

VILLAGE OF BREWSTER
BOARD OF TRUSTEES
June 5, 2013
PUBLIC HEARING & REGULAR MEETING

Minutes

The Board of Trustees of the Village of Brewster is holding a Public Hearing followed by a Regular Meeting on June 5, 2013 at 7:30 PM or as soon thereafter as time permits 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

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

Mayor Schoenig motions to open the continuation of the Public Hearing for Caché Special Exception Use Permit, Trustee Stockburger 2nd all in favor 5 to 0.

Michael Sirignano (Attorney) representing applicant also Nelson Colon, his wife (business owners) and James Nixon, Architect. Mr. Sirignano states; first, we will not be an adult entertainment cabaret or an adult oriented business. Mr. Sirignano reads the definition of Adult Entertainment Cabaret and Adult Oriented Businesses per current Village Code. This application does not include anything of that description. Strictly asking for a Cabaret per the definition in the code of; live entertainment without any adult uses. Mr. Sirignano continues; Mr. Colon has invested heavily in his business and is trying to enhance his business prospects while keeping in concert with community values. Mr. Sirignano states that the Niché Marketing Study published on our website encourages nighttime entertainment and also calls for ethnic market development. Mr. Colon meets both those criteria. Mr. Colon has passion, vision, and works hard to make the business and community thrive. Section 260 20-3 sets forth specific criteria for establishment of a Special Exception Use Permit; distance from R1 (Residential zone) is more than 250 feet, also the Church is more than 250 feet from his establishment. Prohibited uses are defined in code with exception of Special Exception Use Permit. Jack & Jill is not a Cabaret and this board has never issued a Special Exception Use Permit for this property. Letter from Bruce Zarzesky and letter from Steve Priest referenced that Jack & Jill is a Billiard Parlor not a Cabaret. This application for a Special Exception Use Permit for this type of Cabaret is not inconsistent with this type of B1 District. In other communities the use should be in harmony with the surrounding uses and believes this application is in harmony with the surrounding Village community. Mr. Sirignano references sections of chapter 263 in the Village Code, board can impose conditions and provides suggested conditions:

CACHE RESTAURANT & LOUNGE, LLC

Conditions for Cabaret Activities:

- (1) No adult entertainment cabaret – no topless dancers
no bottomless dancers
no strippers
- (2) No live performances after 2:00 a.m.
- (3) No adult motion pictures will be shown.
- (4) No adult oriented business activities.
- (5) Sidewalk will be cleaned regularly and maintained free of cigarette butts and trash.
- (6) Front door will not be left open during live performances.
- (7) No exterior lights will be flashing.
- (8) The owner, manager or assistant manager will be on premises during all live performances.

Mr. Sirignano adds that the Board could also establish other conditions as deemed appropriate.

Mr. James Nixon provides architectural representations and establishes distance findings as depicted on official Tax maps with parcel dimensions. Mr. Colon has plans approved by the Planning Board to approximately double the useable space. According to the tax map distances the R1 District and the Churches are greater than 250 feet. In some cases scale was used to establish distances and is measured to the closest boundary line. Mayor Schoenig questions the distance calculations from the R1 District and notes that tax map values could be in error. Mayor Schoenig asks that the distance be verified by other means than using the tax maps. Mr. Sirignano wants to get to the merits of the application and conditional approvals and can include measurement verification at a future time.

Village Counsel advises the Board that the applicant has the right to rely on documents produced by the Government. Steve Priest says the State Liquor Authority defines a Cabaret if it is over 600 people and is basically for live entertainment. Village Counsel calls into question if the uses Mr. Priest states have any relevancy. Village Counsel questions the “maximum of 2 uses in the B1 zone” – what does that mean? As three current Board of Trustees members were serving in these positions during enactment of the most recent zoning code they described exactly what is meant by the “maximum of two uses.” That is there should not be more than two uses of any kind of adult use within the B1 district.

Mr. Sirignano; since no other Special Exception Use Permits have been issued in the B1 zone, this applicant is entitled to the first. Mayor Schoenig notes that the existing use of the premises has manifested many problems without even having a Special Exception Use Permit. Mr. Sirignano says any previous problems are an enforcement issue and the State Liquor Authority has not taken any action against Mr. Colon or the Caché establishment.

Mr. Colon states the State Liquor Authority inspected the premises recently and found nothing to report.

Dave Gillis asks if the Library is an affected property. Deputy Mayor Piccini says it is not currently called out in the code and is therefore not an affected property.

Lydia Niores speaks in support of the Special Exception Use Permit with strict conditions to be imposed by the Board of Trustees.

Deputy Mayor Piccini clarifies the Special Exception Use Permit process; once the Public Hearing is closed the Board has 62 days to make a decision.

Village Counsel advises the applicant they may go before the ZBA for a Use Variance and this Board will not be able to impose any conditions or restrictions.

Dave Gillis asks if the Code defines hours of operation. Mayor Schoenig says that could be included in the conditions and any conditions have to relate to this application.

Mr. Sirignano concludes by saying they believe this is in the best interest of the Village.

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

Regular Meeting

Mayor Schoenig motions to open the Regular Meeting, Trustee Stockburger 2nd all in favor 5 to 0.

1. Farmers Market

- 1.1. Mayor Schoenig motions to approve the Farmers Market at 208 Main for 2013 beginning June 12, 2013 Wednesdays & Saturdays, 9-2 up to and including November 23, 2013, with the appropriate insurance, waivers, and other pertinent documents as included with the 2012 permission to operate, Deputy Mayor Piccini 2nd all in favor 5 to 0.

2. Gas Inspections

- 2.1. Mayor Schoenig says if we do the inspections we should not give it back. Village Counsel says the County will send out an IMA to establish a process and the Village should consider keeping the money if we are going to do the work. Trustee Bryde raises liability. Village Counsel advises it should not be an issue as long as we follow state law. Village Counsel will follow up with Putnam County Risk and action is tabled until a later date.

3. Set Public Hearing - Taxi Driver local law revision

- 3.1. Motions to set a Public Hearing on June 19, 2013 at 50 Main Street, Brewster, NY 10509 at 7:30PM for Local Law 1 of 2013 proposed amending of Chapter 236, Sections 236-5(1) and 236-5(9), entitled "Application for taxi operator's license," which provides that the applicant must first have obtained a New York State Class E or CDL Driver's License in order to be eligible for a taxi operator's license, and which subjects the taxi operator to driver's license status checks through the New York State Department of Motor Vehicles, and further to authorize the Parking Enforcement Officer to enforce certain regulations, Trustee Bryde 2nd all in favor 5 to 0.

4. Minutes May 15 , 2013

- 4.1. Trustee Bryde motions to approve May 15, 2013 minutes, Trustee Boissonnault 2nd all in favor 5 to 0.

5. Budget report Year to Date

- 5.1. Treasurer provides an update to Fiscal Year 2013 performance. Fund balance additions for Water & General Funds are forecast. Sewer forecast is still incomplete at this time awaiting guidance from the Office of Comptroller regarding treatment of Merrieweather Bond Anticipation Note. At present; the General Fund should end the year with approximately a \$90,000 surplus, the Water Fund should end the year with approximately an \$84,000 surplus and the Sewer Fund may use the past fund balance of \$100,000 versus the \$80,000 budgeted – depending on advice from the Office of the State Comptroller.

6. Summer Hours

- 6.1. Mayor Schoenig motions the following: Whereas, beginning June 24, 2013 the office staff and DPW staff will arrive at work one-half hour earlier each day of the week and leave work two and one-half hours earlier on Fridays commencing on the Friday before July 4th Holiday (June 28, 2013) and ending on the Friday before Labor Day (August 30, 2013). The Village Hall office is not to close any earlier than 1:30 p.m. with alternating coverage for the front desk. Trustee Boissonnault 2nd all in favor 5 to 0.

7. Refuse RFP revisions;

- 7.1. Bid Documents cost will be removed.
- 7.2. Refuse/trash pickup will remain twice per week.
- 7.3. Recycles once per week.
- 7.4. Trash pickup on Tuesdays and Fridays no earlier than 6AM and no later than 6PM – change in time from previous.
- 7.5. Continue two scheduled Bulk pickups per year.
- 7.6. Share of recycle revenue? Considered and rejected.
- 7.7. Mandatory optional pricing in place of "innovative" alternatives.
- 7.8. Do not impose a limit on bulk pickup.

8. Sewer Operator RFP

- 8.1. Bid out with performance bonds. Village to write/create the Request for Proposal.

9. KVS Training School & Conference

9.1. Hansen requests Board approval for this roughly \$1,200 expenditure. Board questions value of the conference. Hansen describes some of the potential benefits. Board is supportive of attendance and expenditure.

10. Vouchers Payable – Trustee Bryde reviewed the vouchers payable and found everything in order.

FY 2013

10.1. A	General	\$33,454.47
10.2. F	Water	3,043.95
10.3. G	Sewer	6,954.05
10.4. H10	Waste Water Capital	1,441.98
Total Vouchers Payable		\$44,894.45

Mayor Schoenig motions to approve Vouchers Payable for Fiscal Year 2013, Deputy Mayor Piccini 2nd all in favor 5 to 0.

FY 2014

9.5. A	General	\$2,220.21
9.6. F	Water	6,062.31
9.7. G	Sewer	4,190.78
9.8. H61	Wells Brook Retrofit	9,406.30
9.9. H62	Tonetta Brook Retrofit	10,043.78
9.10. TA	Trust & Agency	5,500.70
Total Vouchers Payable		\$37,424.08

Mayor Schoenig motions to approve Vouchers Payable for Fiscal Year 2014, Trustee Stockburger 2nd all in favor 5 to 0.

11. Other Business

- 11.1 Beason judgment – Village Counsel will file the confession of judgment to place a lien on the property as the Beason's are not meeting their agreement obligations.
- 11.2 Deputy Mayor Piccini – will we authorize the market study? Mayor Schoenig says he believes it is a waste of time and money. Tim Conway called and informed that the school is looking for appraisals and realtor services. Will conduct interviews with them and selections will be made.
- 11.3 Trustee Stockburger – Purchased plants and set up 10 baskets for hanging on utility pole brackets.
- 11.4 Trustee Bryde – Very happy that ArtBeat began again this year and interacted positively with vendors. Reminds the Board that the Flag Day ceremony at the Elks Club is on June 14, 2013. Compliments the Mayor for supporting the Memorial Day observance. Asks of the status of the Summer Intern. Nothing further yet. Notes NY Alert is approved for display at the Firehouse electronic bulletin board. Nothing from the school yet regarding use of the Electronic Bulletin Board for the same purpose. Trustee Bryde will be unable to attend Team Brewster tomorrow.
- 11.5 Trustee Boissonnault – barrels on Carmel Avenue Bridge may belong to DEP. Barrels could be removed to 208 Main and stored. Are the Sidewalk Ramps underway? Not yet. County has now closed off Morningthorpe Bridge to pedestrian traffic in addition to vehicular traffic.
- 11.6 Mayor Schoenig – grass clippings and brush left in street – Requests a notice be included in the next billing to go out.

12. New Business

- 12.5. Trustee Stockburger – suggests a schedule for watering the hanging baskets and bridge flowers. Need to be watered every day and especially well on Fridays.
- 12.6. Mayor Schoenig – Team Brewster tomorrow. Mayor unable to attend. Met with Vinnie Tamagna regarding Putnam County transportation. Still in the early stages of planning. Will contact us when Village needs to be involved. East of Hudson Watershed Corporation (EOHWC) meeting tomorrow for municipal agreement regarding ongoing maintenance.

13. Public Comment

- 13.5. Rick Stockburger asks if chippings and wood may be removed from DEP land? No. Mr. Stockburger notes that 544 N. Main still has a dip in the trench and has not yet been remediated to specifications.

14. Mayor Schoenig motions to go into Executive Session, Deputy Mayor Piccini 2nd all in favor 5 to 0. Mayor Schoenig motions to resume the regular meeting and adjourn, Trustee Stockburger 2nd all in favor 5 to 0.