

VILLAGE OF BREWSTER
ZONING BOARD OF APPEALS
August 5, 2013

Board members present:

Richard Ruchala, Chairman

Keith Greene

Jack Gress

Board members not present:

Todd Gianguzzi

Claire Kropkowski

Others present:

Village of Brewster Mayor: James Schoenig

Village Attorney: Gregory Folchetti, Esq.

Rick Stockburger

Achilles Doupas

Pledge of allegiance was recited.

Meeting called to order by Chairman Ruchala for Monday, August 5, 2013 at 7:00pm.

First order of business:

Application of D.J.& N.A. Management located at 33 Eleanor Drive, Mahopac, New York 10541 for a variance at 861-869 Route 22, Brewster, New York 10509 (Tax Map 67.36-2-4) to legalize a nonconforming sign at the property which does not conform to zoning setbacks as mandated by the Village of Brewster Code

- Chairman Ruchala collected certified receipts for letters distributed to residents/businesses within 500 feet of site of proposed sign from Mr. Achilles Doupas.
- Chairman Ruchala confirmed with Mr. Doupas that his lawyer wasn't present and that Mr. Doupas wanted to wait for his lawyer.
- Chairman Ruchala motioned to set up continuance meeting so he didn't have to file again.
This was seconded by Mr. Gress. Passed in favor: 3-0.
- Continuance meeting set up for Monday, August 26 at 7pm at 50 Main Street, Brewster, NY.
- Mr. Doupas to return on August 26 with his attorney, Mr. Mike Cirignano.

Second order of business:

Application of The Playhouse Building, Inc. located at 677 Commerce Street, Suite 300, Thornwood, New York 10594 for a variance from the Village of Brewster Code at 52-54 Main Street, Brewster New York 10509 (Tax Map 67.34-2-6) to allow the applicant to convert office space located on the ground floor of the building to a one bedroom apartment.

- **Mr. James Nixon presented for use variance of space at the property located 52-53 Main St. (Southeast House) Brewster, NY. Site/floor plans were distributed to the board.**
- This is a 5-story building with two commercial store fronts (left and right of central entrance).
- Owner is looking for a use variance of space on the ground floor at the rear of the building where the space consists of two rooms and a bathroom. Owner no longer needs to use this space for a management office and would like a variance to change this space to a residential zone in order to make it a one bedroom apartment on the ground floor.
- Mr. Nixon contended that this space is in the rear of the building (not a space facing Main St.) and as a result wanted a variance for this space to be considered in a residential zone rather than a commercial zone.
- **Mr. Nixon also presented the need for a second variance because of the issue of one additional bedroom affecting the bedroom/acre density calculation.**

- Further discussion revolved around the specifics of the space.
 - No change in layout
 - Space is a little larger than 400 square feet
 - Current bathroom consists of toilet/sink/tub

- Question came up about a formal application. Mr. Nixon said he asked Lidia but was not aware of any formal application. There was some discussion with the trustees but no formal application to the zoning board.

- Chairman Ruchala stated his real problem: Why approve this variance for a first-floor apartment when other building owners could put in bathrooms in ground floor spaces and convert them into apartments, as well.

- Applicant says that residential units are more valuable; this space not valuable as is.

- Mr. Ruchala asked how unit was being advertised. Also, wanted to know if applicant could demonstrate that the space wasn't valuable as currently zoned.
- Mr. Gress began discussion about steps in the rear and access.
 - There are three steps to get up to this space.
 - Mr. Gress asked about access to this space from back of building. Mr. Nixon responded that there is no access from rear of building. Access is from main entrance only.
 - There are also steps that go down.
 - Mr. Greene commented on interior steps that go up and down into the cellar. It was confirmed that descending steps go into basement which is mechanical space and storage.
- Mr. Gress asked about how this space would tie into Village water – whether separate or through the building. Mr. Nixon confirmed that water would be accessed through building.
- Mr. Gress asked how long space has been vacant. Mr. Nixon responded that it's been vacant a few years.
- Chairman Ruchala asked who resided there before. Mr. Nixon responded that it was the owner's office. He didn't know if the space had been rented prior.
- Mr. Nixon stated room sizes:
 - Larger room: 14.5'w x 13'd (plus bathroom space) to 16'd
 - Smaller room: Under 10' x 16' deep plus closet
 Chairman Ruchala asked if space is above ground level in the rear. Mr. Nixon responded that at floor level the space was below grade.
- Mr. Greene asked a fire escape question. Mr. Nixon responded that building is fully sprinkleheaded.
- Mr. Gress stated that there are many owners who are having trouble renting their properties, and that they're looking for a better return for their money. If this variance were approved, wouldn't other owners do the same?
- Mr. Gress also stated that there is currently an 18% vacancy rate in the Village.

- Mr. Gress stated that approval of this variance would institute a substantial change to the current zoning. He also stated that he would like to review this more closely, but is leaning towards the current zoning.
- Mr. Gress asked if it would be possible to meet to physically review the space. Mr. Nixon responded yes.
- Chairman Ruchala asked if applicant could get a better or more reasonable return. Doesn't see evidence of applicant trying to get a commercial tenant, e.g., doctor's office.
- Chairman Ruchala prefers to keep it commercial, at this point in the discussion.
- Mr. Greene asked if there were any arrangements for disability access. Mr. Nixon said no, nothing special was requested when getting permits. He stated that upstairs apartments are handicapped accessible.
- Mr. Greene stated that this space would be perfect for a building manager's apartment; stated there would be limited cooking facilities. Also, thought this would be an odd place for a residence and doesn't think it makes sense.
Mr. Greene also thought that it would be better if one of the storefronts could have access and use this space. Mr. Nixon said that the right storefront has been vacant for more than a year and that the left storefront has no need for more space.
Mr. Greene thought that annexing the space to either storefront commercial space would be better.
- Chairman Ruchala opened the meeting to the public and asked for comments. There were no comments.
- Mr. Gress stated that he didn't think there was a need to do a physical review of the space now, after hearing the discussion at this meeting.
- Chairman Ruchala made a motion to close this meeting. This was seconded by Mr. Gress. Motion passed 3-0.
- Chairman Ruchala asked Mr. Nixon if he thought the meeting/discussion was fair and accurate. Mr. Nixon responded Yes.

- Mr. Greene made additional suggestions that this space could be used for current residents as common room or activity room, or storage. This could also be advertised as such and be more enticing to residents as an added amenity.
As an isolated, land locked space he did not see this space as a residential space.
- Chairman Ruchala asked for any additional comments.
- Mr. Greene suggested this space could be used as an art gallery space.
- Chairman Ruchala made a motion to decline the entire application for a variance to make an apartment on the first floor. Mr. Greene seconded the motion. Motion was passed 3-0.
- Mr. Folchetti said he would write up a decision order.
- Chairman Ruchala asked for any other comments/applicants.
- Chairman Ruchala made a motion to close the meeting. This was seconded by Mr. Greene. Motion passed 3-0.
- Meeting was closed at 7:50pm.