

November 23, 2009

Village of Phelps Planning Board Meeting held at the Phelps Community Center; 8 Banta St., Village Meeting Room; Phelps, New York.

Present: Board member: Ty Allen
 Board member: Bob Springer
 Board member: Randy Scott
 Board member: Mike Blair
 Absent: Chairman: Norm S. Teed

Also present: Trustee Brian Hemminger, Deputy Clerk/Treasurer Jill Seifert, Code Enforcement Officer Brad Dutcher, Ron Brand, Applicants Al DePorter & Dean Williamson and Bonnie Detro (7:04).

Member Allen opened the meeting at 6:58 p.m.

Approval of October 26, 2009 meeting minutes: Bob motioned to approve the minutes as presented, Randy second. Unanimously approved.

Due to the absence of Chairman Teed; Bob motioned to temporarily assign Ty Allen as Chairman for this meeting, Mike second. Unanimously approved.

Ty opened the public hearing at 7:02 p.m.

PB 05-09 Waterside Wine Bar Site Plan Application

Al DePorter presented his proposed expansion. Due to the popularity of the previously approved wine tasting room, the separate entity (from Water Side Spirits Liquor Store) has become a Wine Bar. The hours of operation would be Wednesdays & Thursdays 5-10 pm and Fridays & Saturdays 5-Midnight. Sundays, Mondays and Tuesdays would be for private parties only. Al is presently booking Holiday parties on all nights but they would end early. Planning on fencing in a garden area; people will be routed thru the entrance to the Wine Bar, out the patio doors into the garden area. The Ontario County Planning Board made no formal recommendation for the referral; their administrative review contained no comments.

Public Comments: Brad Dutcher, CEO – although there was one incident in spring or early summer regarding the noise level, Al has addressed the issue and there has been no further complaints.

Board Comments: Randy Scott – spoke with Al personally prior to the meeting and has no problem with his proposed action.

Al would like the Board to consider extending the noise ordinance from 9 pm to 11 pm to allow him to have entertainment later into the evening. This matter is not part of the current application and cannot be addressed at this time. No further comments, public hearing closed at 7:11 p.m.

Application: PB 05-09; Waterside Wine Bar Site Plan Application.

SEQR: This application is an unlisted action with no negative environmental impact thus giving it a negative declaration.

Motion: SEQR: Bob motioned for acceptance of this application as an unlisted action; Mike seconded. All in favor – aye. Unanimously carried.

Motion: Bob motions that we accept application PB 05-09 as submitted; Randy seconded. All in favor – aye. Unanimously carried.

Village Code/Development Regulations Workshop:

Ron met with Attorney Jeff Graff regarding Jeff's September 24th letter / list to Mayor Cheney. Ron feels that he will be able to answer Jeff's concerns quickly. Ron indicated that Jeff stated he did not have the Chapter 70 Definitions yet, Jill emailed them on October 27th, will do so again.

Analysis of Schedule of Regulations – Lot size calculations are completed. Ron's initial findings are summarized in a Memorandum that will be entered as part of the official minutes. Discussion followed. Zoning designations and mixed uses need to be cleared up and perhaps adjusted. What are the legal implications of our non-conformities? Ron will finish up his analysis and will speak further with Jeff regarding the same.

As it looks now; Chapters 85, 175 and 70 will not be ready for the Village Board by their next meeting, December 14, 2009.

Next Meeting: Scheduled for Monday, December 28, 2009; Village Meeting Room at 7:00 p.m. pending any applications received by the 12/14/09 submission date.

Bob motioned for adjournment of the meeting; Mike seconded; meeting adjourned at 8:15 p.m.

Respectfully submitted,

Jill K. Seifert
 Deputy Village Clerk/Treasurer