

Joint Town/Village of Lima
Zoning Board Meeting Minutes
December 29, 2014

Present: John Bailey, Chairman; Jim Van Dick, Vice-Chairman; Duane Fuller, Andy Matthews, Dennis Neenan, Steve Werner; Deb Shaughnessy, Secretary

Excused: Duane Thompson; John Correll, Village Liaison; Cathy Gardner, Town Liaison; Steve Kruk, Town/Village Attorney

Guests: Stephen Robertson

The meeting of the Joint Town/Village Zoning Board (The Board) was called to order at 8:00 p.m. on Monday, December 29, 2014.

The purpose of this meeting is to review a request by Stephen Robertson for a Special Use Permit to operate a mobile food cart in the Town of Lima.

The Secretary read the Legal Notice and referral letter from the Planning Board. The Planning Board referred this applicant to the Zoning Board of Appeals without comment. The Chairman reviewed the zoning code regarding drive-in theatres/businesses in Lima.

Mr. Robertson plans to operate the business Wednesday-Sunday from 11 am – 3 pm from May-October. This business will serve hot dogs & sandwiches, which are prepared/pre-cooked. This business is inspected by Monroe County Health Department. Property owner has given permission and applicant will pay rent for use of the site. The mobile van will be closed up and removed at the end of service each day. The applicant assured the Board there would be no lingering trash at the end of the day. There is no copy of written permission by the property owner. The CEO has contacted owner but has not heard from him at the time of this meeting. There will be no seating planned. Mr. Robertson will use fold down iron boards for tables, which is easily folded up and removed at the end of the day. He will use a 10' X 10' pop-up tent, which will also be removed daily. The CEO will confirm there is no need for a special vendor license. There are no electric needs.

There are up to 20 parking spaces available on the west side of the site. The Board was concerned with potential parking on the side of the road. A suggestion was made to provide a sandwich board sign directing available parking off the side of the road.

Conditions set forth by the Zoning Board of Appeals:

- 1) A mobile sign clearly identifying the location of off street parking shall be located outside the road right of way directing patrons to the parking spaces.
- 2) This Special Use Permit is issued solely to Stephen Robertson and shall not be transferrable.
- 3) This Special Use Permit shall be for a one year period. Yearly renewal shall be through the Code Enforcement Officer unless there are issues, as determined by the CEO, that requires Zoning

Board discussion and review. Renewal date shall be on or before December 1 for the ensuing year.

- 4) No permanent signage on the site is proposed at this time and is not permitted without proper authorization.
- 5) The stated intent is to operate business Wednesday-Sunday, 11 am – 3 pm, May – October. The restaurant is mobile and will be removed daily at the close of business along with all trash, tents, seating and any other materials. No evidence of this business will remain on the property outside of the operating business hours.
- 6) The applicant shall not expand the business beyond that which was described in the application for this Special Use Permit.
- 7) No signage or equipment shall be positioned in the state highway right of way.

A Motion was made by Dennis Neenan to approve the Special Use Permit with stated conditions. Seconded by Andy Matthews. Vote was Unanimous, So Moved.

A Motion was made to adjourn the meeting by Dennis Neenan, seconded by Andy Matthews. Vote was unanimous. So Carried. The Joint Town/Village of Lima Zoning Board meeting was adjourned at 9:00 p.m.