**Meeting called to order**: 7:01pm

Chairman led Pledge of Allegiance

**Members present**: Chairman Finizia, Gregg Feigelson, Julie Bell, Dan Doellinger, Tom Atkin, Bob Favara

**Members absent**: Walter Popailo

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

A motion to adopt the minutes from February 14, 2019 made by Dan. Second by Julie. Motion carried 5-0

 **Broccoli Patch– Variance & Interpretation Application**

Lou Donnelly property owner and Ross Winglovitz from Engineering & Surveying Properties PC before the board. They submitted application looking for an area variance regarding the setback from the cemetery. The setback requirement is 200ft. with a 100ft with planning board approval, they are looking for approximately 60ft. Ross reviewed Mr. Dickover memo on that, and realizes that it pertains to Chapter 40 and Chapter 40 does not provide any relief for this requirement. The Zoning Board can only provide or grant relief pertaining to Chapter 98.

With that in mind, they have decided to move the proposed new building to connect to the existing as to clear the setbacks for the cemetery. They have and approved site plan from years ago that is approved for a restaurant and micro brewery. They are proposing a distillery, catering facility, storage for the distillery and also residence.

Based on the feedback from Attorney Dickover, they would love to move the building out of the setback and attach to the existing building, but are still going to look for the other 2 interpretations, 1. Catering facility is inclusive under a restaurant 2. Item was regarding multiple principal buildings, since it is going to be combined and only have one, but would like to have the option if redesigned. They only definition of “principal use” is the primary purpose of which a lot or building is designed or used or which the principal use is conducted. In certain cases more than 2 principal uses maybe located in a single building or on a single lot.

Ross stated that is does not say that it can’t be multiple buildings on a single lot. It doesn’t limit to a single building. They couldn’t find anything else in the code.

Chairman asked if there had been any studies that they have acquired or know of about pollution or distilleries, runoff, air? Mr. Donnelly stated no, Chairman Finizia stated he will look that up.

Ross stated that he believes that use was already approved under the Planning Board. The restaurant brewery/distillery us was already part of the approved site plan.

Mr. Donnelly stated that there was already a building permit in place from a long time ago which he would have to renew, however he is just designing it differently from what the original plan that was put out.

Alexa stated there was an approved site plan for a micro-brewery back from Johanson’s days believe it was 1989.

Attorney Dickover asked, if they are still looking for the interpretation of multiple uses in multiple buildings? Mr. Donnelly stated, no because they are going to connect the building to meet the setback requirement for the cemetery. Attorney Dickover stated so you are looking for multiple uses in a SINGLE building? Mr. Donnelly stated yes.

Attorney Dickover asked applicant a few more questions regarding catering and activities taking place, where food preparations are being done. Is there a service area for the catering or is it all being catered offsite. Mr. Donnelly responded that there will be a kitchen in the facility, that’s why he is saying if he connects the buildings he can put only one kitchen he doesn’t have to put 2. Attorney Dickover: The catering facility will be for prom things and weddings, so sit down table service? Mr. Donnelly: Yes. Attorney Dickover: Will that be open to the general public during dinner hours or is it dedicated to a banquet hall? Mr. Donnelly: Depends if he has a need for it.

Hours on the plan were 11am-12 midnight.

Dan asked the occupancy load to be for the catering, Mr. Donnelly responded 150.

Polled the board if the board has jurisdiction to render a variance decision on the cemetery buffer:

Gregg: No

Julie: No

Dan: No

Tom: No

Chairman Finizia: No

The applicant formally withdraws his application requesting the variance for the cemetery.

The issues now for the board now are narrowed down to request for interpretation whether or not catering facility is a permitted use within the zoning district. And the second one being whether multiple principal uses in a single building is permitted in the zoning district.

Polled board for any more questions for the applicant: There were no further questions.

There needs to be a motion to declare the board for Lead Agency for SEQRA review. Because the Planning Board is an involved agency in this application because they have site plan review approval authority. It has been asked of you to conduct your SEQRA review as uncoordinated review. 1. Declare yourselves Lead Agency 2. Resolve to conduct an Uncoordinated Review. Attorney stated because the application before you now is for interpretation that is by definition a type II action and if you adopt that motion and pass it no further environmental review would be required by the ZBA board. Planning Board would of course still have their review and SEQRA review.

Motion made to declare Lead Agency made by Chairman Finizia. Second by Bob. Motion carried 5-0

Motion to schedule a Public Hearing for May 9, 2019 made by Gregg. Second by Dan. Motion carried 5-0

Motion to adjourn the meeting made by Dan. Second by Julie. Motion carried 5-0

Respectfully Submitted,

Alexa Burchianti

Zoning Board of Appeals Secretary