

**BOVINA PLANNING BOARD  
MARCH 16, 2015  
REGULAR MEETING MINUTES**

**RESOLUTIONS:** 2015-10 - 18

**BOARD MEMBERS:** Don Farley, John Cianci: Secretary, Chris Ingvordsen: Chair, Tom Hilson and Carrie Hewitt  
Choquette: Planning Board Clerk

**ABSENT BOARD MEMBERS:** Ed Weber

**GUESTS:** Kent Manuel: Del. Co. Planning Dept. Rep., Ken Brown: Town Board Member, Cathie & Andy Hewitt, Tim Bray, John Finn, Wendy Buerge, Regina Haran, John & Margaret Hilson, Mark & Roz Foster, Bea Sohni, Janine Bray, June & Jack Burns, Gertrude Hall, Kim & Briana Riera, Carol Brannen, Gary & Susan Burns, Amy Burns, Leslie Madeo, Colleen Heavey, Ray LaFever, Mary Pelletier, Pamela Benson, James Shaw, Richard Tucker, Ed Rossley, Barbara Brown, Charles McIntosh, and Becky, Finnegan & Asher Manning.

Public Hearing was called to order by Chairperson Chris Ingvordsen at 7:00 pm.

**2015-1 – FINN/BUERGE SPECIAL USE PERMIT PUBLIC HEARING:**

John Finn gave a brief presentation of what they are proposing to do. There are concerns of noise from the outdoor seating/smoking area; they plan to only serve outside during the day. They have planned for 10 parking spaces and have room to expand if needed. Garbage will be behind the building and will have a minimum of a weekly pick-up. The loading dock will be at the side of the building and they anticipate deliveries approx. once a week. The hotel will have 3 pm check-in time and 5 pm check-out times.

Roz Foster, on behalf of her parents who own the home next door, said the outdoor seating was not shown on the plan. Her parents are concerned about noise when they retire here. Wendy Buerge said they plan to limit serving outside to daytime hours. Foster also was concerned about noise created with alcohol being served until potentially 11 pm. Buerge asked the Board if they can limit what they can do in the permit. Kent Manuel said they are bound to the Site/Business Plan they have submitted. A permit can be amended later. The Special Use Permit is used to mitigate potential issues. Finn stated that they need every opportunity to be successful and they are only looking to have three tables outside with daytime service. Foster is concerned that the location is not shown on the Site Plan and it wasn't known until now. Buerge said that they will work with the neighbors to mitigate any noise problems and the question of outdoor seating was brought up at the February meeting. Foster also said that Brushland is a great model; they are contained inside. Becky Manning lives across the street and likes the proposal but is concerned about noise because she has two young children that go to bed at 9 pm. Buerge said they will do all they can to keep that type of noise down. Manuel explained that this Special Use Permit goes with this property only; there is no change to Zoning. Jack Burns asked what their plans for the field were. Finn said haying, maybe some beef cows or sheep at a later date. Charles McIntosh said he remembers Hilsons Store and is glad someone's going to do something with the property. Steve Burnett of Burnett Farms is all for their venture. They are planning on purchasing local products and this will allow him to hire local kids and grow his business as well. He feels this is good for the continuance of Bovina and doesn't feel it will attract the type of people who would be drunk and rowdy. Don Farley stated that the Board is only dealing with the Restaurant/Hotel and not the alcohol portion. They must qualify with the New York State Liquor authority.

**2015-2 – BOVINA FIRE DISTRICT PLAYGROUND SUBDIVISION PUBLIC HEARING:**

Andy Hewitt, Chair of the Fire Commissioners explained the subdivision to the public. There was applause from the audience. Manuel said that this is only for the subdivision, the actual transfer to the Town of Bovina will happen outside of the Board. Janine Bray asked if the Fire Department can put a building on the parking lot. That cannot be answered by this Board. The parking lot will remain with the Fire District property.

**2015-10** - Motion to close the Public Hearing was moved by Cianci and seconded by Farley. All in favor, 4 ayes, 0 nays.

Regular Meeting was called to order by Chairperson Chris Ingvordsen at 7:33 pm.

**2015-2 – BOVINA FIRE DISTRICT PLAYGROUND SUBDIVISION:**

**2015-11** - Motion to accept the presented map as Final Plat was moved by Farley and seconded by Hilson. All in favor, 4 ayes, 0 nays.

**2015-12** - Motion to waive the Final Plat Public Hearing because the Preliminary and Final Plat are in substantial agreement was moved by Hilson and seconded by Farley. All in favor, 4 ayes, 0 nays.

**2015-13** - Motion to issue a Negative Declaration was moved by Hilson and seconded by Farley. All in favor, 4 ayes, 0 nays.

**2015-14** - Motion to waive the subdivision fee for the Fire District was moved by Hilson and seconded by Farley. All in favor, 4 ayes, 0 nays.

**2015-15** - Motion to approve the subdivision as presented was moved by Hilson and seconded by Farley. All in favor, 4 ayes, 0 nays.

**2015-1 – FINN/BUERGE SPECIAL USE PERMIT:**

Tom Hilson said the biggest concern seems to be the operating hours outside with the noise issue. He doesn't think it would be fair to deny outside seating; maybe there can be a compromise on outside hours. Manuel said the Board can be as specific as they want on the conditions of the Special Use Permit. Chris Ingvordsen also thinks the biggest sticking point is the outdoor seating and permit lives with the business whether they are still running it or sell it. John Cianci does feel the outdoor seating needs to be shown on the plan so if the business is sold, the location can't be argued. There was discussion between the Board, Finn & Buerge on the music; type, location, how often. The live music will not be events, as in patrons are only there for the music; it will be in conjunction with meals being served. They County Board did not review the application due to a lack of a quorum. The Board decided to approve the permit contingent upon a revised site plan and business plan reflecting the issues discussed. Manuel advised to keep the terminology on noise simple. They don't want to be on the hook for something they can't control like an air conditioning unit.

**2015-16** - Motion to issue a Negative Declaration was moved by Farley and seconded by Cianci. All in favor, 3 ayes, 0 nays. Tom Hilson abstained.

**2015-17** - Motion to issue the Special Use Permit contingent upon the items listed below being added to the Site Plan and/or the Business Plan was moved by Cianci and seconded by Farley. All in favor, 3 ayes, 0 nays. Tom Hilson abstained.

- Show the two proposed locations for the outdoor seating on the Site Plan. Option 1 (most desired by the applicants) seating to be between the Restaurant and the Hotel. Option 2 seating to be behind the Restaurant with a physical barrier between it and the neighbors;
- Outdoor seating will consist of 3 tables with up to 12 patrons with daytime service (ending at dusk);
- Live music will be indoor only, consisting of up to 3 stringed instruments played acoustically, approximately once a month for patrons to enjoy with their meal. There will be recorded music played indoors when there is no live music. The music will not contribute to an increase in ambient noise levels at the street.
- Parking will be re-visited in the future if needed.

**2015-3 – HARAN SUBDIVISION:**

Regina Haran is the executor of her parents' estate and is exploring options on trying to sell it. It has been on the market for three years with no success. She is thinking of subdividing the 16.4-acre parcel into two lots with the house, barn & diversion ditch put in to protect the house from flooding on approx. 2-acres (+/-). She is looking into options to preserve the views coming into Bovina as the hillside of her property is visible as you come in. She is researching her options to come up with the best plan for the land. The County is very strict on driveway access and she should talk to John Reynolds before spending money on a survey. There is an existing access, but that property is part that would remain with the house/barn. If that is the only viable access point, there could be an easement.

**MINUTES:**

**2015-18** - Motion to accept the February 2015 minutes as written was moved by Hilson and seconded by Farley. All in favor, 4 ayes, 0 nays.

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

Respectfully Submitted,  
Carrie Hewitt Choquette, Planning Board Clerk