

**Village of Brewster
Planning Board**
October 23, 2012

Regular Meeting Minutes

Board Members in Attendance:

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

Also in Attendance:

Greg Folchetti-Planning Board Attorney
Bob Dumont
James Nixon
Richard Ruchala

The **Pledge of Allegiance** was recited.

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

Call to Order

Chairman Kulo made a motion to open the Meeting. This motion was seconded by Mr. Anderson and passed by a vote of 5-0. The Chairman welcomed everyone to this, the regular October Meeting of the Planning Board and noted that he was in attendance along with Rick Stockburger, Mark Anderson, Renee Diaz and Tyler Murello.

New Business

162 Main Street-Concept Plans

Bob Dumont was asked to address the Members concerning this matter. He stated that he is the owner of the Bowl Company, which occupies 162 Main Street, and that they are out of space for that use. The building has about 600 square feet and Mr. Dumont stated that he is looking for alternate uses for the property. Mr. Dumont said that he is considering having a tea room there, where there would be tea tastings and customers could buy loose tea and maybe packaged food, although there would not be any cooking on the premises. Mr. Dumont stated that he was told by officials from the Health Department that he had to appear before the Planning Board in connection with this. Mr. Dumont stated that he was seeking clarification from the Planning Board on such issues as to whether he would need a public restroom, what parking requirements there would be and what else would be needed to satisfy the Village so that the tea tastings would be allowed.

Mr. Anderson inquired as to how the property is zoned, to which Mr. Stockburger replied that it is B-3, where retail stores, restaurants, taverns, personal services, etc. are allowed. Mr. Folchetti posited that it should be left to the Zoning Officer to decide if the proposed use falls within any of the permitted categories. Mr. Dumont stated that there would not any stove on the premises and that the only thing that would be changed is the sign. Mr. Anderson stated that it sounded like a change in tenancy only, to which Mr. Stockburger replied that it sounded like a change of use. Mr. Stockburger advised Mr. Dumont to apply for a building permit and ascertain if a site plan is requisite.

35 Main Street-Concept Plans

Mr. Anderson recused himself from consideration of this matter and assumed a seat as a member of the public. Mr. Nixon stated that this matter, wherein a change from a second floor office to a one bedroom apartment was being sought, had gone before the Zoning Board of Appeals and a variance concerning density had been granted;

the request for a parking variance had been withdrawn as the owner had secured parking at the Tri State lot. Ms. Diaz asked if the windows would be changed. Mr. Nixon answered that they would be within the confines of the existing openings therefore; he also indicated that the building's basic look would be staying the same. Ms. Diaz wondered if there was a full bathroom, to which Mr. Stockburger replied that that was not within the Planning Board's purview. Ms. Diaz asked if the Code Enforcement Officer had any problems with the proposal. Mr. Anderson replied that the proposal would make the building safer as sash windows would replace the current windows, which would be there along with the fire escape.

Mr. Folchetti opined that there is no modification although the letter of the Code might require site plan approval; however, continued Mr. Folchetti, the Members could waive the site plan if the building was not being enlarged or the floor area was not increasing by more than ten per cent. Mr. Folchetti further stated that he believed that this is a Type 2 action for SEQRA purposes and that pursuant to Section 263.21(r)(1) of the Code the Members can waive all or part of the site plan requirements. Mr. Stockburger stated that the matter should be advanced and moved to have the matter be considered a Type 2 matter for SEQRA pursuant to Section 617.5.(c)(2) of SEQRA. Chairman Kulo seconded the motion and it was passed by a vote of 4-0, Mr. Anderson having previously recused himself. Mr. Stockburger then noted that the applicant had obtained the aforementioned variance, the property is conforming, there is no signage issue and the only change would be to the windows; therefore, if the Members so opted site plan approval could be waived, to which Mr. Murello responded that it should be. Mr. Stockburger then moved to waive the site plan requirements pursuant to Section 263.21(r)(1) of the Code. Mr. Murello seconded the motion and it was passed by a vote of 4-0, Mr. Anderson having previously recused himself. Mr. Folchetti indicated that he would prepare a resolution reflecting the Board's actions herein for the Chairman's signature.

Pending Business

55 Main Street-Cache Restaurant expansion-review engineer reports

Mr. Anderson resumed his seat as a Member. In response to a query, Mr. Stockburger stated that both of the spaces that are being sought to be consolidated into a bigger Cache are owned by the same landlord. Mr. Stockburger then stated that he believed that the same analysis that was used in the previous matter (i.e. 35 Main Street) would be applicable here, to wit that since building permits are required the need for site plan approval is triggered, which can be waived if the Members of the Planning Board so choose. Mr. Nixon stated that there would be changes to the exterior if the proposal was approved-the width of the awning would be expanded in accord with the larger front and the roof would be metal made to look like Spanish tile.

Mr. Anderson stated that this would be the only establishment on Main Street with ground floor space without large windows. Mr. Anderson noted that such nonconformity could be good or bad but would be distinctly different than other retail spaces. Ms. Diaz suggested that part of the reason for this might be the need for ADA compliance. Mr. Anderson wondered if accessibility and aesthetics can be merged, and further asked whether Main Street ought to be kept looking alike or is individuality to be encouraged. Chairman Kulo stated that there are standards but that they are not so strict that there cannot be originality if good. Mr. Stockburger said that it is not bad to have something different. Mr. Nixon noted that the design incorporated window spacing that would allow a table to be comfortably placed in front of each window.

Mr. Folchetti stated that if this is a Type 2 action no further inquiry is needed. Mr. Anderson moved to deem this a Type 2 action for SEQRA pursuant to Section 617.5.(c)(2). Mr. Murello seconded the motion and it was passed by a vote of 5-0. Mr. Stockburger stated that he was opposed to waiving the site plan requirements; inasmuch as the exterior was being changed Mr. Stockburger said he thought public comment ought to be sought. Mr. Murello indicated that he agreed with that and there was general assent among the Members that this would be the more sanguine approach. Accordingly, a public hearing was set for November 27, 2012, 7:30 p.m. at 50 Main Street, Brewster, New York, which is the next regularly scheduled Meeting

of the Planning Board and also allows for the requisite thirty days notice.

220 East Main Street-Bring up for discussion what was tabled at the last Meeting

Mr. Folchetti indicated that he had spoken to the applicant earlier in the day and that the applicant was under the impression that the matter had been removed from the agenda; Mr. Folchetti accordingly suggested that the matter be put over to the next Meeting so the applicant could be present, which the Members agreed would be best.

Accept Outstanding Draft Minutes of September 25, 2012

Chairman Kulo stated that the next item of business was approval of these outstanding Draft Minutes. Mr. Anderson made a motion to accept the September 25, 2012 Minutes. This motion was seconded by Ms. Diaz and passed by a vote of 4-0, Mr. Murello abstaining.

Other Business

Chairman Kulo inquired if anyone had anything else he or she wished to raise. There was no other business that anyone desired to discuss.

Close Meeting

Mr. Murello made a motion to close the Meeting. This motion was seconded by Ms. Diaz and passed by a vote of 5-0.

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

