

VILLAGE OF BREWSTER
ZONING BOARD OF APPEALS
August 26, 2013 Minutes

Board members present:

Richard Ruchala, Chairman
Keith Greene
Jack Gress
Claire Kropkowski

Board members not present:

Todd Gianguzzi

Others present:

Village Attorney: Gregory Folchetti, Esq.
Rick Stockburger
Achilles Doupis
Demetrios Doupis
Mr. Michael Sirignano, attorney for Mr. Doupis

Pledge of allegiance was recited.

Meeting called to order by Chairman Ruchala for Monday, August 26, 2013 at 7:15pm.

Mr. Ruchala suggested acceptance of minutes of Aug. 5, 2013. Motion was made by Mr. Gress to accept Aug 5, 2013 minutes and this was seconded by Mr. Greene. Motion passed 4-0.

First order of business:

This was a continuance meeting from August 5, 2013 to discuss the 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.

. Mr. Sirignano explained that on February 26, 2013 the Planning Board approved the site plan for this site, re: to better define parking area, and that they were ready to implement.

. Mr. Sirignano explained that there was one remaining issue and that had to do with the current signage that has existed since 1993. He stated that the current signage consists of a well-built brick planter with a sign above it that matches the style of the building and has lighting.

- While the Planning Board was okay with the sign, they couldn't approve it since it doesn't conform. They stated that it had to be removed or a variance was needed from the Zoning Board, which is why he and his client, Mr. Achilles Doupis, were present this evening.
- Their application for a building permit was denied because it didn't conform with the set back, therefore they needed relief from the set back (closer than 10' from the lot line), and also needed a height variance (it exceeds the 8' max height).
- Current planter and sign don't meet regulation Sect. 199-8E3.

. Mr. Sirignano presented a picture of the planter/sign and continued...

- The sign has been there for twenty years. It is an attractive sign and there have been no safety problems, complaints or accidents.
- The sign already appears on the site plan.
- He has an estimate of \$12,150 from Custom Design Landscaping to move the planter/sign back ten feet and feels this would be a hardship and waste of resources.

. Mr. Sirignano presented other signs in the Village that are more intrusive, e.g., citing bushes at a next-door restaurant that invades the sidewalk, to defend his position.

- Chairman Ruchala pointed out that at least one of the signs that was included was outside of the Village.

. Chairman Ruchala asked about a deed restriction issue.

- Mr. Folchetti advised that that isn't this Board's issue.
- Mr. Sirignano said he wasn't aware of any deed restriction.

. Therefore, Mr. Sirignano sought a variance for minimal changes as there are no safety issues with the community and as long as the sign is in character with other signs. In addition, he stated that the sign was important for his tenants --- well built, attractive and in character with other signs.

. It was noted that the application shows the dimensions of the sign.

- . Ms. Kropkowski asked about the actual set back distance.
 - Mr. Sirignano said it was less than 5'; he said he would get the actual number.

- . Mr. Sirignano said he would modify the application to show 2.5' set back off of the property line.
 - Ms. Kropkowski restated that he'd still need an additional 7.5' variance.

- . Mr. Sirignano presented his estimate of \$12,150.

- . Mr. Doupis stated that the original sign cost in 1993 was \$10,000. He purchased the property in the beginning of March 1992.

- . Mr. Gress asked if there were any violations on the current sign.
 - Mr. Doupis said No.

- . Mr. Gress asked if there was any order to remedy?
 - Mr. Doupis said No.

- . Mr. Sirignano presented a letter from Mr. Doupis to Mr. Kowalski, dated 8/27/93, stating that the planter/sign was at its current position since then.

- . Mr. Gress said the sign was there for twenty years, based on the application. Also asked if it were ever moved.
 - Mr. Douplis said No.

- . Mr. Gress stated that the plan shows the sign with a wooden planter.
 - Mr. Doupis said that the original planter rotted out.

- . Mr. Gress stated that an additional variance will be needed because the current height is 48".

- . Mr. Gress stated that the lighting doesn't comply and there is a violation to the lighting without an electric permit.

- . Mr. Gress stated that in checking the records, visibility from a vehicle needs to be 100' and currently one can't see 100' up the road over a 48" sign.

- . Mr. Gress stated that he doesn't have a problem with the sign, however, would like to remedy the visibility issue as one can't see when pulling out. Asked if it

was possible to move the planter back for better visibility. He would grant partial approval if the planter would be moved back.

. Mr. Gress stated that originally the planter was within the 10' set back, but that Mr. Doupis moved the box forward 8' approximately five years ago and created this problem himself; but there's no record of moving the sign.

. Mr. Gress also asked if the position of the box was reviewed by the DOT and if there was anything in writing.

- Mr. Doupis stated that he showed DOT the plans and they said it was okay. He said he didn't have anything in writing as he didn't know he'd have a problem.

. Chairman Ruchala asked why this wasn't approved then.

- Mr. Doupis said that there were other issues over the last twenty-one years, but the sign wasn't one of those issues.

. Mr. Sirignano stated that if additional variances were needed they would come back for those.

- Mr. Doupis stated that the only traffic consideration would be coming from the left, not the right, so where is there a visibility issue.
- Chairman Ruchala responded that the driveway comes out onto a two-way street.

. Mr. Greene asked Mr. Gress about code citations. Mr. Gress said that Mr. Joe Celagi (sp) from the Building Department told him sign height should be 24"; Chairman Ruchala doesn't see a height guideline in the sign law.

. Mr. Folchetti explained the following:

- The applicant went to the Building Department who told him what was needed from the Zoning Board.
- And that was: 1) a variance for the set back and 2) a variance for the height. The applicant would then take this variance approval back to the Building Department.

Anything else is not in this Board's purview.

. Mr. Sirignano stated that the sign is a permanent fixture and it is a reasonable request for relief in this instance; can't move the planter/sign a few feet with only a minimal cost.

. Chairman Ruchala asked if the planter had been moved.

- Mr. Sirignano stated that in 2005 the planter was made into brick (P.W.Scott) in the same location.
- . Mr. Greene asked about the linear footage of the frontage of the property.
 - Mr. Sirignano said 124' – 125'.
- . Mr. Greene asked if the dimensions are the same.
 - Mr. Demetrius Doupis said the site plan was never approved, but the planter was always in the current spot.
 - Mr. Greene said plan says 10'6" overall and that the current sign is 12' above planter.
- . Ms. Kropkowski stated that the current variance is for 7' in the height and a 7.5' variance for the set back.
- . Chairman Ruchala stated that since this is a commercial area – mostly commercial – he would side on leniency. He also stated that this is not the highest sign in the area.
- . Mr. Gress said he would be okay with height variance.
- . Mr. Gress stated that the planter was definitely moved; probably in the 2008-2010 timeframe. He also stated that he likes the sign and that it conforms, but that it is too close to the road and restricts visibility. Mr. Gress also said that he has seen how the size of the sign has doubled, that he is a builder and can recognize a size change and he is not imaging it.
 - Mr. Doupis said he hadn't touched the sign since 2006 (Mr. Gress stated 2005); Mr. Doupis said he couldn't get a receipt before 2005.
- . Mr. Gress stated that he would like to work it out and would be okay to approve if the visibility issue were addressed and the planter could be moved back.
- . Mr. Sirignano asked if there could be two separate votes.
 - Mr. Folchetti said Yes
- . Mr. Sirignano asked about having a separate motion to vote on the height.
- . Mr. Doupis stated that if the sign is moved back 10' it won't be seen by anyone and that they might as well forget it.

- . Mr. Gress suggested change in the height of the planter to 24".
 - Mr. Green stated that the planter is appropriate re: design. However, if height is a problem, could applicant step down the planter 2' with the same design.
 - Mr. Gress said he would go along with that and that he's not looking to place restrictions, but rather work something out.

- . Mr. Folchetti stated that any condition could be put on the variance provided the entire Board agreed, and asked if the planter came down 2' would that work.

- . Mr. Green motioned for the Board and Mr. Fochetti to go into an attorney/client discussion away from the meeting room. Ms. Kropkowski seconded the motion; passed 4-0.

Upon return from the attorney/client discussion:

- . Chairman Ruchala made a motion to open the meeting to the public. Ms. Kropkowski seconded the motion; passed 4-0.

- . Chairman Ruchala asked if there were any other questions/statements.

- . Chairman Ruchala made a motion to close the meeting. This was seconded by Ms. Kropkowski; passed 4-0.

- . Chairman Ruchala asked applicant if he had fair and adequate opportunity to speak with the Board.
 - Mr. Sirignano said Yes.

- . Mr. Gress made a motion to grant an area variance for both the set back and height, with no conditions. The exact measurements:
 - Height: From 5' to 12'; a 7' variance
 - Set back: From 10' to 7.5'; a 2.5' variance
 This was seconded by Mr. Greene and passed 4-0.

- . Chairman Ruchala made a motion to close this hearing. This was seconded by Ms. Kropkowski and passed 4-0.

Meeting proceeded to second order of business...

Second order of business:

Application of St. Lawrence O'Toole Church/School, 11 Eastview Ave., Brewster, NY, 10509, Lot # 67.26-2-15,16. The purpose of this application is to receive an approval for a front setback from 20 feet to 12 feet. The request is to accommodate an 8-foot variance for an ADA compliant elevator to be added to the front of the building. Mr. Alan Patrie represented St. Lawrence O'Toole Church/School.

- . Chairman Ruchala collected certified returns and Mr. Patrie provided a list of returns missing.
- . Chairman Ruchala asked Mr. Patrie to present his case.
- . Mr. Patrie responded providing the following information:
 - The elevator would be constructed externally to provide the least amount of interference to the current infrastructure.
 - This is an ADA –compliant elevator that adds 87 sq.ft to the building with a full hydraulic mechanism.
 - This elevator is accessed from the inside only; no external access.
 - Elevator would line up with the windows to the right of the front entrance and would have a false dormer at the top. A faux window and/or sign could be installed. (Mr. Gress kiddingly reminded Mr. Patrie that he'd need a permit for the sign).
- . Chairman Ruchala asked how many people would fit.
 - Mr. Patrie said that the elevator would accommodate a wheelchair, an attendant and additional people.
- . Chairman Ruchala asked about the construction of the elevator on the exterior.
 - Mr. Patrie stated that the design of the elevator would conform to the current brick design of the building.
- . Chairman Ruchala asked about using real brick.
 - Mr. Patrie was assuming they'd use partial brick, although wasn't sure, as a veneer wouldn't add as much weight.
- . Chairman Ruchala asked if there were any other questions.

- . Mr. Gress asked if they had looked at putting the elevator inside the building and/or in the rear of the building.
 - Mr. Patrie answered that they had consulted with three elevator companies (e.g., Otis) and engineering/architectural firms (e.g., P.W. Scott) and both concluded that this would require a much greater redesign and probably double the cost. The current budget is \$100K - \$125K and putting the elevator inside would require more engineering internally. He also stated that only one steamer pipe needs to be moved having the elevator on the outside of the building next to the main entrance. In the rear of the building there are multiple pipes (drainage and steam), the main water line, and the boiler room with its associated piping.

- . Chairman Ruchala asked about difference in prices from the firms that reviewed the project.
 - Mr. Patrie didn't know, but said that one estimate was over \$200K.

- . Chairman Ruchala asked how a person in a wheel chair would get in.
 - Mr. Patrie explained that a handicapped person would enter the building from the back entrance off the ramp from the rear parking lot. He would then go down the hall to the front of the building directly into the elevator.

- . Mr. Gress asked about steps to the ramp.
 - Mr. Patrie answered No.

- . Mr. Greene stated that there were no other questions.

- . Chairman Ruchala made a motion to open the meeting to the public. This was seconded by Mr. Gress and Ms. Kropkowski. Motion passed 4-0.

- . An audience member, Kathy Manfolk, asked to see the plan and approached the dais. Ms. Manfolk asked why the elevator couldn't be built on the right side of the building.
 - Mr. Patrie explained that this was not the best placement of the elevator as there was electrical wiring, steam pipes and sewer lines which would need to be relocated at a much higher cost.

- . Chairman Ruchala asked Mr. Patrie if he thought the meeting/discussion was fair with an opportunity to ask questions. Mr. Patrie responded Yes.

- . Mr. Gress commented that the addition must be aesthetically pleasing.
- . Mr. Greene stated that this request was only for a setback variance, and asked if there were any height concerns.
 - Mr. Folchetti stated that there were no height concerns.
- . Mr. Greene asked about the request for 8 feet, when the footprint shows needing only 7 feet.
 - Mr. Patrie stated they were asking for the 12 feet set back just to make sure.
- . Chairman Ruchala asked if there were any other questions.
- . Chairman Ruchala made a motion to approve the 8 foot variance and that this was the best way to go for this project, and that there were no adverse physical impacts and the added infrastructure was okay. This was seconded by Mr. Gress. Motion was passed 4-0.
- . Ms. Kropkowski made a motion to close the meeting. This was seconded by Mr. Gress. Motion passed 4-0.
- . Meeting was adjourned at 8:30pm.