

VILLAGE OF BREWSTER

BOARD OF TRUSTEES

August 21, 2013

**Public Hearing & Regular Meeting**

Minutes

The Board of Trustees of the Village of Brewster held a Public Hearing & Regular Meeting at 7:30PM on August 21, 2013 at Village Hall, 50 Main Street, Brewster, New York 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

Village Police: John Del Gardo

Absent:

John Folchetti

Pledge to flag.

Notation of Exits

**Public Hearing**

Deputy Mayor Piccini motioned to open the Public Hearing at 7:31PM, Trustee Stockburger 2<sup>nd</sup> all in favor 5 to 0.

Proposed Local Law 3 of 2013 - Building Moratorium: a local law regulating, for an interim period, the issuance of building permits, approval of subdivision plats and site development plans, and the granting of special use permits and variances.

Deputy Mayor Piccini requested public comment. No public comment received. Deputy Mayor Piccini noted the single letter from James Nixon objecting to the moratorium and is attached to these minutes.

Deputy Mayor Piccini motioned to close the Public Hearing, Mayor Schoenig 2<sup>nd</sup> all in favor 5 to 0.

**Regular Meeting**

Deputy Mayor Piccini motions to open the regular meeting at 7:33PM, Trustee Boissonnault 2<sup>nd</sup> all in favor 5 to 0.

1. Monthly Reports for July, 2013

1.1. Code Enforcement Report – Joseph Szilagyi provides the Code Enforcement Report. Deputy Mayor Piccini motions to accept the July Code Enforcement report, Trustee Bryde 2<sup>nd</sup> all in favor 5 to 0.

1.2. Police Report – John Del Gardo provides the Police Report for July. Deputy Mayor Piccini motions to accept the July Police report, Trustee Bryde 2<sup>nd</sup> all in favor 5 to 0. July Police report attached to these minutes.

1.3. Engineer's Report – John Folchetti absent. Engineer's report will be given at a later date.

1.3.1. Railroad Avenue; Permit parking relocation to Tri State? Construction will begin on the retrofit basins next week and they will work their way up Railroad Avenue with construction in the parking spaces beginning within two weeks. Discussed options. Mayor Schoenig will reach out to Metro North and Town of Southeast to see if we can use some of their spaces for our handicapped permit holders. Other permit holders will be relocated to the Tri State lot during construction of the railroad avenue parking spaces. The plan is to restore parking by October 1<sup>st</sup>.

1.3.2. Towing/removal of cars - Brennan will not have the authority to have vehicles towed. Brewster Police must be involved with all vehicle removal and will arrange for towing when needed. Brennan should contact the Officer on Duty when towing is required.

1.4. Planning Board Report – Rick Stockburger provided the July report, no activity. Mr. Stockburger also gave the June report. Both reports are attached to these minutes. Deputy Mayor Piccini motions to accept both June and July, Trustee Boissonnault 2<sup>nd</sup> all in favor 5 to 0.

1.5. Zoning Board of Appeals Report – Richard Ruchala provided the July Zoning Board report – no activity. Mr. Ruchala will write something up and submit. Trustee Bryde asks about June. Mr. Ruchala says there was no

activity. Deputy Mayor Piccini motions to accept the Zoning Board of Appeals monthly reports, Trustee Stockburger 2<sup>nd</sup> all in favor 5 to 0.

2. Greenway Grant Application Resolution of Support – Resolution No. 082113-1

2.1. Deputy Mayor Piccini motions to approve the resolution of support for the Greenway Grant application as written, Trustee Bryde 2<sup>nd</sup> all in favor 5 to 0.

3. Refuse Bid Award

3.1. The current contract is costing us \$19.14 per month per residential dwelling and is scheduled to rise to \$19.75 on January 1, 2014. Trustee Stockburger motions to award the Refuse bid for 2014-2016 to Suburban Carting for \$18.45 per residential dwelling per month, a reduction of 3.6% from the current rate and 6.6% less than the 2014 contract pricing, Trustee Boissonnault 2<sup>nd</sup> all in favor 5 to 0. Clerk will advise Suburban Carting in a letter.

4. Employee Policy exception request – Mayor Schoenig motions to extend full pay to Roger Benton for up to four weeks at the current rate of pay, Trustee Stockburger 2<sup>nd</sup> all in favor 5 to 0.

5. FBS Letter approval

5.1. Trustee Boissonnault Motions to authorize the Mayor to sign the letter to FBS regarding contract termination, Trustee Bryde 2<sup>nd</sup> all in favor 5 to 0.

6. Correspondence sent - received for July, 2013

6.1. Trustee Bryde notes the Women of Distinction recognition date was changed to September 8, 2013. Trustee Bryde motions to approve the July 2013 Correspondence, Trustee Stockburger 2<sup>nd</sup> all in favor 5 to 0.

7. Minutes for approval – August 7, 2013

7.1. Trustee Bryde motions to approve the August 7, 2013 minutes, Trustee Boissonnault 2<sup>nd</sup> all in favor 5 to 0.

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

8.1. A	General	\$27,063.23
8.2. C	Refuse & Garbage	20,525.26
8.3. F	Water	7,472.77
8.4. G	Sewer Operations	24,660.93
8.5. TA	<u>Trust &amp; Agency</u>	<u>3,849.18</u>
	<b>Total Vouchers Payable</b>	<b>\$83,571.37</b>

Deputy Mayor Piccini motions to approve Vouchers Payable, Trustee Stockburger 2<sup>nd</sup> all in favor 5 to 0.

9. Other Business

9.1. Trustee Stockburger

9.1.1. Stickers for Founders Day, Police have 100 stickers in stock. More will be needed.

9.2. Trustee Bryde

9.2.1. Trustee Stockburger will attend the Eagle Scout ceremony.

9.2.2. Reminds everyone that the Film Festival is Labor Day weekend.

9.3. Trustee Boissonnault

9.3.1. Facebook page for Envision Brewster is doing well with over 800 reads to date.

9.4. Mayor Schoenig

9.4.1. Asks Counsel about liens on out of Village properties that don't pay their water. Counsel advises the judgments are 10 years against the property and 20 years against the individuals themselves but judgment is limited to the court approved amount.

9.5. Deputy Mayor Piccini

9.5.1. 2 Garden St. hedges have been trimmed back. Not known who cut the hedges.

10. New Business

10.1. Trustee Stockburger

10.1.1. We need to order items for Founders Day handouts. Still have VOB magnets. Envision Brewster banners? Also suggests police be in the street directing traffic at the train station. Rick Stockburger suggests that crosswalks with flashing lights be considered.

10.1.1.1. Trustee Boissonnault motions to spend up to \$300 for Village promotional items Trustee Bryde 2<sup>nd</sup> all in favor 5 to 0.

10.2. Trustee Boissonnault

10.2.1. Trustee Bryde and I spoke to the senior citizens association of Southeast at their invitation with over 100 people in attendance and it was well received.

10.3. Deputy Mayor Piccini

10.3.1. Motions to authorize parking metered spaces be blocked off in front of and adjacent to the 50 Main polling place for the primary and general elections, Trustee Bryde 2<sup>nd</sup> all in favor 5 to 0.

10.3.2. Building Moratorium Local Law 3 – action tabled until September 4, 2013 as we have not heard back from the County (239-m).

11. Public Comment

11.1. One member of the public stated that Parking Regulations are not well posted on the street. Mayor Schoenig offered to show them the signage throughout the Village.

11.2 Richard Ruchala – “I arrived late because I was on the golf course and the public hearing on the building moratorium was already closed.” Mr. Ruchala continued – “This Building Moratorium and the whole urban renewal process has been done in darkness and not many people know what is going on. We should make the Comprehensive Plan Update and then the Zoning Update and then after you have everything put together then you put in a moratorium.”

Mayor Schoenig asks; who says that is the normal procedure.

Mr. Ruchala says it is quite normal.

Village Counsel advises that the procedure being described is not the typical process.

Mr. Ruchala says the reason for a moratorium is if there is a problem somewhere.

Counsel advises Mr. Ruchala that he is stating opinion not fact.

Mr. Ruchala qualifies his remarks as his opinion. Mr. Ruchala says right now you should be waiting and the only reason to institute the moratorium now is so Covington Properties gets the properties at a lower price.

Deputy Mayor Piccini asks if that is also Mr. Ruchala’s opinion.

Mr. Ruchala responds that it is not his opinion and it was said at a meeting where Covington Properties actually stated that “it is important that I get this property at the right price.” Mr. Ruchala offers to get an actual recording of the comment but he doesn’t think that is important. Mr. Ruchala provides a description of what a moratorium could or should be used for (no copy given to the Clerk, so no copy attached to these minutes). Mr. Ruchala continues - I don’t see any reason at this time that there is any benefit to a building moratorium. Mr. Ruchala continues that he doesn’t see a reason why there should be a moratorium; currently there are many vacant properties and properties for sale; if a moratorium is enacted the real estate market will collapse further as no one will invest during a building moratorium. Mr. Ruchala says that current market rates for properties are very low and a moratorium will further reduce them. Mr. Ruchala adds - there may be a lot of things people want to do to their property and you (the Board) will be limiting them.

Mayor Schoenig comments that approximately two years ago commercial property owners met in village hall for a luncheon and were told of the urban redevelopment initiative yet nothing has been done during that two-year period to improve any properties.

Mr. Ruchala says “you people made the deal where I think everything else should have been done first and then you should get an RFP for a Developer; now that you have picked a developer it is time for you to make concessions to the stakeholders in the community not to the developer; the end result might be that it may become a little more expensive for someone to buy properties in an eminent domain situation which is the price of doing business; don’t stop the stakeholders in the community from having the ability to sell their houses.”

Deputy Mayor Piccini says the moratorium will not limit anyone’s ability to sell their property or maintain their property.

Village Counsel advises that there is no impediment to transfer of property and there is an avenue for variance approval through the Board of Trustees, so investment is not precluded.

Deputy Mayor Piccini notes that the proposed moratorium will follow the same procedures that were in place in the previous building moratorium and we heard from many people who wanted an exemption and many were granted where appropriate. Deputy Mayor Piccini goes on to say that we have historically worked with the stakeholders in this community and those same stakeholders will be asked to come to the charettes to talk about their vision for Brewster; the stakeholders will very much be involved.

Mr. Ruchala continues that he thinks the moratorium should wait and that is his opinion.

Trustee Boissonnault lists eleven communities in our area that instituted a building moratorium exactly as we are proposing - which is while the Comprehensive Plan is under review - and is not sure where Mr. Ruchala's information is coming from; Ossining, White Plains, Mt. Pleasant, Bedford, Pleasantville, Scarsdale, Mamaroneck, Bronxville, Larchmont, North Salem and even Southeast have done exactly the same thing as we are proposing. Trustee Boissonnault continues; the ADA (American Development Association) says that there should be moratorium in order to accomplish your needs.

Mayor Schoenig reiterates that this board has never done anything behind closed doors or not listened to what people have said.

Mr. Ruchala states again that this process was done behind closed doors.

Mayor Schoenig again reiterates that the public doesn't show up to hear what's going on and the doors are always open as are other avenues of communication such as letters, emails, etc. Mayor Schoenig says the public rarely turns out for Village Board meetings which are properly noticed and regularly scheduled. In fact, there were several complaints that we were holding the Envision Brewster work sessions during the day when no one can come yet there has been a far greater turnout for daytime Envision Brewster meetings than our regular night time Board of Trustee meetings. The complaint of daytime meetings has no merit whatsoever and all our actions taken to date have been out in the open and proper.

Mr. Ruchala further states that a Southeast Public Official said this was all done in secret deliberately.

Mayor Schoenig reiterated that there was nothing done in secret. If people would just show up at the meetings and ask questions there wouldn't be these accusations of conspiracy. Mayor Schoenig says; the fact is because you didn't show up or pay attention that means nobody knows; that's just not true; case in point, the public hearing tonight for the building moratorium yielded no comments at all; everything we have done is done according to the law; some disenfranchised town official who was not in the know hurls accusations of secrecy; it's all talk; there is no merit to these claims of acting in secret.

11.3. Jack Gress – coalition for a better Brewster meeting at the Harvest group building at 5PM tomorrow.

11.4. No further public comment.

12. Deputy Mayor Piccini motions to adjourn at 8:47PM, Trustee Bryde 2<sup>nd</sup> all in favor 5 to 0.



JAMES I. NIXON, III -

**1511 ROUTE 22, SUITE 321  
BREWSTER, NY 10509  
845.278.6301/fax 278.8461  
[James@NixonArchitecture.com](mailto:James@NixonArchitecture.com)**

August 21, 2013

Hon. Mayor James Shoenig and Board of Trustees  
Village of Brewster  
50 Main Street  
Brewster, New York 10509

Re: Proposed Local Law 3 of 2013 – Building Moratorium

Dear Mayor Shoenig and Trustees;

I wish to commend the Board for its proactive initiative in creating the program known as Envision Brewster. I have been an advocate of Village revitalization since 1990 and I am encouraged by this latest development.

I am, however, concerned that the moratorium contemplated may be counterproductive. The American Planning Association maintains that a moratorium is a “tool of last resort”, only to be imposed when unforeseen problems surface that require time to address. A sewage treatment plant failure is one example. Indeed, when courts have upheld a moratorium, “dire necessity” is often cited. I do not believe this term is applicable here. It is certainly time to update the Comprehensive Plan, but I see no evidence that the pace of change in the Village too fast to be understood. I strongly urge you not to impose a moratorium.

In the event that a moratorium is imposed I should point out that there are a few projects within the Village that have valid approvals, such as Site Plan or zoning variances that have not yet had an opportunity to file building permits and/or begin construction. The draft legislation does not appear to address this situation. In fairness to property owners, their rights should be preserved.

I am also aware of at least one property owner who had planned to file applications today but was unable to because the Building Inspector was unavailable because of site inspections and important meetings. A reasonable accommodation should also be considered for such cases.

I reiterate that overall I am opposed to a moratorium as it is not necessary. I am very much in favor of updating the Comprehensive Plan and the other efforts in progress to bring Brewster to its full potential.

Sincerely,

James I. Nixon, III R.A.

## July 2013 Code Enforcement Report

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**VILLAGE OF BREWSTER  
50 MAIN STREET  
BREWSTER, NY 10509  
(845) 279-3760**

**JULY 2013 SUMMARY REPORT**

**BUILDING FEES = \$2,147.50**  
**PROPERTY REGISTRATION =3,150.00**  
**SAFETY INSPECTION = 400.00**  
**TOTAL FOR JULY = \$5,697.50**

**PERMITS: 13**

**FIRE INSPECTIONS: 37**

**OPERATING PERMIT:**

**TOTAL COs, CCs: 4**

**APPEARANCE TICKETS ISSUED: 8**

**ORDERS TO REMEDY: 24**

**PROPERTY REGISTRATION PENDING: 243**

**VILLAGE OF  
BREWSTER POLICE  
DEPARTMENT  
MONTHLY REPORT**

**JULY 2013**

**POLICE CHIEF  
John Del Gardo**

# VILLAGE OF BREWSTER POLICE DEPARTMENT

## MONTHLY REPORT

TO: Mayor James Schoenig - Board of Trustees  
FROM: Police Chief John Del Gardo  
RE: Monthly Report July 2013

### TICKETS

Uniform Traffic Tickets:	97
Parking Tickets:	112
Local Ordinance:	10

<b>TOTAL TICKETS</b>	<b>219</b>
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<b>TAXI INSPECTION</b>	<b>73</b>
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### ARRESTS

Assault	1
Burglary	1
Registration Suspended	3
License Suspended	1
Disorderly Conduct	1

<b>TOTAL ARRESTS</b>	<b>7</b>
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### SECURITY VISITS PATROL

Sewer:	136
Water Tank:	138
Well Field:	72

<b>SECURITY VISITS</b>	<b>346</b>
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### FOOT PATROL HOURS

Main Street:	65
M.T.A Station:	92
Residential:	19

<b>TOTAL HOURS</b>	<b>176</b>
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<b>911 CALLS</b>	<b>60</b>
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Walk in-Pickup Compl's	26
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Court Hours Village	32
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Court Hours S.E.	68
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### VEHICLE

Repairs:	\$1,872
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### MILEAGE

7K-245	1512
7K-246	1321
7K-243	424
DWI	0

Mileage Total:	3257
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Fuel:	426
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PEO Stockburger	Tickets:	17
	Hours:	23
PEO Gianguzzi	Tickets:	29
	Hours:	16

(Security Detail) 2 Officers

(Security Detail) 2 Officers



## **911 DISPATCHED CALLS – 60**

**AIDED CASE – 14**

**MISSING CHILD – 1**

**DOMESTIC ASSAULT IN PROGRESS – 1**

**BURGLARY IN PROGRESS – 1**

**ASSAULT – 1**

**TRESPASS – 4**

**LARGE FIGHT IN PROGRESS – 1**

**SUSPICIOUS VEHICLE – 2**

**VEHICLE ACCIDENT – 2**

**911 HANG UP – 7**

**ASSIST STATE POLICE – 1**

**DISPUTE – 8**

**DISORDERLY MEN – 1**

**DOMESTIC DISPUTE – 2**

**FIRE ALARM – 2**

**BURGLARY ALARM – 3**

**BANK ALARM – 1**

**CRIMINAL MISCHIEF – 1**

**BOLO – 1**

**OPEN DOOR – 1**

**NOISE COMPLAINT – 1**

**WELFARE CHECK – 2**

**POWER OUTAGE – 1**

**SMOKE CONDITION – 1**

# **VILLAGE OF BREWSTER POLICE**

## **SELECTIVE TRAFFIC ENFORCEMENT**

**July 2013**

**STOP SIGN – 4**

**SPEED – 7**

**CELL PHONE - 27**

**SEAT BELT – 2**

**D.O.T. TRUCK ENFORCEMENT – 8**

**VTL ARRESTS – 4**

**RED LIGHT – 0**

**ONE WAY STREET – 0**

**TOTAL – 52**

Village of Brewster Planning Board  
David P. Kulo Jr.  
Chairman

To James Schoenig, *Mayor*  
Christine Piccini, *Trustee, Deputy Mayor*  
Mary Bryde, *Trustee*  
Teresa Stockburger, *Trustee*  
Tom Boissonnault, *Trustee*  
Peter Hansen, *Clerk & Treasurer*  
Anthony Mole, *Counsel*

***Regular Meeting June 25, 2013***

**Board Members in Attendance:**

David Kulo, Chairman  
Rick Stockburger, Assistant Chairman  
Renee Diaz  
Tyler Murello  
Mark Anderson

**Board Members not in Attendance:**

None

**New Business.**

**52-54 Main Street 67.34-2-6 - Applicant wishes to convert office space into a one bedroom apartment.**

Mr. James Nixon stated that he was representing the applicant who wishes to convert to a one bedroom apartment a back room, about 430 square feet, that once served as office space. It is implied that a single bedroom apartment would be more marketable than office space. It was agreed by the Planning Board that applicant needed the required area variance for such use and suggested that applicant go to Zoning.

**121 Marvin Ave, 67.35-1-55 - Mr. Servio Vasquez applying to add a second story on his garage.**

Neither the applicant nor any representative appeared at the Planning Board. Members did discuss the merits of the proposal including the fact the property is well maintained and in an R20 zone and in its preliminary assessment such improvements may be allowed.

David Kulo  
Chairman, Planning Board  
July 16, 2013

Village of Brewster Planning Board  
David P. Kulo Jr.  
Chairman

To James Schoenig, *Mayor*  
Christine Piccini, *Trustee, Deputy Mayor*  
Mary Bryde, *Trustee*  
Teresa Stockburger, *Trustee*  
Tom Boissonnault, *Trustee*  
Peter Hansen, *Clerk & Treasurer*  
Anthony Mole, *Counsel*

***Regular Meeting July 30, 2013***

**Board Members in Attendance:**

David Kulo, Chairman  
Rick Stockburger, Assistant Chairman  
Renee Diaz  
Mark Anderson

**Board Members not in Attendance:**

Tyler Murello

Meeting was changed from July 23 due to no quorum. There was no new or pending business at July 30 meeting.

David Kulo  
Chairman, Planning Board  
August 21, 2013

# Village of Brewster

Resolution No. 082113-1

## Greenway Grant Application Endorsement

WHEREAS, the Village of Brewster is applying to the Hudson River Valley Greenway for a grant under the Greenway Communities Grant Program for a project entitled Comprehensive Plan Update to be located in the Village of Brewster,

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project will be located;

NOW, THEREFORE, be it resolved that the governing board of Village of Brewster hereby does approve and endorse the application for a grant under the Greenway Communities Grant Program, for a project known as Comprehensive Plan Update and located within this community.

21 - AUG - 2013 Date of Adoption

Peter B. Hansen Name of Municipal Clerk Peter B. Hansen Signature