

Zoning Board of Appeals
Town of Conklin
January 2008

Dear Town Board Members,

As I "think through" my reasons validating the existence of a seven member Zoning Board of Appeals, one of the least substantial elements, but one that I cannot put aside, concerns the quality of those ZBA members currently serving. They are no less than masterful in their astute handling of the complexities of our modern zoning laws as they try to balance this system of law with the legitimate desires of our fine applicants. ZBA board members probably deal face to face with a bigger cross section of the wonderful people that make up our fine town than many of our excellent town officials. A number of attorneys have shared with me that Conklin puts forth one of the most considerate and respectful boards with which they have to deal. All credit to the present members of our Board.

Yet, another reason to retain a seven member board concerns our ever-growing and diverse constituency. Conklin is in a state of flux. Each year we become less of a rural, tradesman and/or blue collar community. You, as elected representatives, are far more "on top" of these changes than I. We see this change represented in the high quality and professionalism of the fine applicants that appear before us. They also come from every corner of our wonderful town. I feel we need seven board members to even come close to meeting these good people on their own level with an understanding of their hopes and desires.

Diversity also involves location. This is an area we need to work on in the future as current members leave and/or retire. Our cases come from all areas of Conklin. We need to try to find capable future ZBA members from areas of our town not now represented so that both rural and urban "understanding" might be applied as we try to meet the applicants' desires under our current set of laws. When you diminish the size of your present board, this goal is even harder to achieve.

Perhaps the most telling reason for retaining a seven member board involves the structure and rules emanating from levels of government much higher than we! Most cases now handled by your Board must be reviewed, under a complex set of criteria, by a "239" review within the Broome County Department of Planning and Economic Development. When this body "disapproves" of an applicants request, your ZBA must have a majority plus one additional Board member to override the County decision. This is called a majority plus one, or a "supermajority." Your Board members are not all retirees! Most hold accountable positions in our community and occasionally must responsibly miss a hearing. Then there is the question of illness that befalls all of us from time to time. Under a seven member board, we needed five members to override Broome County. Imagine how potentially difficult that becomes with our now five member board (four required). Previously, two ZBA members could be absent

and we were still able to serve the applicant. Now, if we have one absent member we will continue to be able to act on such a case. However, the potential is now quite high that, with an additional work related absence, or "an illness", the applicant would have to wait another month for a decision! Again, imagine the fairness to our applicants who desire exceptions to our zoning laws! There were, indeed, some very far thinking people who formulated the seven member board structure.

We could go on, but I am sure you are tired of listening. Thank you all for this opportunity to share our thoughts on this matter on paper.

Your servant,

A handwritten signature in cursive script that reads "Bill". The signature is written in black ink and is positioned above a horizontal line that extends to the left and right.

William C. Northwood, Chairman
Zoning Board of Appeals