

DRAFT

**VILLAGE OF BREWSTER
ZONING BOARD OF APPEALS
WORK SESSION
SEPTEMBER 20, 2007**

MINUTES

Present: Chairman Richard Ruchala, Board Member Todd Gianguzzi, Board Member Jim King, Village Attorney Gary Kropkowski, James Sanak, Joe Mansfield, Susan Andres, Ray Durkin, Jack Gress and Joe Wolf

The Pledge of Allegiance was recited.

Chairman Ruchala: I'd like to make a motion to open the meeting.

Mr. King: Seconded.

Chairman Ruchala: All in favor say aye. Unanimous. This meeting is about the application of Southeast Mechanical. When you say your name please make it a habit to say your name slowly and loudly.

Mr. Sanak; Good evening and thank you for reviewing our application. My name is James Sanak and we're here representing Mr. Bill Ratajak of Southeast Mechanical, 576 North Main Street, Brewster, New York. First I'd like to submit the certified mail receipts as well as a receipt check from the Village of Brewster as well as two copies of the same letter from neighboring property which is owned by Kobackers.

Chairman Ruchala: The MTA has a right of way.

Mr. Sanak: Our listings show that there is not an MTA right of way.

Chairman Ruchala: I just didn't see them on the list and I know they are interested parties.

(Whereupon Mr. Sanak reviewed his records.)

Mr. Sanak; I would have to go back and check my records before we close the meeting to see if I have the file with the application but I believe we did a map search of everybody that's around and got their names and addresses and mailed them out.

Chairman Ruchala: Is the MTA an interested party?

Mr. Kropkowski: An easement I don't think is going to show up on the list. An easement is not going to generate a tax identity number.

Chairman Ruchala: The adjoining property owners in a certain radius-do they have an easement with that property and have to be notified? That's more on you than on the Village.

Mr. Sanak: Correct. I believe that the Midtown Tracking was a changed name from the original MTA name that was given to us. When we did our searches it was Midtown Tracking Ventures. I believe that the name that was given to us at 551 Fifth Avenue in New York City and I can verify that.

Chairman Ruchala: And we talked about this before. You got this from the assessor's office.

Mr. Sanak: Yes. We went down to the assessor's office and we asked for a list of all the surrounding properties within 200 feet of the property.

Mr. Kropkowski: We can go forward so long as they have documented due diligence. That can be part of your findings though.

Mr. Kropkowski: It will be subject to MTA or whoever being notified and/or approving of what the property owner is going to do if they've got an easement that burdens the property.

Mr. Sanak: Our survey shows that there is no easement.

Mr. Kropkowski: Then that's a moot point then.

Chairman Ruchala: I have something here for clarification...Midtown Tracking.

Mr. Sanak: Back to our project. Southeast Mechanical proposes to construct two buildings on the lot that is directly behind Kobackers. The first facility is a workshop with office spaces on the second story. The second structure is a garage facility that would house their van and equipment. We have indicated the direction of the flow of traffic as it relates to Kobackers. We have spoken to Kobackers on several occasions to work out the nuances of how Kobackers works in conjunction with this. Essentially the entrance into the property would be through here which is right adjacent to Kobackers. The area would be fenced off with an automatic gate system allowing the trucks making deliveries in as well as the people that would occupy the

spaces. The entrance out would be on the other side and would also be controlled with automatic gates. The way the site functions for Southeast Mechanical is the facility is used really on the first floor to construct the mechanical components or assemble them in the shop getting ready to go out on trucks and deliver them to the job sites so there's very few people that actually work in the facility. What ends up happening is that they have pipe storage in the back which is brought through the bays, assembled and brought out to the side bays to be loaded on the trucks. In the rear of the building is a set of stairways that go to the office building and office spaces that really are directly connected to the assembly facility.

Chairman Ruchala: And this going through and coming around. You have to get the variances that were listed. Where they're going to go through Kobackers is probably going to have a right of way.

Mr. Sanak; Actually in the letter that we have-I spoke to Bill Ratajax and Frank Milano today and they spoke to Kobackers and they have mutually agreed upon easements.

Chairman Ruchala: And is this one of the same letters that you've given me copies?

Mr. Sanak: Correct.

Chairman Ruchala: So you'll be giving them an easement?

Mr. Sanak: Correct.

Chairman Ruchala: That will run with the property?

Mr. Sanak: Correct. As well as Kobackers will be giving them an easement to go through their property.

Chairman Ruchala: We'll leave parking for the end. I'd like to go to the front yard. Do you know the type of fencing you'll be using over there?

Mr. Sanak; Vinyl-coated chain link fence.

Chairman Ruchala: And it's in the front yard.

Mr. Sanak: Correct. And part of it is Kobackers front yard and rear yard and this would be considered front yard if this is the front yard property line-the property line that comes around so it does get the stair over here. I think the front yard is here and here. The tail would be considered the furthest back of the front yard.

Chairman Ruchala: Cause I see this accessory as being the front yard.

Mr. Sanak: Correct and we did revise our drawings to reflect that the 50 yard setback is in here.

Chairman Ruchala: Which line?

Mr. Sanak: The very white line is our setback.

Chairman Ruchala: And that's where your ten feet is.

Mr. Sanak: Correct.

Chairman Ruchala: Where is Metro North? Do they have to maintain certain things on the property? There's basically a right of way for them is I remember.

Mr. Sanak: Well, Metro North runs back here the main line adjacent to Kobackers through a passageway here and I'm certain they have access further down the track. It's not like we're restricting them from getting into this area at all.

Chairman Ruchala: I thought it's padlocked.

Mr. Sanak: They still have access up here-their property line continues up here and they still have access.

Chairman Ruchala: You mean right along the track?

Mr. Sanak; Yeah. Their own gate.

Chairman Ruchala: I didn't see that when we did the site planning.

Mr. Sanak: It was much further up here.

Chairman Ruchala: Now on A-1 you're showing one exit and then the garage door. Now on the plan here it looks like the plan could be to open two places instead of one. Do you need that for the fire code?

Joe Mansfield: My name is Joe Mansfield. I'm the architect on the project. The site plan may not have been coordinated to the most current drawings. The drawings referred to as A-1 are the most current architectural drawings. What we've done for egress purposes on this lower floor is we originally had a door on this side. We determined it wasn't necessary because you didn't have the ability to pass through the lobby.

Chairman Ruchala: So you eliminated that door and the door that is over here is no longer there.

Mr. Mansfield: That's correct. The man door-the two overhead doors are still there.

Chairman Ruchala: So you've eliminated that door?

Mr. Mansfield: Correct.

Chairman Ruchala: Anybody have any questions? Gary, I think I need something from you on this flag lot. We need a front yard determination on where the front yard is, where they're adjoining, if there are any what goes on with them.

Mr. Kropkowski: What type of variance are they after?

Mr. Sanak: We're looking for a front yard setback of 40 feet, we're infringing on it by ten feet, another location of 40 feet and our rear yard setback is 15 feet required, we're proposing five feet four inches as well as we have the lot coverage and then also a rear yard setback of 50 feet. We're requesting 34 feet 3 inches.

Chairman Ruchala: Can I ask another question about variances?

Mr. Kropkowski: I'm not sure of the question you want answered.

Chairman Ruchala: Well, where would the front yard be in the flag lot in effect?

Mr. Kropkowski: I don't know if we're going to find that in the Code. I'll take a look.

Chairman Ruchala: You know who might know because he has one-Jim-and that's a residential lot. I don't think you can use that. What's the building coverage by the way? You left it proposed at 5010 and you had 60% in 83. I know it's paved here and the lot coverage is 60% in 83. You didn't fill in building coverage.

Member Gianguzzi: They're showing it here. 9100 square feet on building one and then the garage.

Chairman Ruchala: I think that's building coverage. We're talking the lot coverage here covers the building plus pavement.

Mr. Sanak: The building itself is 5010 square feet.

Chairman Ruchala: And in lot coverage you're going over paved areas and things like that too. Or is that really building coverage? What do you have as just building coverage?

Mr. Sanak: 5010 square feet.

Mr. Gianguzzi: And that's here.

Chairman Ruchala: It's really like two buildings- like 11,000 but that's just square feet.

Mr. Gianguzzi: You got the first floor at 4050. The second floor at 4050 square feet. Lot coverage is 80% covering the building and all the paving.

Chairman Ruchala: Is everything going to be paved?

Mr. Sanak: Well 80% of the property will be paved. The green around the paved areas will not be paved.

Chairman Ruchala: That will be 17%

Mr Sanak: 20% will not be covered.

Chairman Ruchala: So you're saying 20% is lawn and planting beds?

Mr. Mansfield: To clarify the building coverage. The building coverage is the footprint which is 4050 square feet for the main building and 960 square feet so that would be the 5010.

Chairman Ruchala: And what's committed on that? I'm looking for building coverage versus lot coverage.

Mr. Kropkowski: Lot coverage is defined in our Code as that percentage of the land area covered by the combined area of all buildings and structures on all or that portion of the lot when in the same zoning district as the main building. That's lot coverage.

Chairman Ruchala: And building coverage-there's something called the building area. There's no specific terminology for building coverage. And I've never heard that term used before.

Mr. Kropkowski: Building area is the total of areas taken on a horizontal plane at the median grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, decks and steps. That seems to be more a residential area. But again lot coverage is the percentage of land area covered by the combined area of all the buildings and structures on all of that portion of the lot in the zoning district.

Chairman Ruchala: And on height. It's permitted 35 but I don't know what you're looking for.

Mr. Mansfield: The principal building would be 29 feet three inches and the garage would be 20 feet.

Chairman Ruchala: I notice you also have an elevator coming up and that going to have to come up an extra three feet I believe so you have to have at least four feet for that.

Mr. Mansfield: We do have the room for that.

Chairman Ruchala: Is that 29 or is that going to make it more?

Mr. Mansfield: No, including the 29.

Chairman Ruchala: So it's going to be sticking up though?

Mr. Mansfield: It won't be sticking up above our roof, no.

Chairman Ruchala: So it will be below the roof?

Mr. Mansfield: Yes.

Chairman Ruchala: So the height is going to be?

Mr. Mansfield: 29 feet, three inches.

Mr. Gianguzzi: And the garage is 20 feet?

Mr. Mansfield: 20 feet.

Chairman Ruchala: Now the accessory use. Do you have anything on this front yard with the flag because it's a strange lot.

Mr. Kropkowski: I see a definition or a reference in the Zoning Code for a triangular lot but I don't see anything about a flag lot.

Chairman Ruchala: Basically.

Mr. Kropkowski: If you took it and right here's a parallelogram-if you took everything this way and that way you'd eventually have what would be a triangular. The reference here is the lot line, which generally opposite the front lot line is the rear lot line. If the lot line is less than ten feet in length or the lot is triangular the rear lot line then shall be deemed to be a line parallel to the front lot line not less than ten feet long lying only within the lot farthest from the front lot line. I don't know if that helps.

Chairman Ruchala: What page is that?

Mr. Kropkowski: Section 170-3, and the page opposite to it is 17015.

Mr. Gianguzzi: What section is it below that?

Mr. Kropkowski: 170-3 of the Zoning Code. Page 17015 at the top, where it says lot line rear.

Mr. Gianguzzi: Got it. How does that lay out on the drawing?

Chairman Ruchala: It looks to me like it would parallel Main Street. I think for the purpose here that's what we would state.

Mr. Mansfield: Weird. This is the rear. How would we treat this line that jogs away?

Chairman Ruchala: If this were a side yard it would certainly reduce that encroachment here but we're treating that entire line as [inaudible].

Mr. Mansfield: What they were saying is that this would be the rear yard opposite here and I was just asking would this be a continuation of the rear yard or is that just a side yard? At which point this encroachment if it's a side yard would be reduced dramatically from what we're seeking now.

Mr. Gianguzzi: I would imagine you show rear yard and then a side yard. But then what would you call this?

Chairman Ruchala: The problem with this is that this is actually a front yard. It has a building and as is the storage. In your drawing you put the front yard right at that line.

Mr. Sanak: That's a front yard.

Mr. Kropkowski: That's a sidewalk correct?

Chairman Ruchala: One entrance and all the doors are garage type doors.

Mr. Mansfield: These would be man doors and there are two overhead doors here.

Mr. Gianguzzi: And a second story door here?

Mr. Mansfield: Correct.

Mr. Gianguzzi: Are they assembling pipe?

Mr. Mansfield: Essentially what they do is they're a union mechanical contractor. Most of the work happens off-site. What they've done recently is they assemble certain components. When they've got a number of things that they have to put together they assemble them here so that that way when they get them out to the site rather than having the workmen on their knees or backs

they can set it right in place with connections. So on a daily basis there are maybe two people down on this lower level doing those aspects of work. The bulk of the people are on the second floor which is Bill, his receptionist, an office manager and maybe one other person.

Mr. Gianguzzi: So it's not manufacturing-it's more assembly.

Chairman Ruchala: Assembly is light manufacturing at the end of the day.

Mr. Mansfield: But the principal use of the building is business. It's an office and certainly more business going on than there is assembly.

Chairman Ruchala: How many people do you expect to be having downstairs?

Mr. Mansfield: I've been told five to six people so there's probably going to be two people downstairs and three or four upstairs.

Chairman Ruchala: I talked to you about lot coverage and I don't want to bring parking into it quite yet. Is there consideration for making that smaller and going up higher?

Mr. Sanak: Yes. What we did is we took a look at the site plan after our initial meetings. If the Board wishes we can reduce some of the lot coverage by incorporating in these parking areas in there instead of paved asphalt grasscrete, which is a product that comes in pre-formed waffles that is laid on a bed of gravel which is covered with soil and grass seeds. What it does in reality is it allows the storm water to drain through and percolate through the ground instead of being discharged into the drainage system. The average is down from 80% to 73%.

Chairman Ruchala: That would be by taking away the accessory building?

Mr. Sanak: That would be by taking away the asphalt from the parking area in here and in here.

Chairman Ruchala: Then you're losing the parking.

Mr. Sanak: Well no. We'd be using a product that the cars could still park on

Chairman Ruchala: And as far as the width of the building, making it a little smaller and going up another floor-that's not a consideration?

Mr. Mansfield: It's certainly not the preferred option. Mr. Ratajax is designing the building for his current use figuring in that at some point he's going to need these additional spaces. He'd like to be able to maximize the use of his building and the garage space.

Mr. Gianguzzi: So how much parking do you have on the premises?

Mr. Sanak: We have a total of nine parking spaces shown on the plan to be striped. There are an additional nine spaces available that Mr. Ratajax would not use as parking spaces in his current use but if the building were sold off and the downstairs renovated and they needed the additional nine parking spots to meet the requirement we've accommodated for two parking spots here where there would be pipe storage and two parking spots here where there would be pipe storage and a parallel parking spot here which is adjacent to the sidewalk and another parking space adjacent to the dumpsters. Which brings us to a total of six parking stalls outside and the garage itself which can accommodate three vehicles and that would be the additional nine.

Chairman Ruchala: Without using that front yard how many would it be?

Mr. Sanak: Well, we have pipe storage currently here and here which is four. I'd add another parallel parking here, another parking stall adjacent to the sidewalks and dumpsters....six, seven, eight, nine within the garage. And the only function of the garage is to store vehicles.

Mr. Mansfield: And in the evening the garage is used for the vehicles and during the day the vehicles would be off-site.

Chairman Ruchala: And you have a requirement according to this of 22 if you take the full square footage. You have two buildings if you take the upstairs and downstairs and you have the accessory building that would make a total of 11,000 square feet...the first and second floors and the accessory building.

Mr. Sanak: I'd have to go back and double check the Code.

Mr. Gianguzzi: One parking stall per 500 square feet of building. So the estimated building floor area yields a required number of parking stalls equal to 22.

Chairman Ruchala: This is from our Village engineer. I want you to know where the information is coming from. Their man has looked at it-Fischetti and Associates. The accessory building has a second floor on it. That building is going to be 20 feet high-is that correct?

Mr. Sanak: Correct. How much storage do you have in there-how many square feet?

Mr. Mansfield: 960 square feet.

Chairman Ruchala: And the height is going to be?

Mr. Mansfield: Eight feet.

Chairman Ruchala: And the warehouse is going to be 5010?

Mr. Mansfield: 4010.

Chairman Ruchala: And the office upstairs is going to be?

Mr. Mansfield: Also 4010.

Chairman Ruchala: Anybody have any more questions. What I'm looking at is the 1800 square feet here. You have parking and storage which really doesn't require any parking. So if you took that away you'd need parking for 19 cars I think it's fair to say.

Mr. Mansfield: Well 18 I believe.

Chairman Ruchala: 4010 square feet is the office. That would be nine per floor times two is 18. 4050 feet times 2 is 9100. I'd round up a car. You have nine outside spots

Mr. Mansfield: The total square footage of the office/shop building is 8100 square feet. I think it's 18 cars for that building and 4 for the other building.

Chairman Ruchala: We're looking at 22.

Mr. Mansfield: I'm saying you take the four out of 22 and you wind up with 18. I'm saying that four is associated with the garage, you have 960 square feet per floor, that's two cars per floor, four cars total for the garage.

Chairman Ruchala: You still don't have any parking here.

Mr. Mansfield: No.

Mr. Gianguzzi: They could put parking there.

Mr. Sanak: Well if that's the case they'd move one, two, three, four, five is parallel, six, seven, eight, nine plus the nine we already have.

Mr. Gianguzzi: Count the nine you already have and show me.

Mr. Sanak: Nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen seventeen which is parallel, eighteen.

Chairman Ruchala: They're looking for the nine that you already have. They want you to just count the nine you have. One of the problems we have is that Kobackers wasn't allowed to build larger because they didn't have the parking. To the best of my knowledge, and I wasn't at the meetings, but that was the reason why, and we don't want any extra cars going on Main Street

under any circumstances because North Main Street already has a problem with parking. If there's any overflow or problem I don't want it growing.

Mr. Gianguzzi: There'll be how many people working downstairs?

Mr. Sanak: Probably two downstairs. A total of five or six on the property.

Mr. Gianguzzi: Considering if they're in the field or on the job.

Mr. Sanak: Correct.

Chairman Ruchala: What happens is all of a sudden he needs ten employees? You did mention there is growth potential and he built to that growth.

Mr. Mansfield: Well certainly he would initially use the garage. If we got nine and then another three that's 12. I don't think he's going to wind up with more than that at any given time. We probably got a maximum area for seven people on the second floor. And then on the first floor we got another five which I highly doubt because of the way they manufacture and assemble those things. It's a very simple process. I would say maximum he'd ever have is 12 people in that building. To clarify...I'm saying the maximum that he would ever have.

Chairman Ruchala: But if he's gone these other areas open up.

Mr. Sanak: Yes.

Chairman Ruchala: And they become parking.

Mr. Gianguzzi: As to handicapped parking. Do you propose any type of restriction? Are they counted as parking for the required parking?

Mr. Sanak: They are counted. They take a little more room actually.

Mr. Gianguzzi: But do those spots have to be free to allow handicapped access or can you use them?

Mr. Mansfield: I don't know. It's a gray area. It's a private piece of property so I'm not sure how you enforce that.

Mr. Gianguzzi: Where there's no showroom.

Chairman Ruchala: Gary: if he moves out, goes forward and does something else how do we show this as parking? I mean, to make sure those are part of the parking spots.

Mr. Gianguzzi: Well can they stripe it and store their equipment there so we can assume that it is a parking spot.

Mr. Kropkowski: You can direct or designate it that way. Can you cause it to be something that runs with the land? I don't think you can do that.

Chairman Ruchala: It's not going to be like the easements that Kobackers is talking about.

Mr. Kropkowski: It's important that you understand the distinction. One is just for this property owner while an easement goes owner to owner to owner to owner to owner.

Chairman Ruchala: But the next person coming in would have to prove that they have parking.

Mr. Kropkowski: Yes.

Chairman Ruchala: And that would be up to the building inspector at that point?

Mr. Kropkowski: Sure.

Mr. Gianguzzi: And this gate here-it opens automatically once you put in a code?

Mr. Sanak: Put in a code or a sensor or a controller. Kobackers will get a controller and a copy of the key code as well as the garbage man and Fire Department.

Mr. Kropkowski: I'm checking the Ordinance for primary 23.7 consent on a variance. It is 20% on the accessory unit. That's what the County Code allowed. We have a new Code that allows 25% that's not in effect at all. On your accessory building it's 20% accessory. Am I correct?

Mr. Sanak: I believe so.

Chairman Ruchala: And you're looking for a variance of...

Mr. Sanak: For the front yard we're looking for ...

Chairman Ruchala: For the front yard it's going to be a 23.7% variance. It'll be 33.7% because we're allowing you ten.

Mr. Sanak: It'll be 40 feet.

Chairman Ruchala: That's what I was asking about.

Mr. Sanak: 37.5%.

Chairman Ruchala: That's correct.

Mr. Sanak: If we decided to ever flip it to try to take advantage of the rear yard it would be a greater percentage. We thought design-wise flipping it around it would really be more of a rear yard rather than a front yard. If we took this building and split it in this direction and put the parking over here it would be a greater percentage in the rear yard or a greater percentage of variance would apply.

Chairman Ruchala: And what difference to you if you do that?

Mr. Sanak: It takes advantage of the topography a little bit better because this whole area up here we'd have to do grading back up to the property line.

Mr. Mansfield: And I think also the way they're going to access the pipe storage on occasion works better coming in that direction. If we were to arrange this then we'd have that use in this front yard which I think is less favorable for most people. Also I would make the point that the building on the adjacent property is in that area and I think there's less impact than in a typical front yard situation. We're not on the street.

Chairman Ruchala: It's not a normal piece of property.

Mr. Mansfield: Correct sir.

Chairman Ruchala: I agree with that.

Mr. King: It would actually look quite nice.

Mr. Sanak: Better than it was-better than rubber tires and garbage.

Mr. King: These trucks-do you think they can turn around here?

Mr. Sanak: They can turn the cab and make it. For the most part they don't use trucks this size-they're much smaller and they typically park in this kind of direction unloading. The worst case scenario is that they still would have room to maneuver-it may not be easy but it can be done.

Mr. King: To get in there they'd have to back in that way.

Mr. Sanak: Correct.

Mr. King: They could come this way.

Mr. Sanak: Correct.

Chairman Ruchala: By the way, have you ever done your Statement of Use for this property? If you've ever done it it's certainly something I'd like to see.

Mr. Sanak: It was submitted as part of the package. This is my copy. I believe it was included in all the applications.

Chairman Ruchala: I didn't see it. That's good for this moment. I'd like to know if anyone from the public has any comments.

Susan Andres: I have a point for the residential people behind.

Chairman Ruchala: Please announce your name.

Susan Andres: Susan Andres. We're curious as to why this piece of land-how it is situated and all.

Mr. Sanak: Why put this facility on this piece of property. The property is zoned for industrial use and Mr. Ratajax purchased this property to create his business, or recreate his business, in his own facility. The property fit the criteria he had and didn't have a negative impact or a different impact upon the surrounding neighborhoods. It's not as industrial as neighboring properties. It's more in keeping with what Kobackers is, a local business in a private facility. It's really more about having his assembly unit and his construction vans being able to take everything and move out easily.

Mr. Mansfield: If I can just add Mr. Ratajax is a local gentleman who runs his business out of the Village right now. He purchased this property because one he wants to own the building that he's utilizing and two he's a fireman in the town, he's here to stay, he wants to stay and he felt this was a great opportunity, a piece of property that wasn't being utilized and had become kind of an unofficial junkyard and he wants to just clean it up, he wants to bring a new and cleaner look to that area for the Village. And that's really his intent.

Mr. Gianguzzi: How far back is the residence here?

Ms. Andres: Well we received a letter.

Mr. Mansfield: The train runs right through here. And then there are trees and the residential units are all up in that area.

Ms. Andres: We're going to be full view of what's back there in the winter time.

Mr. Sanak: I also want to point out that the topography from this area here is somewhat higher. We've calculated that it's about ten feet high from the bed of the railroad tracks down to the first floor. There are some deciduous trees here and we've incorporated some plans to clean out the

back as much as we could as well as some other plantings on the property to just make it look nice.

Ms. Andres: Could you share some of the plans that you have with the community.

Mr. Mansfield: Absolutely. As was pointed out before the building is 29 feet three inches high. The side that you're going to look at is probably six or seven feet less than that. Twenty-three feet of building area is what you'll see of that from your view, primarily a metal panel system on the back, standard windows, white frame around that, and there are these plants along the edges over here.

Ms. Andres: What are the hours of operation for this facility?

Mr. Mansfield: Essentially nine to five from a business point of view. Mr. Ratajax gets to work early. He'll probably be in at five in the morning but his office help really don't get there till nine o'clock or so. The gentleman who'll be coming in to pick up [inaudible] and things like that I won't think they'll be there before seven and they'll be in and out. Certainly deliveries will be within a reasonable time frame, nine to five.

Mr. Sanak: There are no night operations with this at all.

Mr. King: What about weekends?

Mr. Mansfield: It's a union shop so I extremely doubt it.

Ms. Andres: When are they looking to have this done and completed and ready for occupancy?

Mr. Mansfield: If we can get the necessary approvals in a short period of time he'd like to commence construction immediately, depending upon when that is and the weather.

Ray Durkin: My name is Ray Durkin. I'm representing the piece of property right next door to the oil company. I know the right of way was mentioned before. I've heard that in the past. I know we've usually maintained the road with Kobackers for well over 60 years. I think we're going to be cut off.

Mr. Sanak: To which portion? You have an entry gate here and an entry gate in the rear, which is back here which is your dumpster location.

Mr. Durkin: We can pull trucks in around through there?

Mr. Sanak: You can pull trucks in there correct.

Mr. Durkin: It's been 50-60 years.

Mr. Sanak: We can certainly speak to Mr. Ratajax and get his feeling on it. We're not looking to box anybody out. I'm sure there's a compromise in there somewhere. Mr. Ratajax doesn't foresee his use of the facility as blocking in and of itself. In fact, we'd prefer to have a gate put in back there anyway.

Mr. King: Can you make a direct showing on that. I really don't know where you're talking about.

Mr. Sanak: I believe it's the side building and the property runs around here. There's an access back here and kind of a dirt road area. The dumpster is back here. We'd put the gates in and probably straighten it out some.

Mr. Mansfield: If we take a look at the map here I believe the property we're referring to is this area here and I think the property that you're representing is back over here. I think we'd be talking about getting some sort of access right in this little area here so that you can go on the MTA property and continue to access your property the way that you have.

Chairman Ruchala: He has the LMA lot where the oil company is.

Mr. Durkin: It's Burke Oil.

Chairman Ruchala: Sorry-I wouldn't know who they are. I thought I was buying from both of them. I think it's a two-way fence and the trucks come in and out and it would be padlocked out.

Mr. Mansfield: I don't think that area where the gate is adjoins this property. The gate that we would have would be at this location here. We're proposing to provide a fence around the property here. Our fence would go here.

Mr. Durkin: You're saying it would go past Kobackers here.

Mr. Mansfield: Correct.

Mr. Durkin: You're saying there's an automatic gate here.

Mr. Mansfield: Correct.

Mr. Durkin: I go through here with tractor-trailers.

Mr. Sanak: Once again we can accommodate and put a gate on the back of the property and continue the access just as Kobackers does.

Mr. Mansfield: I can tell you that Mr. Ratajax is interested in satisfying all his neighbors. This is something that everybody will look at as an improvement to the Village. I'm certain that he's willing to work with you to get your access back there.

Chairman Ruchala: Any other comments? I thought of one more. The storage in the front yard-what will you be storing there?

Mr. Sanak: There could be temporary crates there with pipe fittings. Or pipes that he's going to use within the month that don't fit on the rack he may store them there temporarily but it really is temporary storage. He wants to have the ability to lay things down on the ground out of sight.

Chairman Ruchala: But [inaudible] in the front.

Mr. Sanak: Meaning that nothing is really stacked up in that location.

Chairman Ruchala: For storage in the front yard there is no variance because the accessory-I can see why he'd want to use it for that. But it is in the front of the front yard for the purpose of that property. It doesn't go any further than that-the basketball you'll try to squeeze into the triangle.

Mr. Sanak: If push comes to shove and the front yard storage area needs to be returned to landscape we shall. It's not crucial but one of the wish items.

Ms. Andres: Can I ask for a clarification for the flow of traffic for this facility.

Mr. Sanak: Vehicles would come in here whether it be delivery trucks for Kobackers or delivery trucks for Southeast Mechanical, punch in a keypad, a gate would open, they'd be able to either drop off the delivery and then exit out by another gate system that's in here and out the back side of the parking lot onto North Main Street. This keeps the flow that Kobackers would wish.

Ms. Andres: It's a very congested area-pedestrians walking to cars...

Mr. Sanak: Correct-that's why we put it to the outside.

Ms. Andres: That's still Kobackers property line.

Mr. Sanak: Correct. But this keeps the same flow pattern that Kobackers has now.

Mr. Durkin: Do you think he'll mind giving out a keypad to all the trucks that go through there?

Mr. Sanak: I would guess being a friendly neighbor and getting this thing to work he'll figure out a system with you guys to make this happen.

Chairman Ruchala: Would he be able to give the same consideration that he's given to Kobackers as far as that letter goes? I mean we can't make that decision here because he's not here.

Mr. Sanak: I believe he'd give the same consideration. I'd have to have a conversation with him and get what the stipulations would be with that easement and how he would be able to take care of that site from people coming in and out. We also know that Southeast Mechanical will have a lot of stuff like pipe storage that can be picked up and taken if the vans are broken into. As you know, that site's back there pretty well hidden and the possibility is there for things to get abused.

Chairman Ruchala: Any other questions?

Jack Gress: Jack Gress. I'd just like to make a comment. I see Bill Ratajax's operation now. The guys come in in the morning, load up materials on their trucks and they leave. The place is empty all day long, come back in the afternoon, guys unload the trucks and go home from work. He's a pretty good operation. So i see it as a positive operation. I don't think it's going to affect many people. I'd also like to comment that the Village of Brewster just passed a new noise ordinance which is going to limit any operation before 7:00 a.m. in the morning and 8:00 p.m. at night. So as far as the noise issue it's going to be covered by local Village law.

Mr. Gianguzzi: Wasn't it 10:00 p.m.?

Mr. Gress: You're not going to be able to operate at 6:00 in the morning moving pipes, making noise. He can go in and out but...

Chairman Ruchala: Well Kobackers works pretty early in the morning too. I think they work at 4:00 or 5:00.

Mr. Gress: I don't see any big traffic issue here.

Mr. Durkin: Even though that's an industrial building?

Chairman Ruchala: Throughout the Village, 40B1 it's written as all other

Mr. Gress: Noise ordinance throughout the Village and it has a lot of other stipulations in it. The hours are 7:00 a.m. and 8:00 p.m. It's right next to a residential area so if they're worried about the noise it's going to be controlled by that. He's not working at ungodly hours. I've been down there many times and he's quiet.

Chairman Ruchala: Are there any other public comments? I think at this point there's a lot of variances that have to be looked at. I personally feel at this point I'd like to see something similar done with Mr. Durkin.

Mr. Durkin: I'm not against him building.

Chairman Ruchala: I know that. But I'm not really ready to vote on it this time. I want to make sure I cover all the variances on everything before we vote so the Members know exactly what they're voting for. Because some of these variances if I can tell you truth I'm not really sure what point to use when it comes to going over the parking and the right way to say things so that it's stated correctly. Personally I'm not ready to vote. I'd like to continue this meeting but I have fellow Board members that I have to work with. If we can set another meeting now and try to make it closer.

Mr. Gianguzzi: Did you say earlier too?

Chairman Ruchala: It doesn't have to be the third week-we don't have to wait a month. We can do this in less time.

Mr. Gianguzzi: Thursday the 27th is not good for me. I'm good October 4th if that means anything to anybody.

Chairman Ruchala: That's a good day for me. So the 4th.

Mr. Kropkowski: That's not enough time to turn it around if you're going to advertise for a public hearing.

Chairman Ruchala: I don't have to-I'm continuing this meeting.

Mr. Kropkowski: Ten day notification would be the minimum, correct?

Chairman Ruchala: Right. So is two weeks enough time?

Mr. Kropkowski: That's cutting it awfully short. You need three business, not regular days, leeway. Enough to get it out.

Mr. Mansfield: Could we close the public hearing today?

Chairman Ruchala: I still want to see more information. We need to have the public hearing continued. To what date is the only question we're trying to answer. You're saying two weeks is too close.

Mr. Kropkowski: Well historically-the way the Planning Board and Board of Trustees...

Chairman Ruchala: Do I have to put down a date tonight? So that the public that is here is notified or knows.

Mr. Kropkowski: You should.

Mr. Gianguzzi: Next is October 11th. That's no good for me. Are we sticking to a Thursday? Is that routine? We have Court on what days?

Chairman Ruchala: The Court meets on Mondays but the Planning Board meets on Wednesdays. I don't ever want a Wednesday.

Mr. Gianguzzi: Well Thursday the 11th is the next date. I can't make it but maybe...

Chairman Ruchala: I'd like to have four people here. Tuesday the 9th I'll probably end up being up at a zoning conference. Then we're going back into the third week again.

Mr. Gianguzzi: The third week in October you're saying. The 18th does not work for me. I do a lot of overnight travel for business. The 16th?

Chairman Ruchala: That works for you?

Mr. Gianguzzi: Yes it does. Tuesday the 16th.

Chairman Ruchala: Does that work for you?

Mr. King: It does for me.

Chairman Ruchala: On the 16th I'll make sure I'm available. And we'll put in a Public Notice. Make a motion to close.

Mr. Gianguzzi: Seconded.

Chairman Ruchala: Continued meeting to October 16th.

Mr. Kropkowski: You want to use the term adjourned.

Chairman Ruchala: Thank you . Adjourn to the 16th. Do we want to make it 7:30? I was looking at making it earlier.

Mr. Gianguzzi: I can make it any time.

Chairman Ruchala: Earlier not's so good. Adjourn this meeting to October 16th, 7:30.

Mr. Gianguzzi: Second the motion to adjourn the meeting.

All: Aye.

Chairman Ruchala: Thank you very much.

(Whereupon the meeting concluded at 8:55 p.m.)