

**BOVINA PLANNING BOARD
APRIL 20, 2015
REGULAR MEETING MINUTES**

RESOLUTIONS: 2015-19 - 20

BOARD MEMBERS: Don Farley, John Cianci: Secretary, Tom Hilson, Chris Ingvordsen: Chair, Ed Weber (7:05) and Carrie Hewitt Choquette: Planning Board Clerk

ABSENT BOARD MEMBERS: None

GUESTS: Kent Manuel: Del. Co. Planning Dept. Rep., Wendy Buerge, Sohail Zandi & Kevin Rossley

Regular Meeting was called to order by Chairperson Chris Ingvordsen at 7:00 pm.

2015-1 – FINN/BUERGE SPECIAL USE PERMIT:

The Board went over the Business Plan update and the two Site Plan details showing parking & outdoor seating. Buerge said they plan to talk to the neighbors about shielding the noise/lights from vehicles with fencing or vegetation. They are looking at having a front (main) entrance and another in the back for ADA compliance & easier access from the parking lot. Don Farley had two issues with the revised Business Plan: a statement on page 2 conflicts with the changes on page 3 regarding music events and for consistency would like it to read “customers” or “patrons” but not both. Buerge agreed to remove the statement on page 2 and use the word “customers.” John Cianci is concerned about the type of sound barrier that will be used and would like to see it shown on the Site Plan. Tom Hilson asked who makes sure the Boards conditions are met. Kent Manuel said that the Code Enforcement Officer will. Buerge said they will build a wall if they have to, but need to get started with the renovation/construction and see what they will be able to do. Manuel said they Board is approving a conceptual plan and if it changes they will have to come back. He also said that if the building has to be totally replaced they will have to meet Zoning and Dale Downin will determine how much of the building has to remain so they can remain grandfathered. Ed Weber asked if the Board had done a site visit to see the ideas presented in person. If the outdoor seating cannot be between the buildings (which Buerge said would be ideal) a physical sound barrier could be constructed to absorb and block some of the noise. Chris Ingvordsen said that Finn & Buerge don’t have complete plans at this point because it is a work in progress as they are renovating an existing structure that has been vacant for many years. Farley asked if they would come back with their final plan so the Board can review and offer suggestions to mitigate potential problems before there are complaints, but it is not a requirement. It helps the Boards position if there are complaints as they were aware of what was being done. Manuel said that the Special Use Permit won’t get revoked, there would be violations issued and stop work orders. The Board would like to keep a dialog open with the applicants until the project is complete. Weber said when Main Street Bovina was initially done everyone knew what to expect and this project has unknowns. He asked Buerge if they would let the Board know when the final plans were made and Buerge said they would be willing to do that. The Board filled out Part 2 of the Short Form EAF.

2015-19 - Motion to acknowledge that the Board reviewed the conditions made at the March meeting was moved by Weber and seconded by Hilson. All in favor, 5 ayes, 0 nays.

2014-1 – ZANDI SPECIAL USE PERMIT:

Sohail Zandi, owner of Brushland Eating House said he would like to hold a 1-day outdoor event and asked if there is a permit needed for that. This would be beyond his normal restaurant business. If it is successful, he may like to make it an annual event. He is looking to do something festive where people can congregate for a special occasion, in this case Fourth of July. Farley said this is more of a Town Board/Community issue as his permit is not being amended. Manuel said the Town Board may want to come up with a process to accommodate events like it. There is a precedent set with Bovina Day, different dinners, and other Community events. The Board advised Zandi to talk to the Town Board and his neighbors. Zandi’s next question was regarding putting a small retail business in the restaurant to sell 3 or 4 different types of beer and wine that he serves. The Board felt that a package store isn’t appropriate for the Hamlet and his Special Use Permit was approved on that basis. Zandi said that his State Liquor Authority Permit allows for package sales and he’s had patrons ask to buy, not people walking in. The Board reviewed the Referendum from the Ballot and the wording may exclude the sale of wine because it specifically says “.....containers of beer (such as six-packs and kegs) may be sold “to go”....” Zandi will contact the State Liquor Authority for an interpretation of this. Another option is to get another referendum on the ballot.

The Board filled out Part 2 of the Short Form EAF for the Bovina Fire District Playground Subdivision.

The Board also discussed addressing changes to the Zoning Schedule of Uses and the Zoning definitions of Uses.

MINUTES:

2015-20 - Motion to accept the March 2015 minutes as written was moved by Farley and seconded by Hilson. All in favor, 5 ayes, 0 nays.

With no further business, the meeting adjourned at 8:45 pm

Respectfully Submitted,
Carrie Hewitt Choquette, Planning Board Clerk