

DRAFT

**Village of Brewster  
Planning Board**

Tuesday, July 28, 2009 at 7:30 pm  
Village Hall  
208 Main Street  
Brewster, NY 10509

**Regular Meeting**

*Agenda:*

1. Pledge to the flag.
2. Call to order. Attendance:

David Kulo, *Chairman*  
Rick Stockburger  
Mark Anderson  
Kathleen Meyerson  
Renee Diaz

Paul Pelosio  
Anthony Mole – (arrived 8:04 pm)

David Kulo motions to open the meeting, Kathleen Meyerson seconds.

AYES: 5      NAYS: 0      ABSTAIN: 0

3. New Business

- **494 North Main Street (Williams Service Station)** – Concept meeting

Greg Bolner – Environmental Engineer appearing. He provided handouts of plans to the Board for review, as well as a plan mounted on a board. Lisa & Gary Scholz are the applicants. The service station is existing non-conforming use. The owners are currently being required by DEC to replace & upgrade the tanks that they have to meet the current requirements. Given the work that needs to be done they want to see what other modifications they can make. The existing canopy is within the front setback area, and the existing building is within the side setback area (4.5 feet off the property line on the side, and the canopy is within 20 feet of the front.) The applicant also owns the 2

properties behind the station. They would like to increase the number of the service bays, from 1 to 2, and enlarge them to fit the cars of today. They would have a bay in the existing location, and add a bay entering from the side street (Michael Neuner Drive). They'd also like to add an additional island & canopy off the side street (adding 1 pump with 2 hoses). The new canopy would be within the 15 foot setback. The scope – replace the tanks & pumps (still only selling one grade of gas). Potentially replace the existing canopy (same size, just new canopy). Mr. Bolner doesn't know if once that comes down if that would cause a problem, or a variance would be needed. To add a second canopy & island, a 2<sup>nd</sup> bay, and rebuild the building would require demolition. There is talk to leave one wall up to ensure the existing non-conforming, however, given this amount of work to be done, they'd prefer to rebuild the entire building. Rick Stockburger – special exception permit would be my interpretation vs. zoning... since it's a change to previous existing non-conforming, and that the Village Board could do that. Kathleen Meyerson – what would this do to traffic? Gary Scholz – we're hoping that with the additional pumps it will help with the traffic issue. Lisa Scholz – additionally the new pumps are going to be pay at the pump.

Rick Stockburger – what is the square footage of the new building? Greg Bolner – the required parking is 5. Rick Stockburger – to get the variance for parking, you'd need to go to ZBA. Rick Stockburger – also, my thought would be that to “replace” the current canopy, that could be just discussed with the building inspector. Zoning code section 170-29 – changes in non-conforming use was reviewed for interpretation.

David Kulo – when you go through this process the application will go to the attorney, the engineer, and the building inspector, and the planning board.. Mark Anderson – asked about having a B5 zone to encompass both the gas stations. David Kulo - we really need counsel. Rick Stockburger – this was also discussed at the public hearings, during the zoning changes and was denied. Rick Stockburger – you can always present to the Village Board the change of zoning. Kathy Meyerson – our hands are tied. Rick Stockburger – because of the expansion – it needs to go to the Village Board, then the ZBA, then back to the planning board. Rick Stockburger – if you were not changing the footprint, and Mr. Serino was in agreement with regard to the building, Mr. Serino would inform the planning board for our discretion to review it if there's anything of significance. Gary Scholz – we are mandated to upgrade the tanks, and we have some abandoned tanks that previously met guidelines, that don't any longer that we'd like to take care of. Kathi Meyerson – how many parking spots are there now? Gary Scholz – some of the parking spots are at the house next door which is also ours. Anthony Mole – they can't go to the Village Board for a special use permit. They need to go to the zoning board to ask for a variance to expand a non-conforming use. Anthony Mole – it serves an advantage to the environment overall... but it does need to go to ZBA. Mark Anderson – apparently B-5 district zones allow service stations, if we change the zone to allow gas/service changes. Anthony Mole – it's a case by case basis – it isn't considered spot zoning, the problem they have is the Board needs to consider others that may come forward. Mark Anderson – that was why I led in with saying that the 4 gas/service stations that are existing non-conforming. David Kulo – would it be more time consuming? Anthony Mole – my experience has been that if they have recently rezoned,

as we have, they'll be less likely. A zone variance request would need to go to the Board, and a zoning variance to expand non-conforming use – would need to go to the ZBA. Anthony Mole – it is the applicants choice how they proceed. David Kulo – do you have a new business plan, as I would think the increase in sales would generate questions on the traffic. Greg Bolner – the compliance order by the DEC is that this has to be done by January 1. Rick gave Greg Rick Ruschala's phone number. Greg Bolner – is the canopy considered a structure? Anthony Mole – yes, we count the overhang for setback. They were also advised about PB waivers they could request.

4. Pending Projects

No pending projects

5. Accept Minutes – May 26, 2009

Kathleen Meyerson motions to accept the minutes from the May 26, 2009 meeting, David Kulo seconds.

AYES: 4 NAYS: 0 ABSTAIN: 1

Accept Minutes - June 23, 2009

David Kulo motions to accept the minutes from the June 23, 2009 meeting. Mark Anderson 2nds.

AYES: 4 NAYS: 0 ABSTAIN: 1

Mark Anderson motions to move the August 25, 2009 meeting to September 1, 2009. Kathleen Meyerson seconds.

AYES: 5 NAYS: 0

Pete Hansen to notice the change of date.

6. Close Meeting

Rick Stockburger motions to close the meeting at 8:43 pm, David Kulo 2nds.

AYES: 5 NAYS: 0