

**VILLAGE OF BREWSTER
ZONING BOARD OF APPEALS
WORK SESSION
AUGUST 26, 2010**

MINUTES

Board Members Present: Chairman Richard Ruchala, Board Member Keith Greene, Board Member Todd Gianguzzi, Board Member Claire Degnan Kropkowski, Esq., and Board Member Dory Burdick

Others Present: Mayor Jim Schoenig, Village Attorney Gregory Folchetti, Esq., Rick Stockburger, Chip Robertson (Applicant), Michael Liguori, Esq. of the Law Firm Hogan & Rossi (Counsel for the Applicant), Michael Santos and Calvin Jacobs (ZBA Secretary)

The Pledge of Allegiance was recited.

Chairman Ruchala: This meeting has been called for Tuesday, August 26 2010. Would anyone like to make a motion to open this meeting for the Zoning Board of Appeals?

Mr. Gianguzzi: I would make a motion to open the meeting.

Chairman Ruchala: Can I get a second?

Ms. Kropkowski: Seconded.

Chairman Ruchala: All in favor.

Mr. Gianguzzi: Aye.

Ms. Kropkowski: Aye.

Mr. Greene: Aye.

Ms. Burdick: Aye.

Chairman Ruchala: The meeting is opened. The first item on the agenda is Brewster Honda. We have two people who have to recuse themselves from this part of the meeting, Keith Greene and myself. That's Richard Ruchala and Keith Greene. Anyone else have any conflicts? So what we will do is recuse ourselves and step off. I will leave this to Claire.

Ms. Kropkowski: Thank you so much.

Chairman Ruchala: And thank you Claire.

Ms. Kropkowski: You're so kind. I guess go ahead and start.

Mr. Liguori: Good evening. My name is Michael Liguori. I am an attorney with Hogan & Rossi in Brewster, New York. I am here representing Chip Robertson and the applicant, which is 22 Lea Realty LLC. We are here tonight to request an easement-I'm sorry, an area variance from the Zoning Board for the purpose of the locating of an access drive. I'll try to locate this [a map brought by Me. Liguori] so that everyone can see. The subject property is 2-4 Allview Avenue and the portion-that's a significant sized piece of property- that is the subject here is bisected by the Town of Southeast-Brewster Village line. This section over here is located in the Village of Brewster and this section is located in the Town of Southeast. There is an automotive service and prep facility proposed for construction on the Town of Southeast portion. Currently the parcel is improved by an approximately 10,000 square foot structure with parking and an access driveway. The purpose of the variance is not for the existing driveway. The existing driveway already exists-we are able to use that without a variance. The item that has triggered the variance is that we propose to make an improvement to the entrance to the driveway where there is currently a planter. That area is located within 35 feet of the property line and Section 263-18 of the Village of Brewster Zoning Code says that you cannot have a commercial access within 35 feet of a residential district. It is our opinion that whatever exists is grandfathered under the regulations but if we make any improvements or add an impervious surface for commercial access to a place that is not currently being used for commercial access then we need a variance from the Zoning Board of Appeals. The purpose for the improvement is to facilitate additional turning radius for trucks that are leaving the site. Currently if they use the existing driveway, according to our traffic engineers

they can make a left into the property and navigate the property. Basically they will come in this way-the trucks are proposed to circulate around the proposed new structure, come back out, come down the driveway and make a right hand turn onto Allview Avenue. The question that has come up is can they do that without driving into the lane of oncoming traffic onto Allview. So for instance when they come out and make a right do they have to go into oncoming traffic or can they safely go into the turning lanes. According to our traffic engineers they can safely go into the traffic lane but it was recommended by the Town's engineer that we make that limited improvement to extend the driveway over a little bit in this particular area in order to facilitate a greater turning radius and eliminate any possibility whatsoever of a truck going into the oncoming traffic. And that's what triggered the need for the variance. By relocating the driveway the-currently the driveway runs down immediately touching the residential property line-it basically runs straight like this. What we propose is to move it over. That gives us the ability to provide some screening between the new to driveway and the residences and also facilitate that turn. That's what we're asking for. The total dimension of the variance is roughly 12 feet so that's what we're asking the Board to grant is an area variance of 12 feet to permit that commercial access.

Ms. Kropkowski: So the existing driveway is not going to be there at all? Or are you taking up part of the existing driveway?

Mr. Liguori: We're going to take out this hatched area over here-it's existing driveway. We're going to remove the existing driveway and what we're going to do is to move the driveway over from where it is over here to over here, where the bold heavyset black line is. I marked up the area in red-the area in the red is outside of the 35 feet. So that's an area that does not require the variance. This area over here is going to be new pavement and is not otherwise used as a commercial driveway.

Ms. Kropkowski: That being the yellow?

Mr. Liguori: The yellow-that's currently some stone block or Belgian block and some landscaping that's there that serves to screen the existing building.

Ms. Kropkowski: May I see that?

Mr. Liguori: I made up copies as well. I did not have colored copies available so I marked up this map to facilitate tonight's discussion.

Ms. Kropkowski: And what is the distance that you have between the area here and the plain cross-hatched and the double cross-hatched? How far is that actually being moved over?

Mr. Liguori: From here to here?

Ms. Kropkowski: Yes. The widest part versus the narrowest part.

Mr. Liguori: At the widest part it's being moved over 20 feet. A little bit over 20 feet.

Ms. Kropkowski: So the 12 foot variance, the narrowest part, is the one just before the Town line.

Mr. Liguori: No. I'm asking to go into the 35 foot area. The 35 foot area starts here and goes to the red line. So what I'm asking to do is to go into that 35 foot area this way by 12 feet because everything that's already in it is existing and grandfathered.

Ms. Kropkowski: So the red is new pavement, the yellow is new pavement and the rest is?

Mr. Liguori: The rest is existing.

Ms. Kropkowski: So what you're doing is slicing, taking part of that driveway out, is that correct? Is this the old driveway here?

Mr. Liguori: No, this is the old driveway.

Ms. Kropkowski: Aha

Mr. Liguori: Anything that's not colored is the old driveway. The part in red is outside of the 35 foot setback. So we don't need a variance for the proposed improvements that we intend to make.

Ms. Kropkowski: So where's the 12 foot variance? Is it just the yellow?

Mr. Liguori: It's just the yellow. By us paving this area right here in the yellow I go in a depth of 12 feet into that 35 foot setback.

Ms. Burdick: So that portion in red that's cutting to the right is not involved?

Mr. Liguori: That's right. It's just that yellow area.

Ms. Kropkowski: And that is the area you're claiming you need a variance for, it's just the yellow because it hasn't been used before?

Mr. Liguori: That's right. If that was already paved we would basically just be. We're moving the area of the pre-existing driveway that was in the 35 foot

Ms. Kropkowski: And you are putting up screens, is that correct?

Mr. Liguori: We propose evergreen screening in the area that is where pavement is going to be removed. The former location, which is shown on the landscaping plan, and then when we go back to the Planning Board-just so the Zoning Board knows where we are-we've had comments, we've had the public hearing before the Planning Board, we have all the comments of the public, and the public hearing was closed and the Planning Board has referred us to the Zoning Board of Appeals on the variance aspect. Then what we will do, pending the outcome before the Zoning Board of Appeals, is we will go back to the Planning Board, submit our site plan with addressing the comments of the public and hopefully obtaining site plan approval. For now, the screening plan that you are looking at is the same screening plan that the Planning Board has looked at and when we go back to the Planning Board the only thing I will note is that what we will probably propose is landscaping over here where the building that exists over here will be torn down, will be seeded with grass and we will probably add some additional landscaping to improve the visual characteristics.

Ms. Burdick: So that building is coming down?

Mr. Liguori: That's right, that building is coming down. In theory we could leave it up. We don't actually need to take down the building but the applicant has determined it would be in his best interests to do it and would be visually beneficial to remove it. It's not the nicest building.

Ms. Kropkowski: Just so I'm really clear.

Mr. Liguori: Okay.

Ms. Kropkowski: The area that is cross-hatched just one way, that's current existing driveway?

Mr. Liguori: That is a portion of the existing driveway. Some of it also goes into-it goes into where it's single-hatched and also where it's double-hatched.

Ms. Kropkowski: So this area is existing driveway that comes here?

Mr. Liguori: That's right

Ms. Kropkowski: And where it's single-hatched here you're going to be doing some landscaping, correct?

Mr. Liguori: We're going to remove the pavement from the single-hatched area and we're going to improve it with landscaping.

Ms. Kropkowski: And then this whole area is going to be paved?

Mr. Liguori: This area here within the two double lines is going to be paved. The area in red we don't need a variance for, that area we do.

Ms. Kropkowski: Okay. Any other questions? Should I open it up for questions?

Chairman Ruchala: It's your call.

Ms. Kropkowski: Does anybody have questions?

Mr. Liguori: Greg, I just want to be on record that when Rich and I left off tonight's purpose was to be a discussion with the intent for the public hearing to be on the 13th.

Mr. Folchetti: I consider this to be a public hearing.

Mr. Liguori: I don't object

Mr. Folchetti: I would consider holding it over until the next one.

Mr. Liguori: I don't object to taking public comment. I just want to make sure- because it was discussed that it was just going to be a discussion I did not send notice to the adjacent property owners.

Chairman Ruchala: We can't continue Greg.

Mr. Folchetti: That I did not know.

Mr. Liguori: But if the public wants to comment we're here.

Ms. Kropkowski: So at this point I guess I ask them to put it over for public hearing and to have notice for it. We have to get a new date.

Chairman Ruchala: You have to make a point of when everyone can be here. There's only three people who can vote so make sure everyone can be here.

Ms. Kropkowski: September 13th is two weeks. Does that give enough time to give notice to everybody?

Chairman Ruchala: It has to go in by Friday. Everything would have to be done here by Peter by Friday.

Ms. Kropkowski: Meaning tomorrow or the following Friday?

Chairman Ruchala: You have to give them seven days.

Ms. Kropkowski: So we probably should put it further than that. Does anybody have a calendar?

Mr. Gianguzzi: What are you looking for, what dates?

Ms. Kropkowski: Giving them enough time.

Chairman Ruchala: The 13th, 20th and 27th are all Mondays.

Ms. Kropkowski: So probably the 20th would give them enough time to do that.

Mr. Greene: I don't know when the Village has Court.

Mr. Folchetti: It's always early. I was never here past 6:00.

Chairman Ruchala: So the 13th?

Mr. Gianguzzi: Do you think Pete will be able to get the Notice out?

Chairman Ruchala: For the 13th?

Ms. Kropkowski: That's a rush to do it as opposed to giving everybody enough time. How does the 20th work for everybody?

Mr. Gianguzzi: The 20th looks good.

Ms. Kropkowski: That's a Monday. The 23rd must be a Thursday.

Chairman Ruchala: Well, is the 20th okay for everybody?

Mr. Gianguzzi: That's good.

Ms. Kropkowski: Yeah, that's fine. So we'll have the Public Hearing on the 20th at 7:30 again.

Chairman Ruchala: At the same place.

Ms. Kropkowski: At the same place-50 Main Street, Brewster, New York. Any other questions?

Mr. Gianguzzi: No, I'm good.

Ms. Burdick: No thank you.

Ms. Kropkowski: So I close this part of the public hearing and ask the other two Members to step up again.

Mr. Gianguzzi: I will second the motion to close this part of the public hearing.

Chairman Ruchala: Just so we don't forget, I would remind everyone to fill out his or her vouchers for tonight's meeting. The next part of the meeting should be about education. They're having a conference in Lake Placid for training. Claire was at one but Keith wasn't able to go.

Ms. Burdick: What are the dates?

Chairman Ruchala: The 26th through the 28th of September.

Ms. Burdick: Thank you.

Chairman Ruchala: These are the classes. Claire went to the one a year and a half ago. Did you have a wonderful time?

Ms. Kropkowski: Yes, it was fun.

Chairman Ruchala: We either go to this or take an online course. This is the four hours that we talked about. My question on this becomes does anyone here want to go to this?

Mr. Gianguzzi: At what intervals are the four hours of training required? Annually?

Chairman Ruchala: They say annually. You can take an online course or you can go to this if you can get the time off.

Ms. Kropkowski: I would love to go but I don't think I could get the time off.

Chairman Ruchala: In other business, I believe we have outstanding Draft Minutes, correct?

Mr. Jacobs: Yes sir. My recollection, and we've had some discussion over here, is that the last meeting of the ZBA was on October 21, 2008.

Chairman Ruchala: My recollection is that there were several meetings in 2009, and that the Minutes were approved for everything but the last meeting.

Mr. Folchetti: Cal and I are trying to settle a gentleman's wager here about that.

Chairman Ruchala: We have approved the Minutes of everything but the last meeting, which we obviously couldn't approve since we haven't met since the last meeting.

Mr. Jacobs: I think the last meeting was October 21, 2008. Mr. Folchetti begs to differ. I'm not aware of any meeting that has occurred since October 2008. We both agree on what was discussed at the meeting but if that was the last meeting and those were the last Minutes, then by dint of the fact the Board has not met since then then the Minutes weren't approved.

Chairman Ruchala: Who was that for?

Mr. Jacobs: That was the application of the gentleman who wanted to open a restaurant

Chairman Ruchala: The bar-restaurant?

Mr. Jacobs: Yes. There was a big discussion.

Chairman Ruchala: Yes. I know that. That was at Old Village Hall

Ms. Kropkowski: Yes.

Chairman Ruchala: I thought there was one in December, but I might have had the wrong year.

Mr. Folchetti: There was an informal application by the place across from the ball fields.

Ms. Kropkowski: Nothing was formal though.

Chairman Ruchala: Well, it has to be approved since we haven't approved it. Could you bring the Minutes from the bar-restaurant-because I think that is correct-from that meeting and we'll approve them at the next meeting.

Mr. Jacobs: You want me to bring them.

Chairman Ruchala: Bring them here.

Mr. Jacobs: Okay.

Chairman Ruchala: Or send them to me and I'll make up five copies.

Mr. Jacobs: Okay.

Chairman Ruchala: You probably already sent them to me.

Mr. Jacobs: I don't know that I did actually. I think I sent them to Mr. Hansen.

Chairman Ruchala: Okay. Send them out again for approval. Please make sure they're all correct

Mr. Jacobs: I will.

Chairman Ruchala: Any other business?

Mr. Gianguzzi: No.

Chairman Ruchala: I make a motion to close the meeting.

Mr. Gianguzzi: Seconded

Chairman Ruchala: All in favor.

Mr. Gianguzzi: Aye.

Ms. Kropkowski: Aye.

Mr. Greene: Aye.

Ms. Burdick: Aye.

Chairman Ruchala: The meeting is closed.

[Whereupon the meeting concluded at 8:10 p.m.]

