

**Village of Brewster
Planning Board**

January 8, 2013

Regular Meeting

Board Members in Attendance:

David Kulo, Chairman
Rick Stockburger, Assistant Chairman
Mark Anderson
Tyler Murello

Board Members not in Attendance

Renee Diaz

Also in Attendance:

Joe Szilyagi-Village of Brewster Code Enforcement Officer
Richard Ruchala
James Nixon

The **Pledge of Allegiance** was recited.

[Whereupon the proceedings were called to order at 7:31 p.m.]

Public Hearing

**55 Main Street-S.B.L. No. 67.34-2-51 Cache Restaurant
façade - public comment.**

Chairman Kulo made a motion to open the public hearing to review the site plan. This motion was seconded by Mr. Anderson and passed by a vote of 4-0.

Chairman Kulo opened the floor to the public. It was agreed that a letter that had been submitted is code enforcement issue. Chairman Kulo stated there is no change in use. Mr. Stockburger inquired if there is any other public comment on the facade. Richard Ruchala inquired about whether putting a double door in instead of two single doors made sense. Mr. Nixon stated that would not satisfy the egress requirement as that would count as one door and not the needed two. Mr. Ruchala said that answered his question. Mr. Anderson asked if there was a rear exit. Mr. Nixon stated that the space does not go back far enough to hit the rear of the building and that in an emergency people can get into the alleyway. It was again asked if there were any other public comments, to which inquiry no response was forthcoming. Mr. Stockburger made a motion to close the public hearing, which was seconded by Mr. Anderson and passed by a vote of 4-0.

Regular Meeting

Call to Order

Chairman Kulo stated that this was the regular December Meeting of the Planning Board, which had been rescheduled for this evening, and noted that he was in attendance along with Rick Stockburger, Mark Anderson, Tyler Murello and Renee Diaz. Chairman Kulo made a motion to open the Meeting, which was seconded and passed by a vote of 4-0.

New Business

Chairman Kulo stated that there was no new business to discuss.

Pending Business

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*55 Main Street-S.B.L. No. 67.34-2-51 Cache Restaurant
 façade*

Mr. Stockburger made a motion to approve the site plan as presented, pending discussion. This motion was seconded by Mr. Murello. Discussion was opened up. Mr. Stockburger asked Mr. Nixon if the new sign for Cache would be in accordance with the Village Code, to which Mr. Nixon stated it would be. Mr. Stockburger asked what kind of tiles were being put on the roof; Mr. Nixon replied that they were metal tiles made to look like Spanish ones. Mr. Nixon, responding to further inquiry from Mr. Stockburger, stated that snow guards could be put on. Mr. Stockburger opined that the motion previously made was ripe for vote, which was then had; the motion passed by a vote of 4-0. The Board thanked everyone for coming in.

151 Main Street

Discussion was had about 151 Main Street. Currently the property is listed as all residential but if there were a change in use things would change. There was a question as to whether or not offices there ever had a Certificate of Occupancy. Mr. Szilyagi stated there is a nonprofessional plan in the file, but there is no professional one nor is there a building permit. Mr. Murello stated he had looked at the building several weeks ago and that it is in bad shape. Mr. Anderson stated he was in one of the apartments in connection with an application he had received and when he flipped over the mattress he found bedbugs. Mr. Anderson wondered philosophically how this property had gotten so far in the Village with no oversight. Mr. Stockburger said that alot of this happened in the old days. The property is currently for sale. Mr. Anderson wondered why this becomes the new guy's problem when a letter from Joe Hernandez states this goes back to the 1950's. Mr. Stockburger stated this was similar to the situation on Center Street, where people used to park illegally in front and didn't get caught but now the new owner is having problems with that. Chairman Kulo asked what the Building Department's position is. Mr. Szilyagi stated that he thinks it is up to the Planning Board to determine if it wants to have offices there and stated that if offices are allowed there a site plan accommodating parking would have to be submitted. The discussion about 151 Main Street had arisen because Mr. Szilyagi had come to the Planning

Board inquiring about the parking in front thereof and no one could remember a time when there had not been such parking. The most recent entry in Mr. Szilyagi's file is from 1967.

Mr. Anderson again asked how things could go so wrong and then all of a sudden somebody has to change everything. Mr. Stockburger answered that even in the olden days one was required to obtain building permits and Certificates of Occupancy but that was obviously not done. Mr. Anderson stated he would ask Mr. Szilyagi how many files had he gone into since his arrival in Brewster that were lacking those documents. Chairman Kulo stated that Mr. Szilyagi had sagaciously stated that the owners had been receiving the benefit of not having to obtain these documents. Mr. Murello opined that no financial institution would go near the property given the myriad of problems with it and with the Village, notwithstanding his personal opinion that the building has a lot of potential and could be made from a sow's ear into the jewel of the Village with much money expended. To substantiate that there would have to be a lot of income.

Mr. Stockburger stated that the interior of the property is between the owner and the Building Department. Mr. Anderson noted, in amplification of Mr. Murello's comments, that to have income use is needed and to obtain that use the assent of the Village is required. Mr. Anderson stated that the whole area of the Village is listed as a blight zone and someone needs to find out how much of the area does not fall within DEP purview and its setback rule; Mr. Anderson stated that it is not a spot where maximum redevelopment is likely to occur because of DEP restrictions. Mr. Anderson stated that change could be talked about but that without money coming out of the project what is desired won't happen. Mr. Stockburger noted that the property is zoned R-20. Mr. Murello stated that somebody needs to appear with a decent site plan and that more than just saying that somebody wants to make the property legal is needed. Mr. Anderson stated that if there is a methodology where everyone wants to make something nicer rather than just allowing things to wallow then positive results would be seen.

Mr. Anderson said that no one will invest money and pay interest while going through a protracted zoning and planning process and instead the Village needs to roll out red carpets for developers to

come in. The notion of using eminent domain was discussed, including the costs thereof and the fact that many property owners in the Village would be happy to have the government buy them out. Mr. Anderson stated that parcels would have to be combined to do anything big. He also indicated that a way had to be found to allow businesses to be successful so that they would remain in the Village. Mr. Stockburger stated that if an owner wants to do something it is his or her job to follow the rules. Mr. Anderson offered that it not desirable to constantly be telling people no. Mr. Anderson further stated that he finds it difficult to envision not being able to accommodate change. Mr. Stockburger replied that people have to request change. Mr. Anderson stated that the Village should be pro-business and allow businesses to grow. Chairman Kulo noted that it might not be the Planning Board's decision. Mr. Anderson stated that the question is how is the Village of Brewster to be moved forward.

Minutes of November 27, 2012

Mr. Anderson made a motion to adopt the Minutes of November 27, 2012 as written. Mr. Stockburger seconded the motion and it was passed by a vote of 4-0.

Member Training

Training at the New York Planning Conference in Saratoga Springs for April 21-23, 2013 was discussed. The Members indicated they would like to attend and it was thought there would be money in the Village's budget to pay for such attendance, including room and board.

Close Meeting

Chairman Kulo made a motion to close the Meeting which was seconded by Mr. Murello. The motion passed by a vote of 4-0.

[Whereupon the Meeting was closed at 8:17 p.m.]

