

**BOVINA PLANNING BOARD  
JULY 21, 2014  
REGULAR MEETING MINUTES**

**RESOLUTIONS:** 2014-14 - 15

**BOARD MEMBERS:** Don Farley: Chair, John Cianci, Tom Hilson (7:04 pm), Chris Ingvordsen: Secretary, Ed Weber (7:40 pm) and Carrie Hewitt Choquette: Planning Board Clerk

**ABSENT BOARD MEMBERS:** None

**GUESTS:** Nicole Franzese: Del. Co. Planning Dept. Rep., Ken Brown: Town Board Member, Charles McIntosh, Steve Burnett, Douglas Grant and Dave Wakin: Wakin Surveying

Meeting was called to order by Chairperson Don Farley at 7:00 pm.

There was no meeting in June due to a lack of an agenda.

**MINUTES:**

**2014-14** - Motion to accept the May 2014 minutes as written was moved by Cianci and seconded by Ingvordsen. All in favor, 3 ayes, 0 nays.

**2014-3 – GRANT SUBDIVISION:**

Dave Wakin: Wakin Surveying presented the Board with a Sketch Plat, an Affidavit of Ownership and Initial Application. The Grants would like to subdivide their property into two parcels, one being 10.6-acres and the other being 43.40-acres. There is not enough road frontage to meet the Subdivision Requirements. The Clerk gave Wakin the Zoning Board of Appeals Request for Variance form with the ZBA chairman's contact information.

**2014-15** - Motion to send the proposed subdivision to the ZBA for a variance was moved by Hilson and seconded by Ingvordsen. All in favor, 4 ayes, 0 nays.

**Charles McIntosh Questions:**

McIntosh told the Board about the Local Law recently passed by the Town Board regarding structures in the Town Right-of-way. He asked if the Town Board asked for input from the Planning Board and was told they did not. Ken Brown gave the Board a copy of the Local Law. McIntosh read the two questions posed at the Public Hearing on the Law as well as the responses from the Town Attorney. One question was how this law will affect Planning and Zoning. Don Farley said that Zoning is not a function of the Planning Board; the Board reviews plans and applies the rules. Nicole Franzese said that the Planning Board administers the Zoning code; it does not enforce or interpretate it, that is done by separate individuals and/or Boards. Steve Burnett told the Board that this law came about because of his farm stand. He said that many Towns have ROW laws and if it is determined that the building is not a hazard, a permit can be issued. There are conditions on the permit that he must meet, including a One Million insurance policy. Franzese stated that the Planning Board is an Administrative Board and cannot do anything about a Town Law. McIntosh has two options if he would like to pursue this: he can get a separate legal opinion or he can file to challenge the law. She also said that with road side farm stands, Agricultural laws override Zoning laws everywhere. McIntosh feels people applying for this Permit should have to apply to the Zoning Board for a variance from setback rules. He brought up an issue in Ulster County with a farm stand. Franzese stated that there was concrete poured making the structure permanent, the building was enlarged without a permit and there have been several accidents. Burnetts stand is a 10' x 10' building with shed roofs and he has room for off street parking.

Farley said he has read the Comprehensive Plan and wondered if any of it was implemented. Chris Ingvordsen said that the Cell Tower Law and some others were. Franzese said the Wind Tower Law took around two-years to complete and the other plan suggestions were put on hold. Towns usually update their Plan every 5 to 10 years. Farley suggested the Board look at the Comp. Plan and see what could be implemented. He doesn't want to see Bovina become like some surrounding towns that have a large transient population. They can look to see how many properties are classified as apartments or multi-use within the Town. The cost of living is lower in these other towns. The Board will think of key issues to examine based on what is going on around us.

With no further business, the meeting adjourned at 7:50 pm

Respectfully Submitted,  
Carrie Hewitt Choquette, Planning Board Clerk