

**Village of Brewster  
Planning Board  
November 27, 2012**

Regular Meeting

Board Members in Attendance:

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

Also in Attendance:

Bruce Martin-JRFA, Village Engineer  
Betty Rivadeneira  
Telmo Rivadeneira

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 stated that the public hearing could not go forward this evening inasmuch as the applicant had been unable to as of yet comply with the notice obligations of Section 263-12q of the Code and that accordingly the public hearing would have to be rescheduled.

## **Regular Meeting**

### **Call to Order**

Chairman Kulo stated that this was the regular November Meeting of the Planning Board 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 by Mr. Anderson and passed by a vote of 5-0.

### **New Business**

There was no new business for the Members to consider.

### **Pending Business**

#### **· 220 East Main Street-*parking improvements***

No one was present and accordingly no action was taken by the Members in connection with this matter. It was later noted that Mr. Doupis had not yet gone to the Zoning Board of Appeals to attempt to obtain a variance in connection with the sign at the property. The Members noted there was a sense that the application herewith would be approved by the Planning Board subject to securing the aforesaid variance.

### **Other Business-I**

Ms. Rivadeneira indicated that she wished to address the Members concerning a violation that her brother-in-law, Telmo Rivadeneira, had received concerning his property at 31 Center Street; in particular, he had received a violation concerning parking thereat. Ms. Rivadeneira noted that there had been parking in front of the property for many years, at it had come some time between 1971 and 1982 and that she was present to get approval for the preexisting driveway there. She noted that the house is on a hill and without

being allowed to park in front the only parking would be at the bottom of the hill, as parking on the street was not viable as cars would roll down the slope in winter. Mr. Stockburger stated that the Code allows two parking spaces per dwelling unit and if the unit were a preexisting two family parking would have been grandfathered in. However, Mr. Stockburger continued, the other issue is that the Village Code is not in the Planning Board's purview and Chapter 169 thereof prohibits parking in a front yard and the Planning Board does not have the authority to waive it.

Mr. Anderson pointed out that there are many old houses in the Village. Ms. Rivadeneira stated that after an appearance at the Zoning Board of Appeals she had spoken to Joe Szilagyi and that he had advised her to appear at the Planning Board. Mr. Stockburger said that Mr. Szilagyi had misspoke about this. Chairman Kulo asked if the Village Trustees could remedy this problem by saying it was preexisting and then paying a permit fee. Mr. Anderson suggested that it might behoove Ms. Rivadeneira to look at the property file and also noted that there was a lot of space behind the house. Ms. Rivadeneira said there was septic there, to which Mr. Anderson replied that it should have been filled in when the sewers were put in. Mr. Stockburger stated that only the big tanks were filled. Ms. Rivadeneira noted that the land there was sinking. Mr. Murello asked how sloped was the hill, to which Ms. Rivadeneira replied that it was steep. Mr. Anderson suggested that the lot in parcel 2 could be modified, to which Ms. Rivadeneira responded that it was expensive to do so. Mr. Anderson said that he understood that but that it was nonetheless feasible to do so.

Mr. Stockburger reiterated that the citation was not for not having four parking spots but rather was predicated upon where the parking is. Ms. Rivadeneira stated that when Telmo Rivadeneira bought the house he thought the parking situation was okay. Mr. Anderson noted that in the past enforcement had not been as stringent as currently. Chairman Kulo stated that Mr. Szilagyi's mission to ensure that every property in the Village was legal had been endorsed by the Trustees. Mr. Murello noted that as per the survey the property was 20 feet wide and that four cars could be legally parked. Ms. Rivadeneira stated that despite the fact it was Telmo Rivadeneira's property that doing so would impact his neighbor. Ms. Anderson

stated it would be wise to assert themselves lest there be a potential adverse possession claim and that the fence on the Rivadeneira property could be taken down after a survey was conducted to ensure the actions would be correct. Mr. Stockburger noted that although parking in front was prohibited parking in the side yard was okay.

Ms. Rivadeneira asked the Members if ultimately they had the authority to grant her any relief, to which the Members repeated that they don't. Ms. Rivadeneira asked where they would suggest she go, to which Mr. Stockburger replied the Village Board. Mr. Anderson offered that they should look at the property folder and Mr. Stockburger added to get it they need call Mr. Szilagyi.

### **Accept Outstanding Draft Minutes for October 23, 2012**

Mr. Stockburger noted that although the Minutes accurately reflected what had transpired at the Meeting there had been a misapprehension concerning the fire escape as it pertains to the apartment to be created at 35 Main Street. Specifically, per Mr. Stockburger, he had gone to the building and ascertained that the fire escape does not extend to this putative unit and that therefore egress from the unit via the fire escape would not be possible. This having been noted, Mr. Stockburger made a motion to accept the October 23, 2012 Minutes of the Planning Board. This motion was seconded by Mr. Murello and passed by a vote of 5-0.

### **Other Business-II**

Chairman Kulo inquired if anyone had anything else he or she wished to raise. Mr. Anderson noted that a number of items had been directed to the Planning Board despite the fact the property was not in Brewster; for example, one had come in notwithstanding that the address was almost in Carmel. Chairman Kulo thought this might be because of the use of the name "Brewster" to pertain to anywhere in the Town of Southeast.

It was noted that the regular December Meeting would fall on December 25th. Mr. Stockburger noted he could not be present were

the Meeting advanced to December 18th. After discussion it was agreed that the December Meeting would be held on January 8, 2013 at which time the public hearing concerning 55 Main Street would also occur. The Chairman indicated he would advise Mr. Nixon of this date in connection with the public hearing.

### **Close Meeting**

Mr. Murello made a motion to close the Meeting, which was seconded by Mr. Stockburger and passed by a vote of 5-0.

[Whereupon the Meeting was closed at 8:07 p.m.]