**Meeting called to order**: 7:05pm

Acting Chairman led the meeting with the Pledge of Allegiance

**Members present**: Acting Chairman Dan Doellinger, Walter Popailo, Julie Bell, Bob Favara, Tom Atkin.

**Members absent**: Gregg Feigelson

**Also present**: Rob Dickover-Attorney, Alexa Burchianti-Secretary

Gregg Feigelson has been appointed as the new Chairman for the Zoning Board of Appeals. Unfortunately is absent this evening.

The board would like to thank Mr. Finizia for the years of service to the Zoning Board of Appeals and wish him good luck on the Town Board.

A motion was made to appoint Dan Doellinger as Acting Chairman. Motion made by Bob. Second by Tom. Motion carried 4-0

Vincent Finizia asked to speak before applicant is discussed and decision is made. Vinny stated after reviewing all the materials he is against it. There is a difference between a catering hall and banquet and restaurant. Vinny also stated that he asked the applicant why didn’t he just go for the restaurant and automatically get the catering and he didn’t receive an answer as the Chairman of the Board. He believes that they may want a banquet hall, if they want a banquet hall say you want a banquet hall. Catering and restaurant ae different and he is asking the board to really think about that. Vinny stated it was a pleasure serving with everyone on the board.

A motion was made to adopt the minutes from May 9, 2019. Motion made by Walter. Second by Bob. Motion carried 5-0

Motion made to go into executive session to receive legal counseling at 7:09pm. Motion made by Walter. Second by Bob. Motion carried 5-0

Motion made to come out of executive session at 7:22pm. Motion made by Walter. Second by Bob. Motion carried 5-0

**Broccoli Patch– Decision**

Ross Wingvolitz with Engineering & Surveying Properties to represent the applicant Lewis Donnelly owner of Broccoli Patch and property of 1355 Kings Hwy. Ross wanted to make the record clear that they are proposing a restaurant on the property that is part of the use on the property.

Mr. Dickover stated that the public hearing was closed last month and the matter was sent to OCDP for referral. Where the County recommendation was considered a “Local Determination”



For SEQRA purposes this application is considered a type II action and no further environmental review is required of this board. We have noted in the past and will so again, this application will have to be returned to the town Planning Board for consideration for site plan that’s pending before them which is why they were referred to the ZBA in the first place. In that context the applicant will have to comply with the SEQRA review process and whatever environmental review that the Planning Board determines is necessary. This application at first was for a number of items, that were subsequently pared down, curtailed and further crystalized. Before the board now #1 a request that catering be a permitted use in the LBSL zoning district. And the 2nd request is for interpretation that multiple principal uses be permitted in a single building in the LBSL zoning district. Those are the 2 requests for interpretation before the board. This is not an area variance nor a use variance so the 5 factors test that you are familiar with on those types of applications are not the criteria that you use on this type of request.

The board has review town code 98-2(b) for definitions of restaurant and fast food, and restaurant standard, accessory building structure or use. Also the definition for Principal building or use.

One at a time polled board if they believe that catering is a permitted use in the LBSL zoning district.

Acting Chairman Doellinger: Expressed that he feels catering is an extension of a restaurant is something that already exists in the LBSL district. Has personally been to a few restaurants that have had a separate room aside for catering. Dan stated that he heard from some people in the public regarding their concerns that 150 seats is much larger than what is permitted there already, and his answer to that is, that is not what they are asked to decide here tonight. What they are being asked here tonight is whether catering is considered an extension of a restaurant. So in his opinion it is. Dan stated to use the example that someone in the public mentioned at the public hearing, she said that a comparing a catering hall to a restaurant that does catering is like comparing a cruise ship to row boat, and it may be a vast difference but the bottom line is they are both boats.

Walter: Proceeded to read the definition of a standard restaurant and agrees with Dan that they are the same.

Bob: Stated he feels the same way.

Tom: Agrees, the public may not like it but feels it’s the same.

Mr. Dickover interjected and wanted to make it clear that Mr. Atkin was late for the public hearing and Julie was absent at the last meeting. They both have indicated that they have read the minutes of the public hearing and have indicated that they feel they can vote on the application.

Dan asked for a motion on the first question asked to interpret that if catering is permitted in the LBSL zoning district. Motion made by Julie that it is permitted. Second by Bob. Motion carried 5-0.

Roll call: Julie-Yes, Dan-Yes, Walter-Yes, Bob-Yes, Tom-Yes.

Dan asked for a motion on the second question to interpret whether multiple principle uses are permitted in a single building in the LBSL zoning district. Read 98-2 on principle uses.

Walter: Agrees

Bob: Agrees, said it right in the town code which is what we are supposed to make our determination on.

Dan stated, again this is going back to the planning board and it will be determined between the planning board and the building inspector on specifics that are going to take place.

Bob wanted to make a comment, he understands the residents around Creamery Pond and in Sugar Loaf, some are for it and some are against it. We can only go by what’s in the town code, and what was discussed at the public hearing that really does not pertain to this board was allowed and it probably shouldn’t have been allowed. The public hearing was only supposed to address these 2 issues. So we heard a lot from a lot of different people, residents, and business owners. But we were only supposed to discuss these 2 issues. It seems like there are a lot of things people don’t like but believe that is a planning board issue.

Motion made on the second question to interpret whether multiple principle uses are permitted. Motion made by Walter. Second by Tom. Motion carried 5-0

Roll call: Julie-Yes, Dan-Yes, Walter-Yes, Bob-Yes, Tom-Yes.

Motion to have counsel prepare the decision and have it circulated to the board before signing. Motion made by Walter. Second by Bob. Motion carried 5-0

Motion to close meeting made by Walter. Second by Bob. Motion carried 5-0

Respectfully Submitted,

Alexa Burchianti

Zoning Board of Appeals Secretary