

**BOVINA PLANNING BOARD
JULY 20, 2009
REGULAR MEETING MINUTES**

RESOLUTIONS: 2009-51 - 2009-61

BOARD MEMBERS: Ann Bonné, Roberta Burgin, Chris Ingvordsen, Lynne Resch: Secretary, Ed Weber: Chair & Carrie Hewitt: Planning Board Clerk

ABSENT BOARD MEMBERS: None

GUESTS: Kent Manuel: Del. Co. Planning Dept. Rep., Chuck McIntosh & Ken Brown: Town Board Members, Cathie Hewitt & Mark Rossley: Zoning Board of Appeals Members, Dan Fancher: RETTEW Engineering, Marian Jardine, Eric Lein and Joanne Callahan.

Public Hearing called to order by chairperson Ed Weber at 7:36 p.m.

2008-3 - JARDINE SUBDIVISION PUBLIC HEARING:

Marian Jardine presented the Board with Return & Certified Mailing receipts, a Short Form EAF and Final Plat Maps. The Delaware County Planning Board approved the subdivision. There were no public comments.

2009-51 - Motion to close the Public Hearing was moved by Ingvordsen and seconded by Resch. All in favor, 5 ayes, 0 nays.

Regular meeting called to order by chairperson Ed Weber at 7:40 p.m.

2008-3 - JARDINE SUBDIVISION:

The Board filled out the EAF and signed the maps. Jardine was concerned that the deeds for the property obtained by the Town for the 30-foot right-of-way are not being filed.

2009-52 - Motion to accept the presented map as Final Plat was moved by Burgin and seconded by Resch. All in favor, 5 ayes, 0 nays.

2009-53 - Motion to waive the Final Plat Public Hearing because the Preliminary and Final Plat are in substantial agreement was moved by Ingvordsen and seconded by Bonné. All in favor, 5 ayes, 0 nays.

2009-54 - Motion to issue a Negative Declaration was moved by Burgin and seconded by Resch. All in favor, 5 ayes, 0 nays.

2009-55 - Motion to approve the subdivision as presented was moved by Burgin and seconded by Ingvordsen. All in favor, 5 ayes, 0 nays.

Public Hearing called to order by chairperson Ed Weber at 7:56 p.m.

2009-2 - ARON SUBDIVISION PUBLIC HEARING:

Dan Fancher:RETTEW Engineering previously forwarded to the Clerk Certified Mailing Receipts, a copy of the information sent to the adjoiners, a Formal Subdivision Application, a Soils Report, a Short Form EAF, an Allocation Disclosure Affidavit, and Final Plat Maps. Fancher gave the Board the certified mailing returns. The Delaware County Planning Board approved the subdivision. There was no public comment.

2009-56 - Motion to close the Public Hearing was moved by Burgin and seconded by Resch. All in favor, 5 ayes, 0 nays.

Regular meeting called to order by chairperson Ed Weber at 8:03 p.m.

2009-2 - ARON SUBDIVISION:

The Board filled out the EAF and signed the maps.

2009-57 - Motion to accept the presented map as Final Plat was moved by Ingvordsen and seconded by Burgin. All in favor, 5 ayes, 0 nays.

2009-58 - Motion to waive the Final Plat Public Hearing because the Preliminary and Final Plat are in substantial agreement was moved by Burgin and seconded by Resch. All in favor, 5 ayes, 0 nays.

2009-59 - Motion to issue a Negative Declaration was moved by Resch and seconded by Burgin. All in favor, 5 ayes, 0 nays.

2009-60 - Motion to approve the subdivision as presented was moved by Burgin and seconded by Resch. All in favor, 5 ayes, 0 nays.

2007-11 - McINTOSH BOUNDARY LINE ADJUSTMENT:

Chuck McIntosh brought the additional maps for his Boundary Line Adjustment for the Board to re-sign.

The clerk has received a letter from Don Farley, DFF Enterprises, stating that he is not proceeding with the Coulter Brook Subdivision at this time.

The Town Clerk gave the Board information on an Outdoor Wood Boiler Seminar on Wednesday. She has contacted the presenters and they will send any information they have for the Board to review.

MINUTES:

2009-61- Motion to accept the June 2009 minutes as written was moved by Bonné and seconded by Burgin. All in favor, 5 ayes, 0 nays.

Eric Lein and Joanne Callahan, realtors with Century 21, had some questions for the Board regarding the opening of a Boutique in a Main Street residential property that they have listed. If the potential buyers cannot put one in they will not buy the house, which is next to the restaurant Heaven. The Board looked at Zoning Section 4.03 - Home Occupations. The amount of customers cannot exceed the amount allowed for a Home Occupation or the business would have to close or the buyers could apply for a special permit to allow for an increased customer base. The business would fall under Retail/Sales, which needs a Special Permit in the Hamlet. They have to go to Dale Downin for a denial and then come before Planning for Site Plan Review. Jardine brought up the fact that parking is already a problem there and the Board needs to think about that. Resch thinks the Board needs to think about the economic aspect. Ken Brown thinks that the people that would frequent the boutique would also be customers of Heaven. Burgin said that maybe the hours of operation would be different than Heavens and they may be able to work out something with Heaven to share off-street parking. Joanne Callahan thought they may take down the garage to make parking. Burgin asked if they would be the only employees of the business since that is a requirement of a Home Occupation. Lein said they would be. Burgin also stated that there is a possibility of the potential buyers getting a Special Permit, but not a certainty. The Board explained Site Plan review to the realtors and Downin could give them some guidance when they talk to him. Burgin understands Jardine's concern; Heaven has off-street parking but their customers don't use it. Brown doesn't think the off-street parking requirement applies in the hamlet the way he reads the law. Resch thinks the Town needs Public Parking and thought the property where the Highway Garage is being built would be a good spot. Chuck McIntosh said that there is more and more traffic through Town, many of them speeding, and with people parking on the sidewalk it forces people, some with strollers and young children, to walk in the street which is not a safe situation. He also pointed out that the Highway Garage location is a distance from where the businesses are located and there are no sidewalks up to there. Weber said he likes a quiet town and more businesses create a noisier town.

With no further business, the meeting adjourned at 8:41 p.m.

Respectfully Submitted,
Carrie Hewitt,
Planning Board Clerk