

Village of Brewster Planning Board

July 10, 2012

Regular Meeting Minutes

Board Members in Attendance:

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

Board Members Not in Attendance

Renee Diaz

Also in Attendance:

Anthony Mole-Planning Board Attorney
Bruce Martin- JRFA, Village Engineer
Michael Sirignano-D.J.&N.A. Management Attorney
John Watson-Insite Engineering
Achilles Doupis
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 stated that this was the regular June Meeting of the Planning Board, which date had been changed to tonight, and

noted that he was in attendance along with Rick Stockburger, Mark Anderson and Tyler Murello while Renee Diaz was absent. Chairman Kulo made a motion to open the Meeting, which was seconded by Mr. Anderson and passed by a vote of 4-0.

New Business

220 East Main Street – D.J. & N.A. Management, Ltd. Amended Site Plan for Parking Spaces.

Mr. Watson stated that he is an engineer and represents D.J.&N.A. Management, Ltd., the applicant in this matter. Mr. Watson stated that the building is downhill from Brewster Honda and shares a property line with Mr. Ledley's property. He indicated that this is a matter of long standing and that there have been several court decisions pertaining to the property; one of these decisions mandated that there be new curbing and striping at the property. The decision also required that this work had to receive the Planning Board's approval; the applicant also wishes to formalize parking at the premises. Mr. Watson stated that the applicant is looking for site plan approval. In accord therewith, the applicant has reduced the number of parking spaces sought from 48 to 42, for which latter number Mr. Watson asserted no variance was needed from the Zoning Board of Appeals.

Mr. Anderson inquired as to whether or not the tenant's patrons can cross Mr. Ledley's land, to which Mr. Sirignano responded yes. Mr. Anderson inquired how someone would gain ingress into the property from Route 22, to which Mr. Watson answered that there is an access aisle. Mr. Anderson then asked if the concrete barriers were court ordered, to which Mr. Stockburger replied that there was but that the Appellate Division did not say that other things also had to be put in. Mr. Watson pointed out that the curb is a four inch reveal, meaning that vehicles could drive over it. Mr. Sirignano stated that the chains were for the benefit of Mr. Doupis to prevent unauthorized parking.

Mr. Stockburger stated that there was a 15 foot restriction line on the chart and asked what the deeds of record show, to which Mr.

Watson responded that he did not remember. Mr. Stockburger requested that this information be provided before the next Meeting. Mr. Doupis stated that this was the third time he was trying to get a site plan approval. Mr. Stockburger noted that it did not appear that the setback rules were being complied with and noted that there had recently been a case on this issue involving the Methodist Church. Mr. Stockburger queried as to whether there was any approved site plan for the property, to which Mr. Watson answered that there was none that he knew of. The Chairman asked if there would be vegetation on the islands; Mr. Watson said no and that there would be no change in the lighting. Mr. Stockburger noted that the application letter did not request any waivers and if any were sought the letter had to be amended before the public hearing seeking such waivers. Mr. Stockburger also said that he wanted to see any deed restrictions; he added that the setback for a sign is 15 feet and since the planter has a sign it needs to be in conformity or be changed. Mr. Stockburger then stated that although bollards were unnecessary it would also be okay to put them in. Mr. Doupis pointed out that his locale did get people from Norm's clientele without bollards, and that that has gone on since 1993.

Mr. Stockburger noted that the Code says commercial driveways must be at least 20 feet wide but that the judge in one of the decisions had decreed that the instant driveway need only be 17 feet, and wondered which edict would be considered paramount. Mr. Watson stated that he had spoken with Greg Folchetti, who had advised him that the court mandate supercedes the Code. Mr. Anderson said that the case was old and maybe the Code was not 20 feet then. Mr. Mole advised that if the court decision said 17 feet then that would be sufficient. Mr. Sirignano stated that it would be a nightmare if 20 feet were required. Messrs. Stockburger and Anderson noted that Mr. Martin's letter noted that at least three of the parking spaces were not of the requisite size, to which Mr. Sirignano replied that all of the now proposed 42 spaces were.

There was discussion about scheduling a date for the public hearing on this matter. Mr. Mole stated that 10 days notice for the scheduling thereof was needed. Mr. Stockburger articulated that the open meetings law now requires that everything be made electronically available in advance of the public hearing if it is

reasonably capable of being done. Mr. Watson stated that he would be able to convert the charts he had brought into PDF 's. After further discourse about a suitable date, Chairman Kulo moved to set the public hearing concerning this property for July 24, 2012 at 7:30 p.m., which is the regularly scheduled July Meeting of the Planning Board. Mr. Murello seconded this motion and it was passed by a vote of 4-0.

35 Main Street – *Change of use concept plan.*

Mr. Anderson recused himself for the purposes of this discussion. Mr. Nixon stated that he was appearing on this matter, and stated that there was a change of use being proposed for this property, which is on the corner of Main and Park Streets. Specifically, a change of use on the second floor was being sought. Currently extant on that floor is a one bedroom apartment in the rear and a three room office in the front; the proposal is to change that office into a another one bedroom apartment. Mr. Nixon stated that there would be no change to the site or the building's footprint except for perhaps new windows where needed; Mr. Stockburger said that any windows added should look the other ones. Mr. Nixon stated that the property is already nonconforming, as the Code permits 20 bedrooms/acre and there were currently in effect, per the ratios, 71; the proposed change Mr. Murello noted would make the property more nonconforming as there would then be, per Mr. Nixon, 86 bedrooms/acre.

Mr. Stockburger said that the parking overlay requires no parking spaces for a first floor commercial use but that adding a dwelling unit would mandate one space; Mr. Stockburger asked if the applicant could designate one space within 750 feet of the property, to which Mr. Nixon responded in the negative. Mr. Anderson then addressed the Board as a member of the audience and stated that the idea was that the applicant would rent a spot from the Village in perpetuity. Mr. Murello inquired if the applicant could designate a spot on another property he owned within 750 feet of the property; Mr. Nixon stated that he did not know and added that off the top of his head he thought the Tri State lot is within 750 feet of the property. Mr. Stockburger noted that this had to be addressed before the public hearing and asked if by making the property more nonconforming would a variance be needed, to which Mr. Mole stated it would. Mr.

Ruchala stated that there was a Zoning Board of Appeals Meeting already scheduled for August 6, 2012 and that the matter, if properly noticed, could be put onto that evening's agenda. Mr. Nixon agreed that he would send the Chairman and the Secretary of the ZBA his vision of what issues he felt required address before that agency.

Accept Outstanding Draft Minutes May 22, 2012

Chairman Kulo stated that the next item of business was approval of these outstanding Draft Minutes. Mr. Stockburger made a motion to accept the May 22, 2012 Minutes which motion was seconded by Chairman Kulo and passed by a vote of 4-0,

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. Anderson made a motion to close the Meeting, which was seconded by Mr. Murello and passed by a vote of 4-0.

[Whereupon the Meeting was closed at 8:22 p.m.]