

VILLAGE OF BREWSTER  
ZONING BOARD OF APPEALS  
October 28, 2013 Minutes

Board members present:

Richard Ruchala, Chairman

Keith Greene

Jack Gress

Claire Kropkowski

Board member not present:

Todd Gianguzzi

Others present:

Village Attorney: Gregory Folchetti, Esq.

Pledge of allegiance was recited.

Meeting called to order by Chairman Ruchala for Monday, October 28, 2013 at 7:08pm.

Mr. Gress made a motion to approve Aug. 26, 2013 minutes. This was seconded by Ms. Kropkowski. Motion passed 4-0.

First order of business:

Application of Richard Hanley for a property at 152 Main St., Brewster, N.Y., Lot #67.35-1-30 (also known as A&R Service Center) in a B-3 zone for a one-story addition of 416 square feet to enclose an area to wash cars. Per section 263-11E of the Village Code, the required front yard is 20 feet and the required side yard is 10 feet.

The existing and proposed front yard is 7 feet, therefore, a variance for the front yard of 13 feet is requested.

And, the existing and proposed side yard is 2 feet, therefore, a variance for the side yard of 8 feet is requested.

The pre-existing, non-conformance use will continue.

Mr. James Nixon represented the Applicant.

. Mr. Ruchala confirmed having a 239M. He asked Mr. Nixon if any had not been received and Mr. Nixon responded, Yes.

. Mr. Gress asked if there were any comments, and Mr. Ruchala responded, No.  
. Mr. Gress asked if there was a deadline for the 239Ms. Mr. Ruchala responded that the deadline was Oct. 16 and they were returned Oct. 17, 2013.

. Mr. Nixon presented pictures of A&R Service Center to show where the extension to the building was proposed in order to add a smaller garage bay. Already received a denial from the Building Inspector because of pre-existing side yard and non-conforming front yard.

Therefore, variance #1 for the 2 foot side yard would include the same non-conforming designation; variance #2 for front yard would be for 7 foot proposed extension and would be a new non-conforming designation.

. Mr. Nixon stated that the new yard would come out to the current retaining wall, wouldn't produce a change to the property or neighborhood, and would make a neater site.

. Mr. Gress asked about when excavating, would this result in removing the current wall or retaining it. Mr. Nixon wasn't sure at this point because it depends on what they find. His preference would be to at least retain the corner of the current retaining wall for structural reasons. If not possible, at least let the retaining wall provide an underpinning and support for the new foundation.

. Mr. Greene asked who the owner/tenant was. Mr. Nixon responded that the owner is Mr. Hanley and the tenant is A&R.

. Mr. Greene asked if there was any consideration to building the extension on the north side. Mr. Nixon responded, Yes, but existing site is narrower in that direction and it would be more difficult to work in that space. Mr. Nixon restated that the Main Street side works best.

. Mr. Greene restated that the intended use is as a car wash, same as current use.

. Mr. Gress and Mr. G. Folchetti stated that washing cars at this location is not considered permitted use.

. Mr. G. Folchetti stated that the Applicant needs to state if former use was different than proposed use. Mr. Ruchala stated that this is a pre-existing non-conforming issue. And Mr. G. Folchetti stated that Applicant needs to show that the use is being expanded.

- . Mr. Nixon stated that auto use/repair applies to site and that Applicant is not expanding that. It's the building that's expanding, not the use, and that they have a right to wash cars.
- . Audience member, Janet Lambert, asked to see pictures.
- . Mr. Ruchala asked that Ms. Lambert wait until the meeting is opened to the public.
- . Mr. Gress asked about "the prep" mentioned in the Applicant's plan. Asked if this meant that the space would become an area where spray painting would take place. Mr. Nixon responded, No. The objective of the Applicant is to replace the blue tent with the building extension.
- . Mr. Ruchala asked if there were any questions from the public.
- . Audience member, Ms. Meagher, asked if this extension was a lanai. Mr. Nixon responded, No.
- . Ms. Lambert asked about the appearance of the façade. Mr. Nixon said that it would be at least as nice, but it was difficult to comment on the appearance of the current façade as this would be up to the current owner to make any changes to the existing building.
- . Audience member, Mr. Lambert, stated that he didn't care if they washed cars there and that he never noticed any ice build up from the water runoff. He stated that if they don't build the extension, they'll just continue to use the tent.
- . Mr. Gress stated that the water runoff does produce ice in the road in the winter.
- . Mr. Greene asked why A&R was doing this now. Mr. Nixon explained that they could no longer have the tent and that washing cars in the winter was a problem because of the cold, therefore want to enclose that area.
- . Mr. Nixon also explained that assuming that variance approval is obtained, the Applicant will make an application to the Planning Board to address the water issues and to provide additional information on the appearance.
- . Ms. Kropkowski asked about having a door. Mr. Nixon responded that there would be a door.

. Mr. Greene asked if owner has been cited for conducting this car washing in the front yard, and is it prohibited. Mr. Nixon responded, Not that he's aware of.

. Mr. Ruchala asked if there were any other questions.

. Audience member, Antoinette Hert, asked procedural question, about going to the Planning Board first. Mr. Ruchala responded that the procedure used to be going to the Planning Board first, then the Zoning Board, then back to the Planning Board, and that didn't make sense. He further explained that by law an Applicant goes to the Zoning Board first now.

. Mr. Ruchala made motion to close the public session. This was seconded by Mr. Gress and passed 4-0.

Further Board discussion...

. Mr. Ruchala liked the idea of moving the extension to the top of the property. Mr. Greene thought this use would not be appropriate for that location.

. Mr. Gress stated that putting the extension in the front provides for the best use of the property and didn't find that objectionable. Placing the extension on the side isn't practical and A&R would lose 100 square feet where it could park cars.

. Mr. Ruchala observed that Honda sends its cars elsewhere for car washing and they are a much larger operation than A&R.

. Mr. Gress asked about percent of coverage allowed and the response was 40 percent coverage allowed.

. Mr. Gress asked if everyone on the list had responded. Mr. Nixon responded, Most, but not all.

. Mr. Ruchala asked Mr. G. Folchetti about approving this variance and then having others coming forward for similar variances. Mr. G. Folchetti responded that every property is unique and must be evaluated individually. Suggested going through the standard checklist.

The Board went through the balancing test checklist and the consensus was that:

- . The benefit could be achieved by other means, but Applicant has been doing this a long time and overall not undesirable.
  - . Would not have an adverse effect on the neighborhood character or properties nearby.
  - . The request is substantial, but not a problem and can't be achieved by any other means.
  - . The request would not have an adverse physical or environmental effect.
  - . Yes difficulty is self-created.
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- . Mr. Ruchala called for a motion to grant or deny the variance.
  - . Mr. Gress made a motion to grant the variance and this was seconded by Ms. Kropkowski and motion was passed 4-0.
  - . Mr. Ruchala summarized by saying that the motion passed unanimously and all variances were approved.

Second order of business:

Application of Prospect Progress Goals, Inc., John Degnan, to convert property 13 and 13A Prospect St., Brewster, N.Y., 10509, Lot #67.26-1-49 from commercial to residential use. Request to convert 1600 square feet of commercial space on the first floor at 13 Prospect St. to two 2-bedroom apartments and to build two 1-bedroom apartments above the garage and convert the 840 square feet office to a two-bedroom apartment.

- . Ms. Kropkowski recused herself at this point as the Applicant, John Degnan, is her brother.
- . Mr. Degnan asked to hold the meeting open as there were issues that still needed to be addressed and resolved.
- . Mr. Ruchala made a motion to hold the meeting open until the next Zoning Board meeting. This was seconded by Mr. Gress and passed 3-0.
- . Audience member, Ms. Antoinette Hert, asked about this application being continued at the next meeting. Mr. Ruchala explained that Mr. Degnan should have additional information to be presented at the next meeting and that there was no need to read her correspondence now. Mr. Ruchala also stated that the date of the next Zoning Board meeting would be established and publicized.

- . Mr. G. Folchetti added that the next Zoning Board meeting will be published.
- . Mr. Ruchala explained that no certified mail would be going out again.

. Mr. Ruchala asked Mr. Degnan how much time he would need to obtain his additional information. Mr. Degnan responded that he didn't know. Mr. Ruchala asked Mr. G. Folchetti if this could be addressed at the January, 2014 Zoning Board meeting and Mr. Folchetti responded, Yes.

. Mr. Ruchala made a motion to set the next Village of Brewster Zoning Board meeting on January 13, 2014. This was seconded by Mr. Greene and passed 3-0. Mr. Ruchala stated that the public notice would be out by the preceding Thursday.

. Ms. Kropkowski rejoined the Board.

. Mr. Ruchala asked if there was any other business or any other public comments. Ms. Hert said she had no serious concerns.

. Mr. Ruchala made a motion to close the meeting and this was seconded by Mr. Gress and was passed 4-0.

Meeting was adjourned at 8pm.

