

VILLAGE OF BREWSTER  
ZONING BOARD OF APPEALS  
February 10, 2014 Minutes

Board members present:

Richard Ruchala, Chairman

Keith Greene

Jack Gress

Claire Kropkowski

Board member not present:

Todd Gianguzzi

Others present:

Village Attorney: Gregory Folchetti, Esq.

Pledge of allegiance was recited.

Meeting called to order by Chairman Ruchala for Monday, February 10, 2014 at 7:08pm.

First order of business:

Application of Prospect Progress Goals, Inc., John Degnan, to convert property 13 and 13A Prospect St., Brewster, N.Y., 10509, Lot #67.26-1-49 from commercial to residential use. Request to convert 1600 square feet of commercial space on the first floor at 13 Prospect St. to two 2-bedroom apartments and to build two 1-bedroom apartments above the garage and convert the 840 square feet office to a two-bedroom apartment.

Mr. Degnan asked this Board to continue to continue on this application since the Village Board of Trustees needs to vote on the special use permit.

Mr. Ruchala made a motion for Prospect Progress Goals, Inc. be continued until the next Zoning Board meeting to be held on March 3, 2014 at 7pm at 50 Main St. Village Hall, Brewster, NY, 10509. Mr. Ruchala also asked that \$500 be on hand in addition to the \$1000 security escrow deposit at that time. This was seconded by Mr. Gress and passed 3-0. (Ms. Kropkowski recused herself at this point as the Applicant, John Degnan, is her brother).

Second order of business:

Brewster Holding LLC (Gulf Station on Route 6) asking for a variance of alterations of existing commercial sign, installation of electronic reader board signs and graphics (174 Main Street, Tax Map 67.35-1-48 in a B-3 zone).

Mr. Ruchala asked if the owner, Mr. Richard Cebel, wanted to pursue this application at this meeting or continue it to a future meeting since he didn't have any representation for the sign.

Mr. Cebel asked to wait for the sign representation.

Mr. Ruchala made a motion for Brewster Holding LLC's application be continued until the next Zoning Board meeting to be held on March 3, 2014 at 7pm at 50 Main St. Village Hall, Brewster, NY, 10509. This was seconded by Mr. Greene and passed 4-0.

Third order of business:

Route 22 Brewster LLC (Getty Station on Route 22) asking for 1) variance for front yard setback for a new building and new canopy over gas pump islands, 2) variance of front yard to allow reinstallation of pumps in front yard setback and 3) variance to allow reuse of existing freestanding sign (876 Route 22, Tax Map 67.36-2-10 in a B-5 zone).

Representation for this application is Robert Cameron of Putnam Engineering, who provided the Board with bulk chart.

Mr. Cameron presented:

- . Existing gas station site is small and narrow.
- . The gas station is a permitted use in the B5 zone.
- . New building will be moved and constructed a little larger, meeting all setbacks. Would like to incorporate features of the Borden Building across the street.
- . Islands will be in the same position, but angled differently to accommodate a better flow of traffic. Mr. Ruchala asked if he was adding any pumps. Mr. Cameron stated, No. In fact, there would be four pumps at two islands.
- . Adding a canopy requires a front yard setback because it extends forward. The benefits of the canopy are: 1) New LED lights will be installed and the canopy will keep the light reflection downward and eliminate more light pollution, 2) Canopy will include fire suppression devices, which provide a significant

safety feature, and 3) Provides protection from the elements and convenience for customers.

. The sign will remain the same size as the current sign (4' x 8') with the elimination of the pricing portion on the side. Mr. Ruchala asked if it were to be digital and Mr. Cameron said, Yes; Mr. Ruchala asked if it were to be flashing and Mr. Cameron said, No. Mr. Cameron then stated that there may be an issue on the sign and asked Mr. Folchetti to address the issue.

Mr. Folchetti said that under the code a poll sign is only permitted by special exception use permit by the Board of Trustees, which is 199113. His recommendation to this Board, therefore, was to take a vote on the first two variances and make a hold over re: the sign. He felt it should go to the Board of Trustees. Mr. Cameron would then deal with the Board of Trustees on the sign.

Mr. Ruchala said that in a perfect world this Board would approve the first two variances and continue the sign issue to the next meeting to be held on March 3, 2014.

Mr. Ruchala asked why this issue wasn't addressed when Mr. Cameron went to the Board of Trustees on the moratorium, from which they gave him relief. Mr. Cameron didn't realize that this was an issue since he gave them all the information.

Mr. Gress asked for clarification. The applicant was denied the building permit because of the pole sign reuse. It was this Board's understanding that the sign was to be used as it existed and it was a non-conforming pre-existing use that existed and was allowed, and they were not making any exceptions to the reuse of the pole sign itself, but rather giving a variance for the size of the sign, since it was to be 8' 8" x 4', 35 sq.ft instead of 33 sq.ft. (32 sq.ft. is the max).

Mr. Ruchala restated that the sign portion discussion be continued at the next meeting on March 3, 2014 and vote on the first two variances now to help the Applicant.

Mr. Ruchala asked why the Board of Trustees has the right to make that decision. Mr. Ruchala asked that the question before the Board of Trustees would be whether the sign is more non-conforming or less non-conforming. Mr. Folchetti's response was that it's in the sign code and special exception permit needed is because of size change.

Mr. Folchetti stated that the Applicant needs a permit today and that the Board of Trustees handles it and it's not likely that the issue would come back to the Zoning Board. He felt that the Board of Trustees would handle it.

Mr. Ruchala asked if there were any other questions on the pole sign.

Mr. Gress was under the impression that the Board of Trustees referred it to the Zoning Board because they had no issues with it, rather just a reuse of a non-conforming sign. Thought that it was the increase in size that required the variance (no more than 12 sq.ft.).

Mr. Ruchala stated that they have another application with another pole sign variance that's similar, but different.

Mr. Ruchala asked as a point of purpose --- asked Applicant about having received a waiver on moratorium and special exemption use permit to come before the Zoning Board re: the sign at the Gulf Station.

Mr. Gress responded to clarify stating that the Putnam County 239m came back on this application as a variance; they came back on the other application as a special exemption use permit from the Board of Trustees.

Mr. Gress said they only made the change on Route 22 Brewster LLC sign.

Mr. Gress stated that 199-11 will require that the pole sign get a special exception use permit. Mr. Folchetti concurred. He said he can speak with general counsel of the Village and if it's something different, he can come back to the Zoning Board for whatever relief the Zoning Board can grant.

Mr. Gress asked 1) the sign is pre-existing non-conforming and 2) the pole is pre-existing non-conforming. If the size of the sign hadn't changed could it have been left a non-conforming pre-existing use? Mr. Folchetti agreed. The pre-existing non-conforming status is made by the Building Dept. The Zoning Board has the power to make an interpretation.

In order to help the Applicant advance, Mr. Gress asked if the Zoning Board could authorize a variance on the size of the sign *pending* approval of a special exception permit. Mr. Folchetti said, No, because approval shouldn't be made absent of determination of the square footage.

Mr. Ruchala asked about the pole sign for the Gulf Station. They went before the Village Board and received relief from the moratorium and we have a 239m and it's the same situation. Mr. Folchetti asked if it was also Brewster Holding LLC. The answer was, Yes.

Mr. Folchetti said he'll bring both of these pole issues to the Board of Trustees and will address both of these two applications as the same, basically to ascertain what's the difference between the two applications to not warrant the same outcome.

In the course of further discussion, it was realized that the sign will be the same size, 4' x 8', without the pricing portion on the side, as the existing sign. Mr. Greene noted on the architectural drawings that the sign would be smaller than the current sign, therefore, making it less nonconforming.

The Applicant agreed.

Based on the above, Mr. Folchetti, agreed that there was no reason to delay the sign discussion further.

Ms. Kropkowski summarized stating that the Board needs to approve an 8' variance for the islands, an 18' variance for the canopy, and make a determination as to the signs.

Mr. Ruchala asked how long the Applicant owned the land and the Applicant responded that he just bought it about six months ago at auction. Mr. Ruchala asked if the Applicant also owned the Gulf Station and the response was, Yes. Mr. Ruchala told him he did a beautiful job there. Applicant stated that he wants to reduce the competition and fix up the place.

Mr. Greene asked if the footprint of the existing building is within the zoning envelope. Mr. Cameron responded, Yes.

Mr. Ruchala opened the meeting to the public and asked if there were any concerns/objections.

. Ms. Meagher reiterated that the canopy with fire suppression devices was a good, added safety feature to prevent fires.

. There were no other comments.

Mr. Ruchala made a motion to close the public hearing. This was seconded by Mr. Greene and passed 4-0.

In consideration of this application, Mr. Folchetti reminded the Zoning Board to evaluate against the factors. Mr. Ruchala considered the first two variances, without the sign variance, against the five criteria first and the balance of the Board provided feedback.

<b>Factor</b>	Mr. Ruchala	Mr. Gress	Mr. Greene	Ms. Kropkowski
Whether benefit can be achieved by other means feasible to applicant	Looks great.	Agreed	Agreed and meets all five criteria.	Agreed with the evaluations.
Undesirable change in neighborhood character or nearby properties	No, in fact will make the neighborhood better as evidenced by improvement at Gulf Station. (same owner)	Agreed	Agreed and added that he is one of the 500' adjourners and believes that this is an improvement.	Agreed
Whether request is substantial	Yes, however, will be an improvement and looks upon this positively.	Agreed	Agreed	Agreed
Whether request will have adverse physical or environmental effects	No, and will improve property and environmental effects – fire suppression alone adds value.	Agreed and storm water management will enhance the runoff and make an improvement to the community.	Agreed	Agreed
Whether alleged difficulty is self-created	No	Agreed	Agreed	Agreed

Mr. Gress made a motion to extend the 8' variance and 18' variance for the islands and the canopy. This was seconded by Mr. Ruchala and passed 4-0.

RE: Sign interpretation

Mr. Gress suggested to make a motion according to the exact wording of legal counsel which was, "To make a motion to consider the interpretation of the sign existing at the premises now in terms of its dimension, height and character is

permitted as a pre-existing use. Mr. Ruchala made that motion. This was seconded by Ms. Kropkowski and passed 4-0.

Mr. Ruchala thanked the Applicant. Reminded the Applicant that in future it would be a good idea to have previous dimensions on the plans that are being currently submitted for easier reference and consideration.

Mr. Ruchala asked if there was any other business.

Mr. Gress made a motion to approve October 28, 2013 minutes. This was seconded by Ms. Kropkowski. Motion passed 4-0.

Mr. Ruchala asked if there was any other business or any new business.

For future interpretation, Mr. Gress asked if a pole sign for Brewster Holding is to be submitted, will it be possible to use the same premise because it's a pre-existing sign that's not changing in size.

Mr. Folchetti responded that it depends on the characteristics of the sign.

Mr. Ruchala recommended to the Applicant to go before the Village Board again with the sign from the Gulf Station to ensure they approve it; they may possibly approve it and the Applicant could save some money.

Mr. Greene reiterated that on that sign, what is being changed is the manual numbers to digital numbers on both sides.

Mr. Ruchala made a motion to close the meeting and this was seconded by Ms. Kropkowski and was passed 4-0.

Meeting was adjourned at 8pm.

