

**Village of Brewster  
Planning Board**  
August 24, 2010

Regular Meeting

Board Members in Attendance:

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

Also in Attendance:

Greg Folchetti-Village Attorney  
Paul J. Pelusio-J. Robert Folchetti & Associates Project  
Manager  
Charlie Fowler

*Agenda*

1. The **Pledge of Allegiance** was recited.

2. **Call to Order**

Mr. Kulo-I would like to welcome everyone to the regular meeting of the Village of Brewster Planning Board. I make a motion to open.

Mr. Stockburger-I second.

[Whereupon a vote was taken]

Ayes-All

Nays-None

[Whereupon the meeting was called to order at 7:35 p.m.]

### **3. New Business - Charlie Fowler**

Mr. Kulo-Charlie Fowler is present to get an idea about a concept he has. He wants to show an idea that he has so we can give him an idea of what to expect.

Mr. Fowler-What I want to do is break this house from the rest of the property. I own all the property so I don't think it will be a problem. I would like to show a drawing from 2005. I want to break up the property, all of which is owned by me.

Mr. Kulo-Is it a subdivision?

Mr. Fowler-Whatever you have to call it.

Mr. Anderson-This property is on Route 6 up by the funeral home.

Mr. Fowler-My granddad bought it in 1908.

Mr. Kulo-What is the grade of the property?

Mr. Fowler-Pretty good. It's all lawn there. I want to break out this piece [at which time Mr. Fowler pointed to the drawing].

Ms. Diaz-Do you have any intention of selling the property?

Mr. Fowler-At some point. I would like for the Board to tell me what I have to do to have my plan approved.

Mr. Pelusio-Is it a shared driveway?

Mr. Fowler-Yes.

Mr. Folchetti-Do you have an application before the Town of Southeast?

Mr. Fowler-No.

Mr. Folchetti-You need a variance.

Mr. Fowler-If that's the case I'll have the map redone. I have proof that this is the line [at which time Mr. Fowler pointed to the drawing]. Both would be under the Village of Brewster.

Mr. Folchetti-I am looking to see if there would be any zoning issues with the Town. Once you change the lot configuration you need a variance. That might not be so if the property is in the Village. Once you create a new lot configuration you have to get a variance. That might not be the case if it all lies within the Village. Terry Bergendorf puts her seal on it and certifies that it's accurate so the property lines need to be reconfigured so you don't deal with issue.

Mr. Anderson-Do you receive more than one tax bill?

Mr. Fowler-Yes. All the units on the property have Village water and sewer. I'm not going to change the lot lines.

Mr. Kulo-The line is close.

Mr. Anderson-They call it Village if the property is more than 50% in the Village.

Mr. Folchetti-The lot won't have setbacks so a variance will be needed.

Mr. Fowler-If there is a problem I will have it redrawn.

Mr. Folchetti-I am not sure if the Town can require a variance because the structure is in the Village so you probably don't need it but it would be nice if the line was clarified.

Mr. Kulo-There is no application yet, just a concept.

Mr. Fowler-Most of the property is in the Village. I pay Village water rates.

Mr. Anderson-If it comes before us we are only concerned with what is in the Village.

Mr. Fowler-An easement would be needed if I wanted to sell the property.

Mr. Folchetti-You can only concern yourself with what is in the Village.

Mr. Folchetti-As soon as you create the second lot there should be a Declaration of Easement if it is sold for ingress and egress.

Mr. Anderson-That would be easy to do because Mr. Fowler is the grantor and the grantee.

Mr. Fowler-A variance might be needed if I sold the property because there is no 35 foot setback.

Mr. Folchetti-If he comes here we would send it to the ZBA for any part that's non-conforming. An area, not a use variance, would be needed.

Mr. Stockburger-You want to do it to get it all cleared up. If you obtain a variance now it lasts for the life of the property.

Mr. Fowler-So what should I do now? Should I have it redone so it's all in the Village?

Mr. Folchetti-It can't be referred to the Zoning Board of Appeals without an application.

Mr. Anderson-The Planning Board does not grant variances. The Zoning Board of Appeals does that. If you come back with a variance you're in compliance as far as we're concerned. Your other alternative is Bob.

Mr. Fowler-I discussed it with Bob.

Mr. Folchetti-I wouldn't recommend that you go right to the Zoning Board of Appeals. The ZBA is going to act on something. You don't want to go there and then have it reconfigured and then you need a new variance. There is a provision for going to the ZBA for an area variance. At some point the Board will deny you to the ZBA for a variance.

Mr. Pelusio-The advantage of going there is that you can get all of the variances at once.

Mr. Fowler-I will get it redone first, then I shall come back here.

Mr. Folchetti-You can have as many informal conferences here as the Planning Board is willing to give you. Before you can go to the Zoning Board of Appeals you have to SEQRA, have an application and the engineer's comments and be in what I consider close to an approved state.

Mr. Fowler-I had the water redone about four or five years ago so that every unit has separate water. Therefore, a water easement would be needed.

Mr. Folchetti-You will need the water easement because the water is private.

Mr. Anderson-Who will discuss what easements he'll have to give to himself so that each lot has driveway access?

Mr. Folchetti-The applicant usually prepares the easements. I can give you what I typically use as an utility easement, but it is smart if you have your own attorney. I cannot give you any advice, as I am counsel for the Planning Board. I can say what you submit is acceptable or needs modification.

Mr. Fowler-I will have it redrawn, use the easement form and get an attorney.

Mr. Stockburger-Put down whatever easements you will need. You have to have 35 feet for the rear yard. It's a pre-existing structure. We will look at it when it's all together, vote and then send it to the Zoning Board of Appeals for any variances.

Mr. Fowler-I will get it redone. I've been kicking this around for a long time so a little bit longer won't matter.

Mr. Kulo-When you come back if we're happy with it we'll take a vote and send you to the ZBA.

Mr. Anderson-When you come with the variance in hand it's as if you're conforming at that point. This is a beautiful property. Keep it all within one jurisdiction.

Mr. Kulo-The Town is not needed for a water easement.

Mr. Folchetti-Correct. The easements them selves would get recorded in the County Clerk's office. Southeast itself has no jurisdiction to approve a private easement right.

Mr. Fowler-Thank you. Feel free to come walk around any time you want.

[Whereupon Mr. Fowler left the meeting]

Ms. Diaz-What do we have here to show which line is correct?

Mr. Folchetti-When a surveyor seals a map he is certifying its accuracy.

Mr. Anderson-I was at a meeting where Mr. Fowler brought in a map that showed something different from the maps you generally see published.

Mr. Stockburger-The Village is so old that it is hard to know with certainty where Oak Street is.

Mr. Kulo-It would cost a lot of money to have a final rendition of Village lines done.

Mr. Anderson-Mr. Fowler keeping the property within the Village would get us off the hook of having to deal with Southeast. He would be wise to keep the house within the Village.

Mr. Folchetti-The Planning Board is not liable for ministerial acts of approval, absent some special duty you take on for some applicant. The Planning Board is entitled to rely on the sealed documents that come before it.

Mr. Kulo-I would not want to be in a position where we have to scrutinize the lines.

Mr. Folchetti-Indeed, with all due respect you are not qualified to do so.

Mr. Kulo-There is a substantial difference in the lines between various maps that I have seen.

Mr. Stockburger-This place was laid out by some guy walking up and down with a chain and stick.

Mr. Anderson-Which leads us nicely into the topic of training requirements.

Mr. Stockburger-We have to be aware of SEQRA.

Mr. Folchetti-It's not a cumbersome SEQRA process for a subdivision like this anyway. The SEQRA has to be done at the final hearing.

#### **4. Training Requirements for Members**

Mr. Anderson-Who is going to Lake Placid?

Mr. Kulo-There are three of us interested in going. The hotel is four hundred and fifty (\$450.00) dollars for two nights per person. There is only one thousand (\$1,000.00) dollars in the budget for training.

Mr. Stockburger-I would suggest that we request authorization for the training and let the Village figure out how to pay for it.

Mr. Anderson-The training is in September and it won't be that cold yet. I am willing to bring my tent and camp out.

Mr. Stockburger-It is stupid to cut back on training. We need training.

Mr. Kulo-We did not use the training budget last year.

Mr. Stockburger-The Village Board can figure out how to pay for the training.

Mr. Kulo-Richard Ruchala is also thinking of going.

Mr. Stockburger-The local training is no good. The last time I went to local training I wasted an hour there.

Mr. Anderson-The classes that we went to in Saratoga Springs were better.

Mr. Kulo-And we all agree that we want our own rooms as opposed to bunking with someone.

Mr. Stockburger-I haven't doubled up since I dug my own foxhole.

Mr. Anderson-And I would prefer to stay there for two nights, as it is a long drive and I would want to be fresh so that the training is most beneficial.

Mr. Stockburger-According to my GPS it is 244.9 miles to Lake Placid. Let's try to get authorization for the three of us to go. Training is part of the job.

Mr. Anderson-This is way further than Saratoga. I think it's an investment in the number of years that we serve. And there is the State requirement that we receive at least four hours of training.

Mr. Kulo-I shall put the request in to the Village Board that the three of us be allowed to go to the training in Lake Placid and see what happens. It would be on September 27-28<sup>th</sup>. You can go online to see what classes are being offered at the training. Go to New York State Planning Federation.

Mr. Anderson-This thing ends at three or four in the afternoon. If we do go to the training it would be very difficult to make it back for our next meeting on September 28<sup>th</sup>.

Mr. Kulo-The law says we have to meet once a month. That is the difference between the Planning Board and the Zoning Board. We will accordingly therefore have our next meeting on September 21<sup>st</sup>.

## **5. Replacement for Board Member Kathleen Meyerson**

Mr. Stockburger-I saw Ms. Meyerson by the Mail Station today. She was all packed up and about to leave. She is moving to New Hampshire. She said she will have to e-mail her resignation. A replacement for her on the Board will be needed. Any one has to get past the Mayor first.

Mr. Kulo-I've been racking my head for a candidate.

Mr. Folchetti-There has to be enough members to have a quorum.

Mr. Anderson-We need someone from the other side of town so that with this controversial thing recusals don't become a problem on certain issues.



Maybe the Hillside Association can recommend someone. They seem to be organizing. It would be good to have a person who understands what it takes to develop property and understands the process from the other side of the fence. Should we put a flyer out on Brewster 10509?

Mr. Kulo-We have two months to come up with somebody. We will have to go to the Village Board for approval. However, we can make recommendations as to whom we think the next Planning Board member should be.

Mr. Anderson-I'd like to see whoever it is have a vested interest in the Village, a property or business owner or both. I think having a stake in the game is important. All you guys own houses.

## **6. Accept Outstanding Draft Minutes**

Mr. Kulo-We have the draft Minutes from our last meeting.

Mr. Anderson-I move that we accept the Minutes.

Mr. Stockburger-I second.

[Whereupon a vote was taken]

Ayes-Mr. Kulo, Mr. Stockburger and Mr. Anderson  
Nays-None  
Abstentions-Ms. Diaz

## **7. Close Meeting**

Mr. Anderson-I move that we close the meeting.

Mr. Kulo-I second.

[Whereupon a vote was taken]

Ayes-All                      Nays-None

[Whereupon the meeting concluded at 8:30 p.m.]