

**BOVINA PLANNING BOARD
OCTOBER 19, 2015
REGULAR MEETING MINUTES**

RESOLUTIONS: 2015-27 - 29

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

ABSENT BOARD MEMBERS: John Cianci: Secretary & Ed Weber

GUESTS: Kent Manuel: Del. Co. Planning Dept. Rep., Ken Brown: Town Board Member, Chuck McIntosh, Roger McIntosh, Cathie Hewitt, Carol Spinelli, and Kevin Rossley.

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

There were no meetings in August or September.

2015-5 – McINTOSH CHANGE IN USE:

The Clerk received a Notice of Approval from the Zoning Board and gave Chuck McIntosh a copy. It was brought up at the Zoning Board that he would need a Special Use Permit for an Auction House to continue to hold auctions at the Creamery. He was grandfathered when Zoning went into effect, but has not held auctions there for over 14 years. McIntosh doesn't feel they need a Special Use Permit because they are selling their own items to clear out the building. They are not running an Auction House there. He used the example of no Special Use Permit was needed when on-site auctions for Hilsons and Russells were done.

2015-27 - Motion to waive the requirement of a Special Use Permit for an Auction House based on McIntosh is selling his own items on-site (no consignments) and only until February 28th 2016 at which time the building is expected to be sold was moved by Hilson and seconded by Farley. All in favor, 3 ayes, 0 nays.

MINUTES:

2015-28 - Motion to accept the July 2015 minutes as written was moved by Hilson and seconded by Farley. All in favor, 3 ayes, 0 nays.

2015-2 – BOVINA FIRE DISTRICT PLAYGROUND SUBDIVISION:

In an effort to save money on the transfer of the playground from the Fire District to the Town, an existing survey was used. The survey was done before the playground was renovated and during the renovation the fence along the parking lot was moved back to accommodate the required "safety zone" around a new piece of equipment. This was not realized until after the original maps were filed. The line has been corrected. The new maps were signed by the Board for filing.

New Business:

Carol Spinelli attended to ask if the Board has heard anything about the "rumors" surrounding the former Suits-us-Farm property at 2121 County Highway 5. Spinelli said Supervisor Mole' was contacted by a realtor who indicated it would be for Wounded Warriors and she has since heard that it would house released prisoners like a glorified half-way house. Spinelli has also heard that the same person/persons/group are interested in Phoenix House, Delaware Inn & Suits-Us to use for drug testing and treatment.

The Town and/or Planning cannot do anything about a property sale. If the new owners want to do something on the property they have to meet Town Regulations. The State does not have to follow Town Regulations. When the owners apply to CEO Dale Downin for a Building Permit, he determines if the use is permitted and can issue a Building Permit. If he feels it is not a permitted use he can refer the owners to the Planning Board for a Special Use Permit. Downin answers to the Town Board. The Planning Board can't really do anything until an application comes before the Board. If a use is not defined in Zoning it is up to Downin and/or the Zoning Board to define the use. The Schedule of Uses and the Definitions need to be updated and clarified in the Zoning Law. The Use "Residential Care Facility" was discussed. If uses are deleted the Town Board has to justify why. Kent Manuel recommended that CEO Downin be kept apprised that something could be happening there and to consult the Town Attorney on this matter to see how to best protect the Town with the Uses already in effect.

2015-29 - Motion to recommend to the Town Board that the use “Residential Care Facility” listed in the Zoning Local Law in the Schedule of Uses under “Residential Principal Uses,” be deleted from the Zoning Law was moved by Hilson and seconded by Farley. All in favor, 3 ayes, 0 nays.

This motion is based on the concerns detailed in a letter to the Town Board.

With no further business, the meeting adjourned at 7:55 pm

Respectfully Submitted,
Carrie Hewitt Choquette, Planning Board Clerk