

COMPREHENSIVE PLAN COMMITTEE MEETING MINUTES
DECEMBER 10, 2014 – APPROVED

Comprehensive Plan Committee Members

Name	Position	Email address
Jim Schoenig	VOB Mayor	jschoenig@brewstervillage-ny.gov
Christine Piccini	VOB Deputy Mayor	dpiccini@aol.com
Tom Boissonnault	VOB Trustee	TJBVOB@gmail.com
Mary Bryde	VOB Trustee	MBryde314@gmail.com
Terri Stockburger	VOB Trustee	tp.stockburger@verizon.net
Peter Hansen	VOB Clerk/Treasurer	phansen@brewstervillage-ny.gov
Bob Cullen	Town of Southeast Councilman	rcullen@southeast-ny.gov
Jack Gress	VOB Zoning Board, Coalition for a Better Brewster	jackgress@verizon.net
Richard Ruchala	VOB Zoning Board	rrr845@gmail.com
Rick Stockburger	VOB Planning Board	rstockburger@verizon.net
George J. Gaspar	VOB Planning Board, Resident (architect by profession)	gjgaia48@gmail.com
John Folchetti	VOB Engineer, Consultant to Committee	John.Folchetti@jrfa.com
Anthony Mole	VOB Attorney	am@herodesmole.com
Bob Dumont	Business	Bob@thebowlcompany.com
Paul Hesse	Patterns for Progress	phesse@pfprogress.com
Barbara Barosa	Putnam County Planner	Barbara.Barosa@putnamcountyny.gov
Meghan Taylor	EDC President	meghan.taylor@putnamcountyny.gov
Harold Lepler	Covington	haroldlepler@gmail.com
Larry Nadel	Covington	nadels@comcast.net
Don Rossi	Covington, Legal Council	dmrossi@hoganandrossi.com

Members present December 10, 2014	Members absent December 10, 2014
Christine Piccini	Jim Schoenig
Mary Bryde	John Folchetti
Tom Boissonnault	Bob Cullen
Richard Ruchala	Don Rossi
George Gaspar	Meghan Taylor
Terri Stockburger	Bob Dumont
Jack Gress	Barbara Barosa
Larry Nadel	
Anthony Mole	
Paul Hesse	
Peter Hansen	
Rick Stockburger	
Harold Lepler	

Ms. Piccini led the Committee in the pledge of allegiance.

Ms. Piccini made a motion to open the Comprehensive Plan meeting. This was seconded by Ms. Bryde and passed unanimously.

Motion to accept the November 25, 2014 meeting minutes

Ms. Piccini noted that Mr. Hesse’s name has now replaced Mr. Czajka’s name as a committee member.

Mr. Gress made a motion to accept the amended minutes from November 25, 2014 (Amendment: page 3-Change Mr. Piccini to Ms. Piccini). This was seconded by Mr. Nadel and passed unanimously.

Review and discussion of the revised Market Study from Goman & York

Meeting discussion began with the review of the June 20, 2014 Market Study, including the 2-page Addendum. The content focused on the overall plan and timeline, for the five-minute range from the Village, and the strategy to move from rental to ownership over the course of 6-10 years. The intent to move from rental to ownership is critical to investing emotionally and financially in the Village.

- . Page 2 correction: Year should be 145 instead of 100.
- . Mr. Mole expressed that there should be more clarification.
- . Ms. Piccini asked the Committee for discussion.

- . Mr. Gress provided his Addendum analysis:
 - He didn't see any changes to what was presented before in the original report.
 - No further detail was provided to show ownership vs. rental.
 - Saccardi stated he wanted to see more ownership in the market study.
- . Ms. Piccini pointed out that the breakdown of the 6 to 10 year span showed a 2:1 rental vs. sales ratio in each of those years.
- . Mr. Ruchala confirmed that in the first five years there are only rental units mentioned.
- . Mr. Mole added that the study summarizes what the market will dictate, not what the Committee wants to dictate. The study reflects that the market wouldn't demand ownership in the first five years.
- . Ms. Piccini reiterated that this was the response to the Committee's request to analyze ownership vs. rental.
- . Mr. Stockburger asked about their recommending rental units around 50 Main Street, while he'd be looking for condo units, owner-occupied, further down by Route 22. He interpreted this as a three-phase development, going on simultaneously in the Village: North Main Street strip mall type of development; apartments, high-risers; towards the outside of the Village – lower-priced, market-rate housing. If the study is saying that this isn't possible, that's their opinion.
- . Ms. Piccini clarified that what they are saying is that initially rentals is the way to go to first generate the desire to live in the Village prior to their buying.
- . Mr. Stockburger stated that if there doesn't appear to be a reason for ownership, perhaps the Village should incentivize ownership thru zoning.
- . Ms. Piccini mentioned tax incentives, also.
- . Ms. Piccini added that in order to get financing it will probably be more palatable if the development is rental.
- . Mr. Nadel reiterated that the market will determine.
- . Mr. Ruchala mentioned that perhaps there will never be home ownership, but rather various phases of rentals, and asked when commitment to ownership comes in. He also expressed that high market-rate housing would be more important than rental vs. ownership.
- . Ms. Piccini responded that this was not what the Committee was here to decide.

- . Mr. Gress stated that this was their market study and asked if they were offering units for rent only, or for sale and/or rent.
 - . Mr. Mole responded that there was nothing preventing that from happening, and that it's a forecast of what is expected.
 - . Ms. Piccini asked if the Committee was in consensus that this become the Market Feasibility Analysis that the Village Board accepts as the Market Feasibility Analysis for the Comprehensive Plan.
 - . Mr. Stockburger made a motion for the Comprehensive Plan Committee to make this Market Study the Market Feasibility Analysis that the Village Board accepts for the Comprehensive Plan.
- This was seconded by Mr. Boissonnault and passed unanimously.
- . Ms. Piccini explained that at the next Village Trustee Board meeting there will be an item on the agenda that says that the Comp. Plan Committee recommends that they accept this as the Market Feasibility Analysis.
 - . Mr. Gress asked if VHB reviewed the Market Analysis Addendum. Ms. Piccini responded that it was forwarded to them.

Review and discussion on the revised Blight Study from VHB

- . Ms. Piccini asked a question about what the structures set forth in 1A on page 23 were. Mr. Mole responded that there was no 1A, and Mr. Hesse stated that they must mean 2A, and Mr. Mole agreed.
- . Ms. Piccini asked if there was consensus/discussion on the Blight Study.
- . Mr. Lepler started to make a motion to accept the Blight Study, however, Mr. Gress interrupted with a question and the motion was never stated to completion.
- . Mr. Gress responded by asking if there was any feedback on his comments in his email, copies of which were brought to this meeting (see Addendum at end of minutes).
- . Ms. Piccini asked if his comments were a comparison between the prior Blight Study and the current one. Mr. Gress responded, Definitely not.
- . Mr. Gress clarified and made reference to his comments made at prior meetings, which are already recorded in the minutes. He also stated that the final study is almost the same as the initial study, and referred to his email which cited the only differences. He reminded the Committee that the first Blight Study included the error (37 percent to 54 percent, which they have made note of). He continued to state that there were no updated photos or documentation on any of the properties showing the reason for

blight and have still not stipulated blight on specific properties. There was no place where they said that the 54.7 percent was going to be blight.

. Mr. Gress continued to question how a “fair” status could be considered as blighted, and he didn’t think there was enough percentage to be considered blighted. Mr. Gress continued to say that he went back to the original Blight Study, which included maps and reasons on why properties were blighted. Mr. Gress also stated that the Board will have no information to review, and the documentation that was provided (excel spreadsheet/word document) was confusing. Mr. Gress acknowledged receiving the explanation of why there were 166 buildings, and not 181 buildings, that were studied. However, without tax I.D. numbers in the word document, how can they can be compared.

. Mr. Mole responded that he respectively disagreed with Mr. Gress’ email and comments, and continued to say that he reviewed the Blight Study and felt it was sufficient and was happy with the job that VHB did on it. He continued to say that when looking at a Blight Study, one looks at the law and also case law and felt that this Blight Study did what it was supposed to do.

Mr. Mole also stated that the issue that he had beyond the Blight Study was that the Comp. Plan Committee will never get a unanimous decision on each task before moving forward, and that at some point the Committee needs to make a decision to take a formal vote for a consensus to move forward.

. Mr. Ruchala asked if the objective of categorizing property conditions was to get over the fifty percent mark for blighted conditions.

Mr. Mole responded that the focus was to get past the Blight Study, which is a tool to get to an urban renewal plan, and that it’s more than just a building study and the condition of buildings. He also stated that he didn’t think Mr. Gress understood all of the terminology used in the case law used in the statute. He continued that he felt that it was counterproductive to address each of Mr. Gress’ points, but this was up to the Committee.

. Mr. Ruchala stated that both Mr. Gress and Mr. Mole were making fair points.

. Ms. Piccini advised the Committee that Mr. Schoenig stated that when they are ready to accept the Blight Study, they would have PACE look at it.

. Ms. Piccini also mentioned that when discussing the previous Blight Study and the pockets that were artificially contrived to get an over 50

percent building blight within each pocket, the initial response from PACE was that this was faulty, as they didn't want to study blighted buildings, but wanted to study the Village. This does not invalidate their ability to review this Blight Study because they already guided the Committee in this direction.

. Mr. Ruchala again asked what was the percent needed to be blighted. Mr. Mole responded that the answer is not that simple. Mr. Ruchala asked again if fifty percent is required to be blighted. Mr. Mole responded that it's not a study over certain pocket areas but rather a study over a portion of the Village. And in going through the steps of the urban renewal plan, one takes the Blight Study and decides what areas of the Village will proceed with urban renewal and what areas will not proceed with urban renewal, and in those cases, what other methods can be used to renovate the Village.

. Mr. Ruchala again asked if there was a fifty-one percent requirement to be blighted for urban renewal, and Mr. Mole responded, Yes, there has to be above fifty percent.

. Mr. Ruchala then asked what that means. Mr. Mole responded that he felt that it was counterproductive to discuss the Blight Study further as other professionals/consultants are looking at the study, and are satisfied with it.

. Mr. Gress responded that if the Committee goes along with that thinking, this Committee is not qualified enough to make a recommendation to the Village Board. And he stated that the document is confusing and hard to follow, and he doesn't see any legitimate proof. He also stated that he didn't want to see the Village getting involved in law suits down the road. He also felt that the use of "dangerous" words in the report, e.g., "underutilized" could lead to law suits, which the Village tax payers can't afford, and felt compelled to voice his admonitions.

. Mr. Mole responded that if legal action were to be taken, professionals supporting this study would testify, not members from this Committee.

. Mr. Gress then recommended that the Committee get substantial data to support the report and what it's saying, and in his opinion, it isn't present. Mr. Gress disagreed with Mr. Mole and his opinion.

. Mr. Gaspar responded to Mr. Gress by saying that Mr. Gress wanted to see things in black and white.

. Mr. Stockburger stated that he understands that municipal law gets changed by case law, and that he'd like to see that if this gets reviewed by

Nolan and Company, something be put in to explain how municipal law gets modified/reviewed by case law. He reiterated that someone needs to make this clearer, as there is a clear contradiction between municipal law and their definition in the Blight Study.

- . Mr. Mole suggested having VHB make a separate document to present to the Village Board.

- . Mr. Hesse stated that they should defer to the attorney, but he also shares concerns for the Village going forward.

- . Mr. Ruchala asked how many renewal plans Mr. Mole had done, and Mr. Mole responded, None. However, Mr. Mole responded that he has experience with comprehensive plans.

- . Mr. Ruchala asked the Committee if they shouldn't be focused on getting this right.

- . Ms. Piccini reminded the Committee that they can't do an urban renewal plan until the Blight Study is completed, and the longer it takes, the longer to get to the urban renewal plan.

- . Ms. Piccini stated that if they assume it's a document prepared by professionals, it would be the Village Board's decision to have it reviewed by Nolan & Company, or with someone else.

- . Mr. Stockburger recommended that they agree with the review with the caveat someone needs to clarify for the Board the definitions, since the definitions don't currently match.

- . Ms. Piccini asked Mr. Stockburger if he didn't already feel that the current paragraph in Article 15 offered that clarification, and Mr. Stockburger responded, No. Ms. Piccini responded that she did feel that was the intent.

- . Mr. Gress stated that he didn't think that this Committee was ready to send anything to the Board of Trustees based on the fact that there is insufficient information to make a decision.

- . Mr. Gress stated that he'd like to make a motion to send this to the Board for further review and let them make the decision once they get their technical advice from whomever they consult with. This could be with Nolan and Company or an outside source, but that would be their decision. Let the Board of Trustees make the decision.

- . Mr. Gress reiterated that he couldn't see this Committee accepting the Blight Study.

- . Ms. Piccini reminded the Committee that there was a different motion made earlier which didn't get seconded, and there is now a second motion.

- . Mr. Ruchala seconded Mr. Gress' motion.
- . Mr. Gaspar stated that he disagreed with Mr. Gress and while he understood where he was coming from, however, his disagreement was with some of the items that were included to get to the fifty-one percent. He also stated that the tax map number is immaterial. His issue was with the descriptions, and that he had wished that there was a better appendix to describe the conditions. Looking at something labeled "poor", his question would be why it wouldn't be abandoned.
- . Mr. Ruchala stated that they should be looking at the bigger picture and specifics on how this was determined.
- . Mr. Gaspar stated that there should be specifics as to how the study's results were determined, and this could mean going to the building department and pulling records.
- . Mr. Gress stated that there are 300 code violations, but they have no details. Mr. Gaspar responded, Yes, but that this was a building department issue.
- . Mr. Nadel commented that it seemed that this Committee was trying to make a legal decision as to whether acceptable or not. Therefore, he suggested that PACE Law look at the study and get their input as to whether it has legs.
- . Mr. Stockburger asked about sending it to the Village Board with a caveat recommendation that it should be further reviewed by Nolan before voting on it.
- . Ms. Piccini stated that it is not in the purview of this Committee to hire Nolan & Company, and that it's the Village Board's decision to hire whomever they want to pursue further study.
- . Mr. Gress stated that he already made that motion.
- . Mr. Hansen responded that it had already been seconded and asked if there was a vote.
- . Mr. Gress asked if this Committee had to accept this report, and the response was, No.
- . Mr. Mole added that he thought that the Village Board would prefer to get a recommendation from the Committee. Ms. Piccini added that this was the charge from the Board.
- . Mr. Gress then suggested that if this Committee didn't have to accept it, let the Village Board accept it and get it reviewed. He also expressed that

his main concern was they move forward in a safe path to make sure there would be documentation to support it should there be a court battle.

. Mr. Nadel asked if the motion was that the Committee accept this Blight Study, pending review. Mr. Stockburger responded that the motion is that the Blight Study be forwarded to the Village Board with the recommendation that it have further legal review prior to the Board accepting it.

. Mr. Nadel then asked if this Committee was making a recommendation for acceptance. The response was, Yes, if this Committee made such a vote.

. Mr. Mole asked that if PACE said the study was okay, would the Committee go along with it and recommend it. Mr. Mole's impression was that there were still people on the Committee who still wouldn't recommend it.

. Mr. Ruchala expressed concern over liability down the road.

. Mr. Stockburger asked for a show of hands of who wanted to send this Blight Study to the Village Board with a recommendation that they get further review.

. Mr. Hansen reiterated that Mr. Gress already made that motion, which was seconded by Mr. Ruchala, and asked for a vote.

. Mr. Gress stated he'd like to see a written review, if by Nolan and Company or someone else. Mr. Gaspar responded that it would be out of our hands having sent it along, and it would only be a courtesy from the Village Board for this Committee to then see it.

. Mr. Gress reiterated his motion which was to send the Blight Study to the Village Board with a recommendation for further review by people with more experience. This was seconded by Mr. Ruchala.

. Mr. Mole pointed out that that motion, therefore, is not a recommendation of this Blight Study. He restated that the purpose of this Committee was to make recommendations. Passing the Blight Study on to the Village Board to have someone else look at it wouldn't be considered a recommendation. Mr. Mole restated that the motion would be that the Committee recommends the Village Board accept this Blight Study if it passes.

. Ms. Piccini restated the motion for a vote: To make a motion to forward the Blight Study to the Village Board, without any recommendation, to have them get further review. There is no recommendation to accept this Blight Study in this motion.

- . Ms. Piccini also reminded the Committee of an earlier motion which hadn't been completed and hadn't been seconded, which must be considered first.
 - . Mr. Lepler stated that he never finished his statement.
 - . Mr. Lepler made the motion to recommend positively the Blight Study to the Board of Trustees, subject to counsel reviewing the document and to the extent that the Board of Trustees feels it is required to have outside counsel, in addition to Mr. Mole's review, as to review it to defensibility and to see that it is inclusive enough to stand legal challenge. This was seconded by Mr. Gaspar.
- Motion passed: 9 votes in favor; 3 votes opposed. This motion overrides the second motion by Mr. Gress.

Review and discussion on the draft Natural Resource and Infrastructure chapter

- . Mr. Stockburger asked about the fire rating for the Village and why it was rated a 5, with other villages/towns higher. He wanted to know what was holding back the Village, particularly since the Village installed the 6 inch water mains for the hydrants, and the Village is near the fire station.
- . Mr. Hansen responded that the rating was the result of a professional testing firm that came into the Village and documented the flow from each fire hydrant. And that this is now a matter of record.
- . Mr. Lepler asked if they looked at what the rating had to do with, e.g., use of structure, fire suppressant systems, etc.
- . Mr. Gaspar stated that the test only had to do with the water passing through the pipe.
- . Mr. Stockburger expressed that he thought it was a good report, but found it strange that the Village, with water mains and fire hydrants, was rated lower than the rest of the County that doesn't have those things.
- . Ms. Piccini stated that it doesn't include information on heights and bucket reach. She added that this other information needed to be included. Other information will be included once the Village Engineer has a conversation with the fire department.
- . Mr. Stockburger stated that Baily Park is not shown and needs to be added to the report. Also, correction to state that Markel Park is owned by DEP. Also, need to add ownership and operation of parks.

- . Mr. Ruchala asked about inclusion of mines. He mentioned that there was a mine shaft where the old post office was located. He also asked about the engineering impact in building structures over mines.
- . Mr. Stockburger stated that property owners own down 15 feet, but have no mineral rights.
- . Mr. Hansen stated that there needs to be a clarification on depth, and that mines and mineral rights need to be added to the chapter. To ask Todd Atkinson, the Village Engineer.
- . Mr. Ruchala asked if DEP ever asked about mines.
- . Mr. Gress stated that there is a shaft on Hoyt Street and there used to be one that went to the Southeast Hotel. Mr. Stockburger stated there is one down from the historian's office.
- . Ms. Piccini stated that with the recommended changes the Committee could continue with this document as part of the Comp. Plan.

Next meetings will be on:

January 14, 2015 and January 28, 2015

February 11, 2015 and February 25, 2015

Mr. Gress asked why VHB was invited to the January 14 meeting. Ms. Piccini responded that VHB would take comments and put them into the Recommendations Chapter that would then feed into the Implementation document. Mr. Gress reiterated that the Committee could then expect to get the Implementation Plan prior to that meeting.

Mr. Stockburger made a motion to close the meeting. This was seconded by Mr. Boissonnault and passed unanimously.

Meeting concluded at 8:10pm.

ADDENDUM TO MINUTES: MR. GRESS' EMAIL AND ATTACHMENT WITH COMMENTS

Email:

Comprehensive Plan Committee Members,

I am sorry for the late submission; I will bring hard copies of my review to the meeting. I am submitting my review of the final report for discussion at tonight's meeting. I also attached a written copy of my review of the draft study which I presented at our previous meetings.

I am not a certified planner but I have based my remarks on common sense and a lot of reading into the subject and the laws pertaining to it.

The previous Blight Study done by F+A was reviewed by an outside expert (I believe Tom Kelly, Atty) and I believe the Board should have the VHB Study reviewed by an outside source. Maybe a written review from John Nolan at Pace should be considered.

Sincerely,
Jack Gress

Attachment:

Comprehensive Plan Committee:

All members,

There are very few differences between the Draft and Final Blight Studies. The most critical changes are:

The percentage of buildings categorized as "poor", "fair" or in between was cited as 31.7% in the Draft Blight Study, which did not match any of the numbers in Table 1 outlining the number of buildings in each building condition category. In the Final Blight Study, this percentage was increased to 57.4%, which matches the total number of Fair, Fair-Poor and Poor properties [page 12]. All of the other numbers remained unchanged. Typically, buildings in "fair" condition do not qualify as blighted in F+A's 2011 Blight Study.

The Draft Blight Study stated that there were "numerous code violations in recent years."

The Final Blight Study stated that there were "300 code violations in recent years." Given the specific number, VHB should provide the timeframe for these 300 code violations and attach data sheets that include the violations [page 20].

The remaining changes were minor:

The Draft Blight Study stated that "some of these buildings are land-locked and lack frontage on Main Street as well as adequate egress and ingress to Main Street." The Final Blight Study added the following to that sentence: "creating safety concerns especially regarding access for emergency vehicles" [page 18].

The photos were slightly re-arranged in Appendix B and one caption was added. Several photos which were taken back in May 2014 were not updated and do not show the repairs that have been done. The 2 GB file of 583 photos was nice but I could not find any updates. Basically, the Final Blight Study is almost exactly the same as the Draft Blight Study (I saw only 4 changes, as listed above) and nearly all of the issues we raised with respect to the Draft Blight Study remain unchanged in the Final Blight Study.

Again, VHB states that 57.4% of the properties are "fair", "poor" and in between. They do not specifically state that this is the percentage of properties/sites that is considered blighted.

As this is the only number that is above the 51% requirement for an Urban Renewal Area, it appears that they are considering all properties in "fair", "fair-poor" and "poor" building condition categories as blighted. This does not align with NYS Municipal Law (Article 15), which states that "the term "substandard or insanitary area" shall mean and be interchangeable with a slum, blighted, deteriorated or deteriorating area, or an area which has a blighting influence on the surrounding area..."

In both Blight Studies, the "fair" category is defined as "these buildings, though structurally sound, contain deficiencies resulting from lack of maintenance and gradual deterioration. These deficiencies require corrective action beyond the scope of normal maintenance. These structures generally contain one or more intermediate defects, but not more than four. In addition, they may contain a number of slight defects which could be corrected without excessive cost." The excel spreadsheet (165/166) showing the breakdown of the 181 properties has no detail of the 1 to 4 deficiencies. The breakdown by word doc also was not detailed; this information we already had on the maps provided. It is very difficult to relate properties to tax ID; data should always show tax ID.

VHB has not shown that the "fair" or even "fair-poor" categories constitute a "substandard or insanitary area." As the "fair" category alone accounts for 49.7% of the buildings in the study area, they must justify why they have determined that these structures are blighted. Without the "fair" properties, there would only be 7.7% remaining.

Sincerely,
Jack Gress