

VILLAGE OF BREWSTER
BOARD OF TRUSTEES
4 NOVEMBER 2015
7:30PM
PUBLIC HEARINGS
REGULAR MEETING
MINUTES

The Board of Trustees of the Village of Brewster held Public Hearings at 7:30 P.M., 7:49 P.M. & 7:50 P.M. followed by a Regular Meeting on November 4, 2015 at 7:52 P.M. at Village Hall, 50 Main Street, Brewster, NY 10509.

Attendees:

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

Absent:

John Folchetti

Pledge to flag.

Notation of Exits

Public Hearings

7:30 - Public Hearing 1 - Revised Zoning Code: Public Hearing ON November 4, 2015 at 7:30 PM or as soon thereafter as time permits for the purpose of obtaining public input regarding Zoning Code Revisions.

Mayor Schoenig motions to open the public hearing on the revisions to the Zoning Code, Deputy Mayor Piccini 2nd all in favor 5 to 0.

Janet Ward asks what happens to the existing uses not compliant with the new zoning code. Counsel says the existing use can continue until such time as they may want to make a change. This is known as pre-existing non-conforming use. Janet Ward says the area of B1 changes the height of the buildings, is that correct? Trustee Stockburger says yes. Janet Ward says it seems like drastic changes from what is existing zoning code. Deputy Mayor Piccini says the changes are in conformance to the new Comprehensive Plan which had considerable public input and public hearings prior to its adoption. This new zoning code is a reflection of those changes as adopted in the Comprehensive Plan. Janet Ward says that the area around Center St. is residential but many of the units there are multifamily. Deputy Mayor Piccini reiterates that the use will not change unless and until there is an application for a change in use at which time it would need to conform to the proposed zoning code or seek a variance from the Zoning Board of Appeals. Janet Ward says the Light Manufacturing & Wholesale area where Kobackers is, what will happen to that. Trustee Boissonnault reiterates that if a use is preexisting non-conforming it will be able to continue that use unless and until there is a change of use either requested or if the current use ends for 12 months or more. Janet Ward says that it is PB where the Baptist Church is. Counsel Molé reiterates the way zoning code works with preexisting non-conforming uses that there are no changes unless and until the use changes or is no longer used for that purpose for 12 months or more. Janet Ward asks what happens to all the residential houses in the B1 area that were changed to B3. Deputy Mayor Piccini says this public hearing is about the Zoning Code revisions not what might happen in the future. Counsel Molé says there will be two public hearings on the Urban Renewal Plan that have yet to happen so we should stick to the task at hand particularly the revisions to the zoning code as proposed. Janet Ward is concerned about the existing uses and asks if the sewer and water capacity is capable of handling a denser population? Trustee Stockburger says that we have the water and sewer capacity to support this proposed zoning code. Janet Ward asks about the impact on schools. The School Board has been kept apprised of the proposed changes and has no issues with the plan. Janet Ward asks about DEC. Counsel Molé says that any project that is proposed will need to go through the normal approval process which would include all the involved agencies for that project.

Jack Gress says he is disappointed that a zoning committee was not established. Mr. Gress says the R20 zone toward the east end of Main Street was to be changed and was changed to B3. Mr. Gress says the R20 zone above the railroad tracks was discussed and DEP objected to making a change so that was left as R20 because of the difficult terrain. Mr. Gress says that the R20 zone at Garden Street School is an issue as the Comprehensive Plan committee discussed making a change to make the zoning less restrictive. The changes which were made in the proposed zoning code isolated the

Garden Street School and made it a Mixed Use (MU). While the other separate private parcel which was not part of the Garden Street School property, continued as R20 and Mr. Gress disagrees with leaving the separate parcel as R20 and considers it spot zoning and opens the village to a potential lawsuit. Mr. Gress would like to see that parcel changed to MU. Mr. Gress goes on to say that the MU zone recommendations don't seem to be in line with his understanding and it looks like a free-for-all. Mr. Gress believes the MU zone was created to give the Village greater control over development but the current MU zoning appears to be less restrictive than anticipated. Mr. Gress would like to see the MU district reevaluated. Mr. Gress requests that the public hearing remain open for 10 days for written comments.

There being no further public comment, Mayor Schoenig motions to close the public hearing but leave it open for written comments for a period of 10 days, Trustee Stockburger 2nd all in favor 5 to 0.

7:49 – Public Hearing 2 – Sign Law: Public Hearing ON November 4, 2015 at 7:31 PM or as soon thereafter as time permits for the purpose of obtaining public input regarding amendments to Chapter 199 – Signs of the Village Code.

Mayor Schoenig motions to open the public hearing on the revisions to the Sign Law, Trustee Bryde 2nd all in favor 5 to 0.

Counsel Molé says the provisions in the sign ordinance conform to the new zoning code and will not be adopted until after the revised zoning code is adopted.

Mayor Schoenig asks for public comment. None.

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

7:50 – Public Hearing 3 – Chapter 182: Public Hearing ON November 4, 2015 at 7:32 PM or as soon thereafter as time permits for the purpose of obtaining public input regarding establishment of Chapter 182 of the Village Code regarding; Site Plan Approval, Subdivision Approval, General Provisions, and Planning Board.

Mayor Schoenig motions to open the public hearing on establishing Chapter 182 of the Village Code, Deputy Mayor Piccini 2nd all in favor 5 to 0.

Rick Stockburger asks if the comments of the Planning Board were incorporated. Counsel Molé says they were.

No other public comment.

Mayor Schoenig motions to close the public hearing, Deputy Mayor Piccini 2nd all in favor 5 to 0.

Mayor Schoenig motions to open the regular meeting at 7:52 P.M., Trustee Boissonnault 2nd all in favor 5 to 0.

Regular Meeting

1. Bob Dumont – Representing the Village of Brewster Film Festival and is in the initial stages of scouting a location and working toward establishing a permanent local indoor theatre. Renting venues is costly and disruptive to the patrons. Since our fees are much higher than they could otherwise be, we are looking to get a space of our own on a permanent basis. Parking is definitely an impediment and the market is small if it is there at all. We are interested in putting something in Wells Park. Some property on Putnam Ave. that has a pumping station is another possibility. We are willing to raise the money but we are looking for the space to house it on a permanent basis. Mr. Dumont is looking for Board cooperation and support. Trustee Bryde asks where the people will come from. Mr. Dumont says actors come from all over. The local people on the board are based in Southeast. Deputy Mayor Piccini thanks Mr. Dumont for sharing the information but is not sure there is anything that the Board can do on behalf of such an endeavor but will certainly keep the concept in mind going forward.

2. Bond Resolution for refunding the serial bond callable in May, 2017.

2.1. Deputy Mayor Piccini motions to adopt the Bond Resolution No. 110415-1 authorizing the refunding of the Water Mains Serial Bond as written, Trustee Stockburger 2nd,

ROLL CALL VOTE:

Deputy Mayor Piccini: AYE

Trustee Stockburger: AYE

Mayor Schoenig: AYE

Trustee Bryde: AYE

Trustee Boissonnault: AYE

Motion carries 5 to 0.

3. Water re-connection 58-60 Allview Ave. – The Board of Trustees has no objection to allowing the current tenant to proceed with securing permission from the property owner to install a meter, working with Dan Crawford, DPW & Water Superintendent. Warren Barrett presents his approach to restoring water to the property without paying the \$88,000 in arrears which is the obligation of the owner/prior owner. Mr. Barrett to obtain signed & notarized written permission from the property owner to install the meter, meet with Dan Crawford identifying parts, inspecting for proper installation and reconnecting the water, and signing a water supply agreement accepting responsibility for paying the bill. Failure to pay the bill will result in service termination.
4. Budget report Year to Date FY 2015
 - 4.1. Treasurer Hansen says we continue to proceed according to plan with the exception of the water contractual expenses which are still under budget for the year but pose the greatest threat of exceeding budget. Treasurer Hansen is pleased to report the actual Property, Casualty, and Liability Insurance payment came in at \$15,000 less than budgeted. Additionally, we received grants from Empire State Development Corporation and Hudson Valley Greenway totaling \$30,000 to offset the cost of the Comprehensive Plan Update. Further, we received \$5,000 in additional reimbursements from NYS Emergency Management for Hurricane Sandy expenses. Also, our actual retirement invoice came in at \$15,000 less than budgeted. Finally, salary savings add another \$25,000 to the positive column. All in all it has been a very positive budget performance to date. The clock is scheduled for repair on or about November 10th including installation of the new carillon. Seeking funding from third party sources was a waste of time so we will use our current budget to make the repairs without any adverse effects. Deputy Mayor Piccini asks what part of this year’s savings will likely recur next year. Treasurer Hansen says none are likely to recur as we base our budget on current year’s expenses.
5. Wells Park Tree Trimming
 - 5.1. Trees overhanging the tennis court at Wells Park both interfere with play and dump leaves and debris on the court. This is a good time of year to address the situation and we have a price not to exceed \$1,500 for the work which includes cleanup. Mayor Schoenig motions to authorize the expenditure of up to \$1,500 for the work, Trustee Boissonnault 2nd all in favor 5 to 0 pending conversation with the Town of Southeast Highway Department to see if they can cut the trees at no charge.
6. Consideration for adoption:
 - 6.1. Revised Zoning Code – tabled until Nov. 18th.
 - 6.2. Sign Law - tabled until Nov. 18th.
 - 6.3. Chapter 182 - tabled until Nov. 18th.
7. Urban Renewal Plan – refer to Planning Board for Public Hearing & Planning Board Review & Comment
 - 7.1. Deputy Mayor Piccini motions to refer the Urban Renewal Plan to the Planning Board for public hearing, review and comment, Trustee Boissonnault 2nd all in favor 5 to 0. Deputy Mayor Piccini says the Planning Board has up to ten weeks, but is not required to take all ten weeks, to hold the public hearing and return any comments to the Board of Trustees.
8. Minutes for approval;
 - 8.1. October 21, 2015 Public Hearing & Regular Meeting – Trustee Bryde motions to approve the October 21, 2015 minutes, Deputy Mayor Piccini 2nd all in favor 5 to 0.
9. Vouchers Payable – Trustee Bryde reviewed the vouchers payable and found everything in order.

9.1. A - GENERAL FUND	\$21,379.36
9.2. C - REFUSE & GARBAGE	426.13
9.3. EN - ENGINEERING FEES ESCROW	815.00
9.4. F - WATER FUND	110,313.07
9.5. G - SEWER FUND	87,313.27
9.6. H10 - WASTE WATER TREATMENT CAPITAL	2,430.00
9.7. T - TRUST & AGENCY	2,132.06
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Total Vouchers Payable	\$224,808.89

Mayor Schoenig motions to approve vouchers payable as written, Trustee Stockburger 2nd all in favor 5 to 0.
10. Other Business
 - 10.1. Deputy Mayor Piccini
 - 10.1.1. Deputy Mayor Piccini asks about the status of water supply agreements. Clerk Hansen says the list provided to the Board of Trustees is accurate. Counsel Molé says he has been in touch with the owner of Brewster Plaza and is awaiting a response. The Board of Trustees noted that shut off notices have been provided to all individuals and businesses and they are currently subject to immediate termination of

service. The Board of Trustees instructs the clerk to shut the water off in those cases where there is non-compliance.

10.2. Trustee Stockburger says the flower baskets need come down. Trustee Stockburger says that two new trash receptacles were placed on Main Street. Trustee Bryde says we are still having issues with Bulk on our streets. Trustee Stockburger will review the situation and contact Suburban Carting for remediation. Mayor Schoenig will again instruct code enforcement to issue tickets for violators.

10.3. Trustee Bryde asks about the sidewalks on Eastview. Mayor Schoenig and Deputy Mayor Piccini met with Father Gill and explained that nothing would be done this year because of weather but the work will probably take place in the spring. Father Gill was happy with that approach. Trustee Bryde said the Planning Board reviewed and commented on tattoo shop Special Exception Use Permit (SEUP). The SEUP is now official and the law repealing Chapter 128 was filed in Albany with the Secretary of State.

10.4. Trustee Boissonnault – turning water off in Wells Park and getting it ready for winter. We also received a donation of mulch and are arranging delivery details now. Trustee Boissonnault said we had a terrific year renovating the park into a beautiful venue. There is still a little more work to do and we are looking forward to a spring grand opening and scheduling events.

10.5. Mayor Schoenig – Team Brewster is tomorrow at 10AM.

11. New Business

11.1. Mayor Schoenig says that the Brewster Elks is sponsoring a law enforcement appreciation dinner on November 21st from 6 P.M. – 10 P.M. at the Sheet Metal Workers Union Hall for \$40 per person. Police Chief Del Gardo is putting together a table for us and our own Village Police Department Officer Wayne Peiffer is an honoree.

11.2. Veteran's Day ceremony is on Nov. 11 at 11:11 A.M. at Electrozone Field on Railroad Road.

11.3. Veteran's Hall of Fame, currently unknown if there are refreshments.

12. Public Comment

12.1. Gerald & Ryan Walsh complain about sewer line blockage on properties from 2602 to 2608 Carmel Avenue. The three houses are multifamily houses and were connected to the sewer in 2008. This property was formerly owned by Charlie Fowler and straddled the Village and Town boundaries. The Board of Trustees authorized the hook-up of sewer to all the houses on the property even though some were in the Town of Southeast. Subsequently Mr. Fowler subdivided and sold the property containing the subject houses to the Walsh's'. The Board of Trustees will discuss the situation in more detail with the village engineer at the November 18th meeting.

12.2. Rick Stockburger says he is working with Barbara Jewell to move as many people up from Tri-State lot as possible as the stairs are closed.

13. Mayor Schoenig motions to adjourn, Deputy Mayor Piccini 2nd all in favor 5 to 0.