

**Village of Brewster
Planning Board Meeting**

October 28, 2014

APPROVED

Board members in attendance:

David Kulo, Chairman

Rick Stockburger, Assistant Chairman

Renee Diaz

George Gaspar

Tyler Murrello

Also present: Mr. Greg Folchetti, Counsel to Planning Board.

The Pledge of Allegiance was recited, whereupon the proceedings were called to order at 7:30pm.

Regular meeting

Mr. Kulo made a motion to open the regular meeting. This was seconded by Ms. Diaz and passed 5-0.

Attendance was taken.

First order of business:

66 Marvin Avenue, 67.35-1-5 – New amended site plan application.

. Mr. Stockburger stated that this wasn't really a site plan application, but rather a waiver of moratorium.

. Mr. Kulo stated that he didn't think that the Village Engineer had seen this.

Mr. Stockburger made a motion to table this first order of business.

. Mr. Gaspar asked if this application was just to install a lift in the current garage.

Mr. Stockburger responded that Mr. Hernandez is looking for a site plan for the entire property.

. Mr. Folchetti stated that the Applicant will probably ask for a waiver.

. Mr. Stockburger stated that if the Applicant were here, he could ask for the waiver.

. Mr. Gaspar commented that since the site has been in existence the way that it is for some time, he wished that Mr. Hernandez had written his last sentence in the second paragraph differently, and had added, commercial. Mr. Gaspar suggested that he could say, commercial and in parentheses, grandfathered, so that everyone knows that it's not just added just now and this would add credence to the application.

Mr. Stockburger asked Mr. Folchetti who makes the determination that something is grandfathered.

. Mr. Folchetti responded that it would be the Zoning Enforcement Officer and then the Zoning Board.

Mr. Stockburger stated that this site wasn't for automotive use, but it did have non-conforming, pre-existing automotive use prior to, probably, 1970.

Mr. Folchetti reminded the Committee that currently the Committee has determined that it's not conforming to zoning, and that the burden is on the Owner to ask for a waiver.

Mr. Stockburger asked if Mr. Hernandez could send the Owner to the Zoning Board.

. Mr. Folchetti responded that this Committee could do that if the Owner were present at this meeting; but the Owner can make a direct inquiry to Mr. Hernandez to find out if this particular use in this particular zone is permitted as an accessory use or by virtue of some non-conforming status. If Mr. Hernandez' answer is, Yes, the Owner comes in with the site plan and asks for the waiver; If Mr. Hernandez' answer is, No, the Owner will go to the ZBA on the use issue.

Mr. Stockburger asked if Mr. Hernandez could make that determination, and Mr. Folchetti's response was, Yes, it's his job to do so.

. Then, if the Owner is aggrieved by the decision, he can go to the ZBA; if someone else is aggrieved by the decision, they can appeal to the ZBA.

Mr. Folchetti added that if the use is not a permitted use, the application should be stopped until the issue is resolved, so as not to waste everyone's time.

Mr. Stockburger stated that he would try to talk to Mr. Hernandez to

discuss. He also asked if this site was in a B1 zone and the response was, Yes.

Mr. Folchetti asked about the waiver of moratorium from the recommendation from the September Planning Board meeting, and the Committee responded that the Village Board did give it to him.

Mr. Murrello asked if the Applicant was expected to be at this meeting. Mr. Kulo responded that the Committee members only received this application the prior evening and it was possible that the Applicant wouldn't have expected this to come before the Board this soon.

Therefore, this item was tabled.

Acceptance of September 23, 2014 Planning Board minutes

Mr. Murrello made a motion to accept the minutes from the September 23, 2014 Planning Board meeting. This was seconded by Mr. Stockburger and accepted unanimously.

Additional business: Training

- . Mr. Gaspar: Not this calendar year
- . Ms. Diaz: Has completed two hours towards the four hours to complete the training.
- . Mr. Stockburger: Completed
- . Mr. Murrello: Completed
- . Mr. Kulo: Completed

Mr. Stockburger brought up the subject of the last waiver of moratorium for 121 Marvin Ave. whereby the Planning Board made a recommendation of disapproval of the waiver of moratorium for this application. Mr. Stockburger stated that the Village Board approved it with conditions.

Mr. Kulo made a motion to adjourn the meeting. This was seconded by Mr. Murrello and approved unanimously.

Meeting was adjourned at 7:40pm.