nude dancing or nude performances or any other inappropriate entertainment of this nature. The Village has done a tremendous job re-vitalizing the Village, especially on Main Street. I'd like to remind the board Mr. Colon's restaurant in proximity to the Village Hall and Court, and the short walking distance to 55 Main Street. It would be grossly inappropriate to allow any type of adult entertainment across the street from Village Hall, let alone residential families who reside on Main Street (as my tenants do).

Let me further state that I trust the local law enforcement, Chief DelGardo and his officers, to properly monitor the conditions of traffic and to assure proper, responsible use of alcohol, especially when driving from any liquor establishment in the Village.

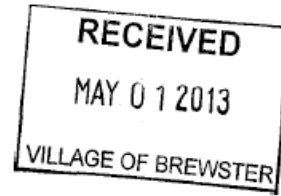
Therefore, my message I trust will be taken into serious consideration.

Thank You.

Lydia Nioras
President
Playhouse Building Inc.
52-54 Main Street
Brewster, NY 10509

914-525-9009

JACK & JILL AMUSEMENT CENTER, INC
49 MAIN STREET BREWSTER, N.Y. 10509
(845) 279-9878



May 01, 2013

**TO: Village of Brewster
Board of Trustees**

When the Cache Lounge first opened, I was cautiously optimistic that this new restaurant could draw people to the Village of Brewster and possibly enhance my business. For the first month I even helped Mr. Colon with change when he ran out. I quickly realized that he wanted to be in direct competition with me, as he promoted his unauthorized cabaret and aggressively solicited my customers.

As you know, for years Jack and Jill Amusement Center, operating with the proper licenses and permits, has provided quality entertainment with the best pool tables in the Northeast, the best food in the village, and being responsible servers of alcohol. Unfortunately, it's become extremely difficult operating a profitable business with an unlevel playing field. That being said, I'm next to an unauthorized cabaret that promotes the overselling of alcohol for profit.

I have reason to believe there are many code violations and police incident reports issued against the Cache Restaurant that will attest to my opinion. Therefore, I strongly oppose the granting of a Special Exception Use Permit and any expansion of the continuing unauthorized use.

Thank you for your time and service.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Priest".

**Steven Priest
President**