

**TOWN OF NAPLES**  
**Planning Board Meeting Minutes**  
**February 15<sup>th</sup>, 2022**  
**6:00pm**

Video Link: <https://vimeopro.com/lrtv/town-of-naples-2022>

Chairman Doug Bogdan called the meeting to order. Also present were Jim Allen, Martina Witts, Alternates Larry Anton and Marty Zartarian, Planners Ben Smith and Sam Peikes, Code Enforcement Officer Kate Matthews and her assistant Jen Leeman.

Both Alternates were appointed voting members.

Minutes from 2/01/2022 were reviewed. Larry Anton made the motion to approve as presented, Marty Zartarian seconded. All in favor 4-0.

Business:

- a. A request to Abandon Conditions of Approval from a 1992 decision stating “no outside speakers will be erected, or music played outside at any time” for property found at 1124 Roosevelt Trail (Tax Map U33 Lot 14) known as Gabby’s Roadhouse submitted by Carlos Oliveira.

Carlos Oliveira presented the request. He specified the conditions of approval were placed on the business centered around the Batting Cages which were removed about 8-10 years ago according to Carlos. He added their property had been receiving Entertainment Permits for the last 15 years. Ben Smith specified the need for this meeting was to focus on abandoning that condition of approval. Martina Witts asked if the Board has jurisdiction over this matter, to which Ben explained this is an amendment to an approved project to remove a condition of approval. Larry Anton specified the Zoning Ordinance that took effect May 20, 2009, and this would be an unallowable change of use. Carlos added he thought the owner in 1993 changed the zoning. Ben Smith clarified Larry is speaking about the use, which is not being discussed at this meeting. Jim Allen wanted clarification that this meeting is just for the use of outdoor music. Carlos added there were never any restrictions on the entertainment permits for the last 15 years. John Conway, Oliveira Attorney, spoke about the Special Entertainment/Amusement Ordinance specifying that ordinance regulates the music in town, the restaurant doesn’t need the added restrictions from the Planning Board. Leo Sednaway, an abutter to the property, started by asking if the Town has reached out to the Town Attorney because he had asked the Town Manager about the legitimacy of this use. Kate Matthews responded the Town has heard back from the Attorney, but this meeting is only focusing on the outdoor music. Jim Grattelo asked Ben if conditions can be removed, he thought conditions follow the property. Ben explained conditions do follow the property, but any owner of the property has the right to amend the plan. Diane Guizer, resident of Naples, empathized with the residents and stated the Board should not remove the condition. John Conway added the changes over the years have been approved, and the applicant followed the procedures. Leo added this is not anything against the Restaurant or the Owner themselves, this is about the property itself. Larry asked the Board to consider if it were in the proper zoning it wouldn’t be an issue. He specified May 20<sup>th</sup> of 2009 this property became a rural area with limited use. He added the removal of the condition shouldn’t be allowed; it isn’t grandfathered for music. Larry made the motion to reject the request to remove the Condition, Martina Witts seconded. 4 in favor, Jim Allen abstained.

- b. A Site Plan for Self-Storage Units on Roosevelt Trail (Tax Map U10 Lot 1) submitted by DM Roma for Jarod Robie.

Dustin Roma presented the project. Larry Anton asked what the side of the building will look like on the 302 side, Dustin stated the preference would be to have the same metal siding as all the other buildings with landscaping in front. Larry asked if they could make the front of the building more attractive, suggesting faux windows, Dustin agreed that could be worked out. Larry asked if the back lot is supposed to be reviewed with the Site Plan, Ben specified there isn't anything happening in the back lot. Marty asked why the lot is split. Dustin explained there is a stream that runs further into the property than they expected and there may be other opportunities for the back lot. Martina Witts asked if the phosphorus analysis will show if all the phosphorus mitigation will be on site. Dustin responded DEP reviews these projects under their general standards. Kate Matthews asked when this lot was originated, that would affect the back lots and right of ways.

- c. A Site Plan for a proposed facility expansion at Great Northern Docks (Tax Map U33 Lot 13) submitted by DM Roma.

Dustin Roma presented the project. Larry Anton mentioned it is important to state this property is zoned commercial but grandfathered for light manufacturing. Marty Zartarian asked the difference in cost for better filtration of the Stormwater. Dustin explained when working with DEP this would be the best design for the phosphorus filtration on this property. Sam Peikes asked where the gate to Lambs Mill would be, Dustin checked with the Landowner and verified it would be on the property. Jim Grattelo shared his support for this project. Jim Allen asked if this was advertised for a public hearing, Jen Leeman told him it was not but as Ben had mentioned previously, they are not required. Jim Allen made a motion this project was a completed application Larry seconded. All in favor 5-0. Martina Witts made the motion to approve the plan as submitted without the public hearing, with the condition to show clarification of the zoning boundary lines on the plan and add the location of the gate. Jim Allen seconded. All in favor 5-0.

- d. A Dock for Songo Shores Association Shared R.O.W. #2 (Tax Map U15 Lot 22) submitted by William Newbegin proposed to be 340 sqft and 46ft in length.

The applicant requested this item be tabled to the May 17<sup>th</sup> meeting. Larry Anton made the motion to table this, Jim Allen seconded. All in favor 5-0.

Kate Matthews reminded the members of upcoming meetings.

Jim Allen made the motion to adjourn, Marty seconded all in favor 5-0.

Respectively submitted,  
Jennifer Leeman  
Asst. to Code Enforcement