

VILLAGE OF BREWSTER
ZONING BOARD OF APPEALS
June 9, 2014 Minutes

Board members present:
Richard Ruchala, Chairman
Keith Greene
Jack Gress
Claire Kropkowski

Board member not present:
Todd Gianguzzi
Also not present: Village Attorney: Gregory Folchetti, Esq.

Pledge of allegiance was recited.

Meeting called to order by Chairman Ruchala for Monday, June 9, 2014 at 7:11pm.

Mr. Ruchala made a motion to approve the minutes from April 14, 2014. This was seconded by Mr. Gress and passed 4-0.

First order of business:

Application for variances for St. Lawrence O'Toole. Representing St. Lawrence O'Toole: Mr. Drazen Cackovic, AIA of DCAK – MSA Architecture and Engineering.

Mr. Ruchala asked for and received the certified notices.

Mr. Gress stated that the Zoning Board public notice had been posted in newspapers and on bulletin boards and in town offices per the proper procedure. Mr. Gress then read the public hearing notice.

**ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING AND MEETING
June 9, 2014 - 7:00 PM**

PLEASE TAKE NOTICE, that the Zoning Board of Appeals (the "ZBA") of the **Village of Brewster** shall hold a Public Hearing and Meeting on Monday June 9, 2014 at 7:00 p.m. at 50 Main Street, Brewster, New York 10509 in the meeting room there concerning the below listed matters.

PLEASE TAKE FURTHER NOTICE, that the Public Hearing and Meeting shall concern the application St. Lawrence O'Toole Church, 31 Prospect St. Brewster, NY 10509 for interior renovations and an addition of 1,686 square feet.

PLEASE TAKE FURTHER NOTICE, that the Public Hearing and Meeting shall concern Property location 34-36 Prospect Street, tax map #: 67.26-2-16 to accommodate the following two variances according to paragraph 7-712-B of the Village of Brewster Zoning Code.

1-Sec. 263- 6-E, lot coverage Required 25%, existing 42%, Proposed 44% variance requested 19%.

2- Sec. 263-6-F, Maximum floor Area Ratio Required 0.50, Existing 0.68, proposed 0.73, Variance Requested 0.23.

3-Sec. 263-18-B-10, Parking: Pre-existing non-conforming spaces are 37 and the Applicant is requesting a variance of 3 spaces.

Ms. Kropkowski confirmed that the notices were distributed to anyone within 200 feet, which is basically to the Village.

Mr. Ruchala stated that he received the 239M from the County regarding the case referral and the County has approved as submitted. Mr. Ruchala explained that 239M is the document in which the County voices its concerns with roads and any properties that it has and that there is no interference with any rights-of-way.

After public notice was read, Mr. Ruchala asked Mr. Cackovic to present his site plan designs and to describe the work to be done.

Scope of the work:

- . An addition will be added between the existing church and the parish hall.
- . This will be accessed via a walkway.
- . A new plaza will be constructed in front of the church.
- . The church will be renovated with new lighting, new flooring, new pillars, new paintings and overall renovation of the interior.
- . There will be no changes to the rear of the church.
- . One utility pole will be eliminated and a parking space will be added in this space.
- . Existing parking will remain the same.
- . The building inspector asked to see how the fire truck could get around and one of the parking spaces was moved.
- . Some associated work related to the connection of the storm water drainage into the catch basins, and the new electrical power service into the church.

RE: Variances

Section 1: Maximum lot coverage – The existing lot coverage (area covered by the buildings) is 42 percent. This renovation will increase that percentage to 44 percent. The variance is for this increase of lot coverage.

Section 2: Maximum floor area ratio – The combination of all floor areas including all stories of the site divided by the lot size. Currently the ratio is .68 and the renovation will increase that to .73. The variance is for this increase in floor area.

Section 3: Parking – The zoning code requires that when there is an addition, proper parking is provided. The current parking on the site is less than what is required if this were a brand new structure, and this has been grandfathered in. An addition would trigger the need for additional parking, but the Applicant didn't believe it was necessary. If it were absolutely necessary, two spaces could be added.

Further explanation to support NOT needing additional parking spaces.

- . The first floor will consist of storage and mechanical space; no occupants.

- . The next floor up is 1686 square feet and will consist of the sacristy/confessionals. Same number of priests.

- . The new position of the pews will allow more space between the pews. In older churches the pews are spaced 28" on center. This new design will allow pews spaced 36" on center. As a result there will be fewer pews and therefore fewer occupants (28 people reduction), which would require five less parking spaces. Mr. Cackovic restated that they didn't feel additional parking spaces were required because the number of overall users was decreased by two (Two new spaces for the addition, however, minus five less spaces due to the reduction of occupants equals a net of -3 spaces).

The current poles in the church will be removed and replaced with thinner poles, reduced by 1 square foot, for better visibility. Currently one third of the parishioners cannot see the altar.

Mr. Cackovic reviewed why the addition is necessary.

- . Father Gill said that there was a need to provide a better way for older parishioners to come up from the lower level and in the winter the steps are dangerous.

- . Currently, adoration takes place in the church and this isn't ideal because it is a large space and it would be better to have a more intimate, smaller place for the adoration. In addition, it would require less energy to heat in the winter since only the adoration chapel would need heating, rather than the entire

church.

- . Generally, more storage is required; more space is needed for vestments in the sacristy.

Mr. Cackovic didn't believe that there was any negative impact on the neighborhood.

- . He stated that the building will be set back on the site, the design and exterior finishes will match the existing church, they will reuse windows, and there will be a canopy connecting to the school. He also stated that this will add a warm connector between the church and the gymnasium for after mass activities.

- . He continued to say that this is a small renovation project and unobtrusive and that most of the renovation is in the interior.

- . He stated that Father Gill would like to enhance the neighborhood with the plaza in front and replace the utilitarian light pole with four smaller light poles like those in front of the train station, 3' high bollards, at the entrance.

- . He stated that the activity on the site has generally been reduced and this has resulted in less traffic and fewer people coming to the complex.

- . Mr. Cackovic expressed that the impact would be minimal, asking for 5 percent increase in coverage and 7 percent for the FAR.

- . Mr. Cackovic stated that he didn't believe the hardship was created by the Applicant as the church has been here for many years and the only way to incorporate the needed extra space was with the addition.

Mr. Gress asked about removing the pole which would create an extra parking space. And asked if a third handicapped space was required, and Mr. Cackovic responded, Yes.

Mr. Gress also stated that Mr. Cackovic talked about adding two additional parking spaces and he asked where. Mr. Cackovic mentioned possibly putting one near the dumpster, which would have to be relocated, but he really hadn't studied this and would need to come back to the Board with a recommendation.

- . Mr. Gress voiced a concern with entering and exiting if putting a parking spot in the place Mr. Cackovic indicated.

Mr. Ruchala stated that he preferred to get a parking variance, particularly since there was never any pre-existing condition established when the church was built in 1915. This would be a good time to get this documented in the record.

Mr. Gress asked about any compact spaces. Mr. Cackovic responded, No, that they are maintaining what is currently there.

Mr. Gress asked about removing the square poles in the church and replacing them with cylinders in the church. Mr. Cackovic stated that the church currently has 28" x 28" poles which inhibit the parishioners from seeing the altar/sanctuary. The new poles will be 12" diameter.

Mr. Greene quoted the code to determine occupancy by either doing the square feet by person or by seating layout (since it's an assembly). If they reduce the occupancy by seating layout, they earned the credit to do the addition.

Mr. Ruchala then opened the meeting to the public.

An audience member, Ms. Dawn Willis of 39 Prospect Street, asked about what she'd be looking at since she lives across the street. Mr. Cackovic said that the area in the front of the church would be wider and that the statue and the shrine would be moved to the garden.

She also asked how much of the school building was being used since she thought it was being used as a daycare. Mr. Cackovic responded that it's being used for religious education in the late afternoons and Saturdays and that there is a chapel, and that Father Gill is having some renovation of office space and meeting rooms.

She also wanted clarification on whether the number of parishioners was decreasing. Mr. Cackovic restated that the number of parishioners isn't decreasing, but the number of occupants in the church is decreasing as a result of the reduction in the number of pews.

Another audience member, Mr. Paul McGann of 35 Prospect Street, spoke.

. He stated that he didn't have any problem with the parking.

. He asked about the increase in the use of pavers instead of grass and how that would affect drainage. Mr. Cackovic responded that currently the drainage is draining naturally in a sheet flow to the street, including the roof drainage that funnels into the storm system. He said putting drains in would require cleaning of those drains, even though the area is small.

. Mr. McGann asked about the size of the plaza and Mr. Cackovic responded, 25' x 25'.

. Mr. McGann stated that he worked on the premises and that there has always been a moisture problem on the gym side of the building because water tends to accumulate there. He felt with the renovation there would be more moisture in that area, particularly with the AC units. Mr. Cackovic said he would discuss this with Father Gill.

Mr. Gress spoke up to advise the audience that these are questions for the Planning Board, and that the Village Engineer has already addressed some of these issues and has asked for changes which have been incorporated.

Mr. McGann asked about whether there was sufficient clearance for trucks to go through with the new canopy. Mr. Cackovic said that the height will be 15' and Mr. Greene added that the documents are showing that 12' is minimum and that this would be a cloth canopy.

Another audience member, Verna Bergstrom, clarified that a school continues on the premises – an early learning childhood center.

Mr. Ruchala asked if there were any other questions, and there were none.

Mr. Ruchala made a motion to close the public hearing. This was seconded by Mr. Greene and passed unanimously.

Mr. Ruchala again brought up the subject of parking and getting the variance to establish the correct number and have it grandfathered in. He felt that this would also formalize this as pre-existing, non-conforming.

Mr. Green talked about the site plan that the Planning Board would accept and that this site plan has a parking table on it, which shows 85 spaces for the church and 81 by the parish hall and they are non-simultaneous occupancies and that the net is zero required additional. If the Planning Board approves this site plan, there is no reason to formalize it as it's already on the site plan.

Ms. Kropkowski expressed that it would be a good idea to make it clear that these are existing, non-conforming spaces that have existed forever: 85 + 81 for a total of 166.

Mr. Greene asked if the Village ever came up with a formula by which to attribute any of the street parking to any civil user. The response was, No.

A Planning Board member in the audience, Mr. Stockburger, stated that it would be better to get the on-street spots documented on the record.

Mr. Green asked if the parking across the street was included, and the answer was, No. He also asked how many spots there were, and the answer was 24.

Mr. McGann from the audience said they rearranged the spots and that they are being used by the rectory. Mr. Cackovic said that the rectory is only using 2-3 parking spots.

Mr. Greene asked about the property across the street and that this lot should be allowable and included. Mr. Gress responded that according to 263-18, section C, this is allowed for joint use of parking because it is within 500' and owned by the same person.

Further discussion ensued about the parking.

- . Since the Applicant is not considering this area in his proposal, there is no need for it to be included.
- . Enough occupants have been removed to adhere to the current code.
- . Mr. Gress stated that this didn't need to be addressed.
- . Ms. Kropkowski agreed that they shouldn't touch this.
- . Mr. Greene reiterated that there was a zero parking change in the plan.

Mr. Greene stated that they would ask Mr. Folchetti, attorney, to draft the resolution.

Mr. Ruchala restated that this Board would vote on the first two variances and not make any vote on the variance on Parking.

Mr. Ruchala made a motion to approve:

- Sec. 263-6-E, lot coverage – an area variance of 19% and
- Sec. 263-6-F, regarding a variance of 23%

The Board reviewed the application and these two variances against the Five Factors.

Factor	Mr. Ruchala	Mr. Gress	Mr. Greene	Ms. Kropkowski
Whether benefit can be achieved by other means feasible to applicant	No	No	Agreed	Agreed
Undesirable change in neighborhood character or nearby properties	No, but rather an improvement.	No, changes contained to their own building properties	Agreed	Agreed
Whether request is substantial	Yes	Agreed	Agreed	Agreed
Whether request will have adverse physical or environmental effects	No, it would be a positive on the environment and physical area	No, particularly considering what they've done to the drainage and changing of the electric wires to be placed underground	Agreed	Agreed
Whether alleged difficulty is self-created	No, they were here long before many of us.	No, since the building has been here for so many years, and expansion would be better than them moving out of the neighborhood.	Agreed	Agreed

Mr. Ruchala made a motion to approve variances sections 263E and 263F. This was seconded by Mr. Gress and carried 4-0.

Mr. Ruchala addressed the third variance Sec. 263-18-B-10 parking - Pre-existing non-conforming spaces are 37 and the Applicant is requesting a variance of 3 spaces, and asked Mr. Greene to make the motion. Mr. Greene responded that there was no need to make a motion since there was no increase in parking spaces required; and he would ask Mr. Folchetti, attorney, to make up a resolution that doesn't make this a variance request.

Mr. Greene made a motion that based on documents provided and the presentation made at this meeting there is no required increase in the number of parking spaces on this site and this Board determined that a variance was not required. And Mr. Ruchala added that the Board would also get the aforementioned by Mr. Folchetti. This was seconded by Ms. Kropkowski and carried 4-0.

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

Meeting was adjourned at 8:10pm.