

**Village of Brewster
Zoning Board of Appeals Meeting Minutes
September 27, 2016**

BOARD MEMBERS IN ATTENDANCE:

Todd Gianguzzi, Chairman
Richard Ruchala
Keith Greene
Jack Gress

BOARDMEMBERS NOT IN ATTENDANCE:

Claire Kropkowski

Pledge of allegiance was recited.

Meeting called to order by Board member Todd Gianguzzi for Tuesday, September 27, 2016, seconded by Board member Gress.

Chairman Gianguzzi: I have minutes that should be approved as well. Should we...

Attorney, Greg Folchetti: You can save that until the end.

REGULAR SESSION:

Brewster Honda, 899 Route 22 – Application for parking variances. Michael Liguori, Attorney for Hogan & Rossi presented this application to the Board.

Chairman Gianguzzi: Okay. We are here today with Brewster Honda and you have some charts and some information you would like to share with the Board.

Attorney, Michael Liguori: Sure. Good evening members of the Board. My name is Michael Liguori. I'm a partner at Hogan & Rossi. We represent Lia Honda in connection with the redevelopment of the existing dealership for use as a new car dealership. As a preliminary matter, Peter Hansen (Town Clerk) had posted a notice in the newspaper. The 200 ft. notices have not gone out and the Code requires the Public Hearing notice go in the newspaper, the neighbor notices are referenced as an accommodation. I'm not asking the Board to do anything tonight. They will go out. We're going to send those out. I just wanted to let the Board know in advance that they did not in advance of tonight. They will in advance of the next meeting so we are not asking the Board to take any action tonight but subsequently when the notice is properly sent. Rich (Ruchala) I see...

Boardmember Ruchala: I'm here to make a vote but I'm just annoyed because I would have done something else.

Mr. Liguori: I try to do things the right way. The subject matter for tonight's meeting and the requested variance relates to required parking related to the use. The standards that are set forth in the Zoning Code are set forth in 263.18. These deal with off street parking and loading for automotive dealerships. You calculate the size of the sales area of the building. There's recognition that there are other uses that go on but it's only the sales area that's calculated. We take the sales area, we divide it by 200 sq.

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ft., and that gives us the calculation. In the instance we have before us we have approximately 9,515 sq. ft. We divide that by 200 and that gives us a requirement of 48 parking spaces. Based on our experience in the dealership business...and Lia is not just Lia Honda of Brewster. Lia consists of approximately 30 different car dealerships. It's their experience that about 35 would be appropriate. Again this is the sales facility. It's not the joint sales/repair facility that it was before. Obviously the repair facility is now across the street so we're certainly not going to have that combined traffic that we did in previously. So we're putting forth 35 parking spaces and we're requesting a variance of 13 from the Zoning Board of Appeals. You have a small diagram, which is a replica of our site plan, which shows the delineation of how the parking occurs both on the site and then off the property. So there are two additional areas where there is parking in connection with the use: some is parking and some is storage. We have onsite parking which is actually on the property. We have offsite parking which is to the north which deals primarily with the storage of cars and...just to orientate ourselves; this is the orientation heading north. So we have the dealership on the left hand side if we were going to head north on 22, we have the MetroNorth property which is immediately to the north, and then we have property in the Town of Southeast for which we have a site plan approval for the storage of cars and that we use in conjunction with the dealership. So that is essentially what our plan is. Presently we are in the process of legalizing the use of the MetroNorth property. We've made an application to the MTA and to Midtown Tracking Ventures, which is the fee title owner of the bed of the tracks. They've gone out and appraised the property in connection with the proposed lease that we're negotiating with them and formalizing that will be condition of our site plan approval with the Planning Board.

Boardmember Gress: I have no questions. I see no problem with the variance of 13 cars. It's a shame...I guess we legally can't go ahead and vote because the papers weren't mailed out.

Mr. Folchetti: I don't know what's been directed. From the Board here there hasn't been a specific direction so that would come from the Board now in terms of whatever accommodation it wanted to give to the adjoiners.

Boardmember Ruchala: Don't we have to give the Public a fair amount of time unfortunately?

Mr. Folchetti: I'm not saying anything about the unfortunate part. I'm not suggesting that you vote. What I'm saying is: there is a provision for you to make an accommodation so that the adjoiners, the people that would be aggrieved or in favor of it in whatever circumstances have an opportunity to be heard and you have a full and meaningful Public Hearing public participation process. What Mike (Liguori) is saying is that he will present tonight, you can leave the Public Hearing open, you will give the notice to the adjoiners in whatever form you direct, and then we will have another meeting within the appropriate timeframe. At that point you give the opportunity for anyone to be heard if there is anyone and then you can take action.

Boardmember Ruchala: The only other question I have is: how come the sign is not in it?

Mr. Liguori: Because...

Boardmember Ruchala: You need a sign variance.

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Mr. Liguori: I don't think they developed the...I'm not quite sure that they've chosen what they're going to do at this time. I asked Eric who is our construction manager if there is anything else I should include. I know I've had discussions with Rick about colors. I'm dealing with the Building Inspector. Right now I've only been directed by Lia to make an application for purposes of the parking.

Boardmember Ruchala: Is this going to stay a Honda dealership?

Mr. Liguori: Yes.

Boardmember Ruchala: So it would be up to Honda in effect within reason making a standard sign.

Mr. Liguori: Right, right but there's nothing to say that whatever their current proposal is violates your Zoning Code.

Mr. Folchetti: Signs require specific permits. At the time they apply for the permit for the sign the Building Inspector is going to say 'you're in compliance or you're not' and if not in compliance it's going to be referred...

Boardmember Ruchala: You're coming back for a second bite of the apple. I don't see the purpose. I mean if you need a color...you're going to need a variance for color.

Mr. Liguori: Well see that's...the Building Inspector is telling me...

Mr. Folchetti: That's a determination that gets made elsewhere. Once the determination is made then you'll decide if whatever the variance or waiver is appropriate.

Mr. Liguori: Right, right. I had a discussion with the Building Inspector about the color.

Boardmember Ruchala: And?

Mr. Liguori: And it was his opinion that the color did not violate the Village Code, the chart.

Boardmember Ruchala: There are three colors.

Mr. Folchetti: That goes back to the Inspector. It's his initial determination.

Boardmember Ruchala: Are we going back to 'if he says it's a duck, it's a duck'?

Mr. Liguori: Well he's the only one that has authority.

Mr. Liguori: If he's the only one that gives duck permits then yes.

Boardmember Ruchala: Okay.

Boardmember Greene: He's already given a blue and white sign across the street in the Village so apparently based on branding.

Chairman Gianguzzi: We don't know that. Do we know that?

Mr. Folchetti: It's certainly the applicant's choice. If right now it's up in the air and they have to come back for a sign then that's certainly their choice.

Mr. Liguori: Look I asked them. It's not like I didn't ask. I asked. If the opinion is going to change I'll come back here.

Boardmember Gress: The Public Hearing notice that went out was specifically just for the parking.

Mr. Liguori: Yes just for this.

Boardmember Gress: So I gather what we have to do now is open the Public Hearing, close the Public Hearing and...

Boardmember Ruchala: We can't open a Public Hearing if they haven't been served.

Mr. Liguori: No, no, no.

Mr. Folchetti: You can open it. You can't close it.

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Mr. Liguori: That's right.

Chairman Gianguzzi: So we can't open it to the Public...?

Mr. Folchetti: You can. Absolutely.

Chairman Gianguzzi: Does anyone in the public want to make a comment? Renee?

Renee Diaz: At the following meeting will we be able to see the presentation.

Mr. Liguori: Yes I will present it.

Boardmember Gress made a motion to open the Public Hearing, seconded by Boardmember Ruchala, and passed all in favor.

Boardmember Ruchala: Now it's open. Do you have anything to say? Does the public have anything to say? No?

Renee Diaz: Sorry. I just want to reiterate that at any subsequent Public Hearing we would be able to see the presentation?

Mr. Liguori: I'm more than happy to re-present.

Renee Diaz: Thank you.

Boardmember Gianguzzi: I'd like to make a motion to close the Public Hearing.

Boardmember Gress: No postpone.

Boardmember Ruchala: No continue.

Mr. Folchetti: You can continue it the next duly noticed meeting. At that point Mr. Liguori is going to provide you with whatever notice is specifically required.

Boardmember Ruchala made a motion to continue the Public Hearing until the next date. We have to make the date.

Mr. Liguori: Yes we have to make the date and then I will give the notice that's part of the application. It will specify exactly what the variance is that's being requested.

Boardmember Ruchala: So do we have a date we want to go with?

Chairman Gianguzzi: I don't have my calendar so I'm not going to be able to give a date at this hearing.

Mr. Liguori: Okay.

Boardmember Ruchala: Then you can't. If I'm correct we have to make a determination at this meeting so the public that is here and is told when the meeting will be or else you can't do that.

Mr. Folchetti: I think you can leave the Public Hearing open.

Boardmember Ruchala: But you have to specify a date and time and where. Who, what, and where.

Mr. Folchetti: That's going to be in the public notice no matter what.

Mr. Liguori: Two things can happen Rich (Ruchala). It's very simple. Pete Hansen is going to republish in the newspaper the next meeting date and he is going to poll you guys to see when that will be.

Boardmember Ruchala: So why are we continuing...we can't continue the meeting unless we should close the Public Hearing at that point.

Mr. Liguori: Just leave it open. That's all.

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Mr. Folchetti: You have to leave it open and the process here: you've opened it up. There's been discussion, there's been a presentation, there's been an inquiry but the notices required by your Code, not under the New York State Village law hasn't been met so what Mr. Liguori is going to do in the interim, he is going to give the notice, he'll advise Mr. Hansen when he sent the notices out so that one way or another there will be sufficient notice in them going out. We will conduct the next meeting where the Public Hearing is continued to and presumably vote.

Mr. Stockburger: Rich if you had a time, date, and place you could announce it now and it wouldn't have to be published. Since you don't have the time, date, and place now it has to be noticed.

Boardmember Ruchala: Okay. This is the first time I ever remember doing this.

Mr. Liguori: I'm sorry.

Chairman Gianguzzi: And I apologize. This is the first time I forgot my phone so that's why I don't have my calendar so.

Mr. Folchetti: There is no problem in thinking that now I just don't think that the Board is able to do it based on what Todd (Gianguzzi) is saying and that's fine, you don't have to do it.

Mr. Liguori: If there are some dates that the three of you know that might work maybe we can put some out and then Todd (Gianguzzi) can check. If not, Pete Hansen can poll you guys via email or however, he will let me know, and then we'll right the ship.

Chairman Gianguzzi: Let's stay with that and I will send an email out in the next day with two or three options for dates.

Chairman Gianguzzi: At this point I'll keep the meeting open.

Mr. Folchetti: You made a motion on leaving it open. I don't know if there was a motion to second? If there was a motion and a second we can finish.

Boardmember Gress: No we didn't and I have a question: should that motion to continue be based on the fact that the notices were not mailed and should that be part of the record?

Boardmember Ruchala: I would agree with that. I think we should have cause and effect on that so why not so we will add that into the minutes right? We don't need a vote on that do we?

Boardmember Gress: Yes.

Mr. Folchetti: You need to have a vote on the motion to keep it open whatever the basis you are making for your motion.

Boardmember Gress: Okay, so you're amending your motion?

Boardmember Ruchala: Yes. I'll amend the motion.

Boardmember Ruchala made a motion to continue the Public Hearing based on the Village Clerk assigning a new date and publishing a new notice while Lia Honda has time to send out the notices to the public in a correct and timely fashion, seconded by Chairman Gianguzzi and passed all in favor.

Boardmember Greene: Can we now ask Mr. Liguori some questions about this application?

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Mr. Folchetti: You certainly can ask. The Public Hearing is still open one way or the other.

Boardmember Greene: I'm confused about property lines and jurisdiction and where all these parking spaces are because he's saying he's got 73 that are for storage and display of vehicles and 35 for customer and employee parking but they're not in the Village it doesn't look like. I don't know how we account for these spaces that are labeled here. The drawing he has there has part Town and part Village and the drawing submitted with the application shows a lot across the street with demolition, new building, and parking that he hasn't addressed. There's a lot of information that seems superfluous to the application. Where are all the spaces and where is the Village line and your property?

Mr. Liguori: So here's our property, which...

Boardmember Greene: Run your finger on it.

Mr. Liguori: Sure, absolutely.

Boardmember Greene: Okay. Where are the spaces that total 74?

Mr. Liguori: Okay so we have the 7 and 14 here. We have 16 in the front. We have 19 over here. We have 7 over here and we have another 14 that come across and 24 here.

Boardmember Greene: So the 14 and 24 are not on the property.

Mr. Liguori: That's right. There are additional parking spaces that are not on the property.

Mr. Folchetti: One of the things that Mike (Liguori) said at the beginning of his presentation is that there is a permissive aspect from MTA. They are going to have to have a permanent easement or at least I guessing an easement...

Mr. Liguori: We'll have a permanent easement.

Mr. Folchetti: And that would be something that's presented and if the matter isn't closed when you're ready to vote on it would be a condition of your variance that there is an easement for the use of the parking spaces on the MTA property that's in a recordable form.

Mr. Liguori: The Village Code doesn't require all of your parking to be onsite. It can be within 500 ft. It can also be partly on the street so in this case we're taking advantage of the ability to use the property to the north of us, which is immediately here and if you can see...it's a little difficult to see obviously...we wanted to have the plans in a set that I could email around so obviously your guys version is small, but here is the curb cut for the north driveway entrance. This is the entrance that's the closest to the Allview intersection. Then if you see where our property line is at this corner, it's pretty much in the middle of that driveway opening.

Boardmember Ruchala: The parking spaces for the public, which are the ones that are required are all in the Village, is that correct?

Mr. Liguori: The parking spaces for the customers are going to be over here.

Boardmember Ruchala: All in the Village?

Mr. Liguori: Yeah they're in the Village. It's...the intent is to use these spaces that are here and some in the front if we need to but that's where the access to the building is here and that's where the customers are going to come in.

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Chairman Gianguzzi: Where is the bike path, the stairs that come down, where would that be located?

Mr. Liguori: That is...

Chairman Gianguzzi: And is that infringing on any of the...

Mr. Liguori: That is here.

Chairman Gianguzzi: Okay.

Mr. Liguori: And what we've done is we've coordinated with the County because the bike path is leased to the County so my easement with the MTA is going to...we have this coordinated effort between us, the MTA, and Lia in order to facilitate the use of this area without interfering with the staircase as it comes down and the original plan for the County actually was to grade down all the way to the property line. They were going to eliminate our driveway entrance and the use of parking of all those cars and we went back to them and asked them if there was anything we could do to change the plan. We're coordinating to modify their documents so that they're not going to do that grading and if they do have to do grading then we would essentially...there's a retaining wall that's there right now. If that needed to be replaced in any fashion or extended in any way then we would do that so that they would not have to grade all the way down to our property line.

Boardmember Gress: They extended all the way to the stairway anyhow.

Mr. Liguori: They did it, yeah.

Boardmember Gress: Did Honda pay for that?

Mr. Liguori: No. They did that on their own. We...you know it's interesting. When they were...I can't speak for how they came to develop their plan, you know particularly the grading plan. It didn't seem like they needed to grade down because it looks like they put up fencing along the areas where they have elevation or any parts of elevation that are dangerous, but the grade was still going to be fairly steep. So once they realized that they were going to take out the north access to the property even though it's not on our property, it was easy to convince them to not do the grading.

Boardmember Ruchala: Saved you a lot of money.

Mr. Liguori: Saved them a lot of money too. It saved us no question about it.

Boardmember Ruchala: Oh yeah. I was looking at that. I thought you were doing that.

Mr. Liguori: It's a big deal. No.

Boardmember Ruchala: I didn't realize until I got these drawings that you weren't.

Mr. Liguori: No, right.

Boardmember Ruchala: I mean it was...I really didn't.

Boardmember Gress: I imagine they put a retaining wall on a base that's run trains for a 100 plus years for a bike trail. That retaining wall was needed like a hole in the head. They could have put a fence...

Mr. Liguori: It was kind of an easy argument to say 'hey can you guys not do that.'

Boardmember Gress: I just was curious. I thought that you guys had a lease with MetroNorth for that property in the back that was a 100-year lease I was originally told.

Mr. Liguori: For this or this?

Boardmember Gress: No for the lower portion down here in the back and underneath the trestle.

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Mr. Liguori: Yeah to the north and then underneath the trestle. There's an easement in place...New Haven...I always forget the name of the railroad, but prior to MetroNorth when it was the previous railroad this property was taken in 1869. It was taken from Borden and it split the Borden milk factory into two pieces: into the north piece and the south piece. These properties have never been sold separately. Based on the research I've been able to do this property, even though the railroad came in and put the trestle, there appears to have been continued use of this property since that time. In the '30s there was a lumber yard with a rail spur that came in. There was a lumber house that sat here. So I was actually able to show the MTA that there has been this significant historical use of the property and MTA actually only acquired this property...and there's a separate entity that they formed to own the bed of the tracks which is called Midtown Tracking Ventures. They did that for liability purposes so there's another company that...anyway they came into title of this in 2002. Without investigating every single stretch of mile of track but it wasn't until I sent them notice in connection with the most recent Planning Board application did they know that they even owned to this property line and so I called them up and said I would like to legitimize it and they said 'fantastic, we'll send an appraiser out right away and get you a rent amount.' But interestingly, we had sent them notice...I started representing Brewster Honda. Now Brewster when it was owned by a fellow by the name of Don Lia...when I started practicing Don Rossi had been representing him for a number of years but I started working with Don in '02. We had sent the MTA through Midtown Tracking Ventures notices since that time and we had attempted to try to put a lease back in place in '05, which I believe was when we were able to obtain the Use Variance to use this piece and we sent them a notice and we also sent them a Certificate of Insurance, which we have been doing for years because we've had this easement...we still do, to cross underneath the trestle to get to the north piece but we could never get anyone's attention. I got a hold of this guy David Roth at the MTA who is their property manager. I guess there's someone from the MTA that lives up on Joe's Hill Road so we got a hold of that guy and then got in touch with David Roth and kind of got the wheels rolling on this. So that's the history. Other than the right to pass there's never been a formal document in place. Quite frankly until I notified this fellow David Roth, the MTA...they never use this track. This hasn't been a commuter track. It's always been a...well from my understanding at least since the '90s or 2002 when I came to start representing Brewster there hadn't been a commuter train on this property for it.

Boardmember Gress: They used to run an occasional train once a year from Danbury to Brewster and I think as far back as 2006.

Boardmember Greene: Earlier than that.

Boardmember Gress: No I mean as late as 2006.

Boardmember Greene: I think they ran equipment back and forth but I think in the early '90s is when they stopped doing the run.

Mr. Liguori: It makes sense that it was the early '90s because the guys at the MTA seemed to be solely focused on passenger rail.

Boardmember Gress: The bridge is now condemned.

Mr. Liguori: Is it? Okay.

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Boardmember Gress: According to the bike path people. That's why they weren't able to put their concrete roadway over there for the bicycle path and that's why there's a staircase in your parking lot. Otherwise if they had got the bridge path cleared the staircase on the other side of your property where the new building is would have been sufficient. The only reason they put this one here is so people didn't have to cross the road.

Mr. Liguori: As an aside, I'm curious, what is the surface of the bridge for the bike path?

Mr. Stockburger: Are you talking about the trestle or the...?

Boardmember Gress: This trestle here.

Mr. Liguori: So there's the bridge that crosses 22 and there's...

Boardmember Gress: No not that one, not the 22. The trestle that goes over the river is steel and wood.

Boardmember Greene: Just wood. It's like 12x12's across every 18 inches. There is less space between than they are thick.

Boardmember Gress: Their plan was to take that wood off the one side because the other track is still there and they were going to put precast concrete slabs on top of the steel. When the engineers came in and found out that the steel had holes that you could put your fist through they condemned it so I don't think you'll see any trains going over there.

Chairman Gianguzzi: Richard (Ruchala), any other questions for Mr. Liguori?

Boardmember Ruchala: No.

Chairman Gianguzzi: Keith (Greene)?

Boardmember Greene: Yes I'd like to know what happens to all the parking numbers if they don't get the rest of the parking that's not in the Village.

Mr. Liguori: Yes so we've said to the Planning Board that we obviously have to condition our approval on and if we don't then...we're doing it at our own risk. We know that and if we don't get it then we won't meet the condition of final site plan approval.

Boardmember Greene: And on the site plan do you have which of these spaces are employee, which are customer...if you say you do I believe you I just can't read these that's all

Mr. Liguori: I know. Actually I'd just rather check for you.

Boardmember Ruchala: He has the big piece of paper. I was having trouble with that too.

Boardmember Greene: This has more detail than what he's got: the next sheet.

Boardmember Gress: Let me ask you a question. I asked Todd (Gianguzzi) before but I'm used to getting large maps when we have a proposal put in front of us...

Mr. Liguori: I'm happy to send them.

Boardmember Gress: We didn't get anything this time and usually we do. I mean this is fine on the computer as we can enlarge it and we can review it on the computer but reading this map is impossible.

Mr. Liguori: Okay. I can send you guys complete sets of our site plan maps. We have them...

Boardmember Greene: Do you have this drawing particularly: SP1 in full size?

Mr. Liguori: Yep I do.

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Boardmember Greene: Are these spaces like 1 through 20 allocated for uses? I just can't...

Mr. Liguori: So we have them delineated on our chart as far as the number of spaces but it appears that we don't identify on the site plan exactly which ones are for parking and which ones are for storage so we can do that as the next submittal to the Zoning Board if you want us to lay that out for you.

Boardmember Greene: But as someone else on the Board asked: everything that we're looking at here in terms of the variance for employees and/or customers is in the Village, right? It's within the property?

Mr. Liguori: Yeah it's on the property as far as the customer parking goes and our employee parking.

Boardmember Greene: This also says Rick (Stockburger) sign to remain so they're not proposing any change to the sign. It's in that area of the front?

Mr. Stockburger: At the Planning Board the architect is going to remove those because I asked them about that. There are three signs there and they're going to remove those. Take them off the drawings.

Boardmember Greene: Yes I do see now three of them along the front.

Boardmember Ruchala: Is that one of the three signs you were...

Boardmember Greene: Sign to remain, sign to remain, sign to remain...Rick (Stockburger) is saying that they're going to be removed and they're going to show us something else.

Mr. Stockburger: They may put one sign on there at the entrance to the driveway like they have now. They're going to clarify that.

Boardmember Ruchala: Okay, so the duck is still out there.

Boardmember Greene: The duck has already been floating on the other property so it's been approved. So the blue and white is apparently not variance material because it's been approved.

Boardmember Ruchala: Okay. That makes sense.

Boardmember Greene: It doesn't but it has already happened.

Boardmember Ruchala: So you're saying if they approved it over here, they approved it over here?

Boardmember Greene: No here's Allview but this sign is lit and it's blue and white and it's 15 ft. tall and it's approved. You tell me.

Boardmember Ruchala: No we should have to approve it here. I mean that's...

Boardmember Greene: The Building Code official approved it here without us so why would he need us over here?

Boardmember Ruchala: Oh.

Boardmember Greene: Yeah it's already approved. We didn't do it. They never came here. It's bright blue and white. You tell me.

Boardmember Gress: How much longer do you think it's going to be before you get the MTA approval?

Mr. Liguori: It's hard to say. I talked to the MTA today and there are I guess three separate processes so we're in one.

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Boardmember Gress: I was under the understanding that those easements were already pre-approved and only found out today that we're going to have to make our approval pending your approval.

Mr. Liguori: No you can condition the approval. It's going to be a condition of site plan but I don't know how you only found out tonight because we've been very upfront with the Board.

Boardmember Gress: Oh no, no. I thought you guys had your permission to park there that's all.

Mr. Liguori: Oh okay.

Boardmember Gress: I know you've been parking there for so long.

Mr. Liguori: Well you know so as far as car parking...

Boardmember Gress: I thought you actually had a lease with them.

Mr. Liguori: No, no. You know the Lia's took over from DeMarsico Pontiac and Don Lia basically followed after DeMarsico and once we started giving the MTA notice we figured they would follow with either a request for rent or a 'get off our property' and it never happened so as far as Don Lia was concerned we just kept up the use and then the next set of Lia's purchased, which they bought from Don (Lia).

Boardmember Gress: Okay I got you.

Boardmember Greene: Where does the Town property start? The MTA goes right over the top of this thing, right? Where is Town and where is...

Mr. Liguori: Let me show you on this map.

Boardmember Greene: I mean you're parking in...

Mr. Liguori: Okay so here's the...this is still in the Village. The MTA property is in the Village.

Boardmember Greene: Okay.

Mr. Liguori: And then if you look at the tax map this will give you an idea of how keeps going and then it goes across the street and then obviously over to the mouth of the other driveway.

Boardmember Greene: So this is the existing building, right?

Mr. Liguori: Yeah this is the existing...let me turn to SP-1 because that's the site plan.

Boardmember Greene: And they're actually in the wetland setback at the moment.

Mr. Liguori: Yes. As a matter of fact we own this part of the East Branch. We own all the way across the river. I was actually surprised to find out that we actually the bed of the river so you know it is what it is. I actually have an old overlay of where the ice houses were. There are some remains that are in this area over here that you can still find them along the banks of the river. So anyway...but we haven't added any pavement.

Boardmember Greene: The shape of the new building is dictated by the setbacks and wetland setbacks right?

Mr. Liguori: Well the shape of the new building is proposed to be outside of that.

Boardmember Greene: Right that's why because I see this here...knowing that it's existing building. You guys have shaved it all back.

Mr. Liguori: Yeah consolidated it and I think one of the things that was a subject at the Planning Board was making sure that the demo work inside the 100 ft. was going to be regulated, which it will be. So I will submit these to the Board in advance of whenever

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the next meeting is and then I will try to resolve the sign issue and see if that's something that's going to trigger an additional variance for purposes of signage. As soon as I have a date then we will get notices out to the adjoiningers within 200 ft.

Boardmember Ruchala: When are they planning on knocking everything down?

Mr. Liguori: That's a good question because the approval process in front of the Planning Board involves a joint review of the temporary sales that will go on on the property across the street so they're reviewing that and making sure that's okay and that where the temporary sales will go on until such time as the new dealership is up and running.

Boardmember Ruchala: Did you buy the piece of property there.

Mr. Liguori: I believe they've closed on it because there's a tenant who has the rest of the month to leave.

Boardmember Ruchala: There are apartments aren't there?

Mr. Liguori: Yeah I think there are.

Boardmember Greene: Do you know how many? There are like 8 mailboxes?

Chairman Gianguzzi: Any other questions regarding the variance? No? Okay. Before we close the meeting I would like to just review the minutes from April 20, 2015. I believe everyone has a copy. If not I have some here and you can review them. It looks like it was Keith, myself, Richard and Claire. Do we need Claire or do we just...

Boardmember Greene: Can we go back and just do June 9, 2014 first? Do we have to approve them in chronological order?

Mr. Folchetti: No if you have a meeting and you review the minutes, if there are any comments or you can make a motion to approve them.

Boardmember Ruchala: I only have one set of minutes. Do we have two sets of minutes?

Boardmember Gress: No I sent an email out. June 9th minutes were approved on April 20. I can't vote on this because I wasn't present at the April 20th meeting.

Boardmember Greene made a motion to approve the minutes from April 20, 2015, seconded by Boardmember Ruchala and passed all in favor.

Chairman Gianguzzi made a motion to adjourn the meeting. This was seconded by Boardmember Gress and passed unanimously.