

**VILLAGE OF BREWSTER
ZONING BOARD OF APPEALS
WORK SESSION
February 13, 2012**

MINUTES

Board Members Present: Chairman Richard Ruchala, Board Member Claire Degnan Kropkowski, Esq., Board Member Dory Burdick and Board Member Keith Greene

Board Member Not Present: Board Member Todd Gianguzzi

Others Present: Mayor Jim Schoenig, Village Attorney Gregory Folchetti, Esq., Rick Stockburger, Tom Mairano, Enid Peraza, Tom Boissonnault, Jimmy Ho, Laura Greene and Winfield Greene

The Pledge of Allegiance was recited.

Chairman Ruchala noted that this meeting had been called for Monday February 13, 2012 and that present are Claire Kropkowski, Keith Greene and Richard Ruchala, the Chairman further stated that Todd Gianguzzi would not be at the Meeting and that Dory Burdick would be a few minutes late. Chairman Ruchala moved to open the Meeting, which was seconded by Mr. Greene and passed by a vote of 3-0.

Mr. Mairano was asked to address the Board concerning his request for an interpretation that parking in front of 151 Main Street, Brewster, New York is allowed as a preexisting nonconforming use. Mr. Mairano stated that parking has been allowed there since at least the mid-1960's and that he had a picture from 1963 showing such to be the case. Mr. Folchetti indicated that the issue is what is allowed by virtue of the property's prior status-he stated that parking *qua* parking is not the question but rather it is whether parking is permitted. Mr. Folchetti further stated that there is a question as to whether or not the property became

residential and that the key question is when did parking in front become illegal. Chairman Ruchala noted that parking in front is not allowed at property zoned RR20. Mr. Maidrano stated that it was a six family residence when he bought the building. Mr. Greene stated that a timeline of the property's use is needed and that the burden of proof is on the applicant. Mr. Maidrano stated that he has lost two tenants because of the parking problem. By a vote of 4-0 the Board decided to hold the matter over to March 26, 2012 for further consideration.

Winfield Greene was then asked to address the Board concerning the application by Wesley F. Shand for size, color, height and setback variances in relation to a sign at the Church located at 83 Main Street. Board Member Keith Greene recused himself from this portion of the proceedings. After the presentation and questioning the Board voted 3-0 to allow the sign variances.

Chairman Ruchala moved to close the Meeting; this motion was seconded by Ms. Kropkowski and passed by a vote of 4-0.

Calvin Jacobs, an attorney duly admitted to practice in New York, affirms the following under the penalties of perjury:

-I am the duly appointed Secretary of the Zoning Board of Appeals of the Village of Brewster.

-Part of my duties in connection therewith is the audio recording, for subsequent preparation of the Minutes, of the Meetings of the Zoning Board.

-On February 13, 2012 I secured the digital recorder and ascertained that it was working. When the Meeting began I turned the recorder on.

-When I subsequently endeavored to prepare the transcript of the Meeting I discovered that although the first four Minutes of the Meeting were recorded the ensuing almost ninety minutes were not due to a failure of the equipment to perform properly.

-Given this, it is impossible for a *verbatim* transcription to be prepared.

Calvin Jacobs

Affirmed this day
of March, 2012