

Town of Conklin Zoning Board of Appeals – September 5, 2017

MEMBERS PRESENT: William Northwood, Chairman; Art Boyle, Elizabeth Einstein
Hal Cole, Tom Kelly

ABSENT: Paul Schfield, Norm Pritchard

ATTORNEY: Keegan Coughlin,

ALSO

PRESENT: Mary Plonski, Secretary
Willie Platt, Town Board Liaison
Nick Vascello, Code Enforcement Officer

VISITORS: none

7:00 P.M. Chairman Northwood called the meeting to order

Agenda Item #1 Chairman Northwood asked attorney Keegan Coughlin to go over any new items he feels the board would find beneficial to them.

Attorney Keegan Coughlin commented that one of the things that have been talked about throughout the courts is the Zoning board's records not having sufficient evidence on file to support the board's decision on certain matters. He didn't feel the Town of Conklin had this problem. He suggested that a review of the area or use variance process could be beneficial. He would be willing to listen to anything that the board has concerns with and do the research on that.

Art Boyle asked the board to turn to **Zoning Section 140-16 Accessory Buildings.**

Under R-12 "C" says one trailer. Then if you go to the next page under R-15 Section 140-23 "C" says one trailer but when you come to Multi dwellings Section 140-31, "C" is missing. He is wondering if it shouldn't be there. Art also questioned what the word "trailer" meaning is for this section.

Hale Cole agreed with Art. If it's allowed in R-12 and R15 it should be allowed in Multi Family. Hal suggested that maybe we recommend to the Town Board that the next time they have updates to the code they include having "C" added to 140-31.

There was a discussion on if it's not in the code book, it's not allowed. Art mentioned that in the past the Code Enforcement Officer has made his own interpretation of things. Attorney Coughlin commented that the correct way by law is that if it's not in the code book, it is not permitted.

Councilman Willie Platt (Liaison) asked about non-residential properties that have trailers parked out in front of them. Keegan said that it would have to be incidental to the principal use of the business.

Hal asked about feedback on second permitted uses allowed by the zoning board. The powers that be wanted to have it streamlined. They took out where it was permitted and was never put back in. He felt no place in the code does it refer to second permitted uses. Should it be put back in that it is allowed once presented and approved by the Planning Board. Section 140-41 should have an "M" added. It was removed in 2012 because it didn't make sense to go before the Zoning Board and then the Planning Board. Hal mentioned that he went to a board meeting and gave it to Bill and hasn't heard anything since. He suggested that it say that a second permitted use is allowed with the approval of the Planning Board.

Tom Kelly asked about the outcome of recommendations the Zoning Board gave to the Town Board concerning signage. Willie Platt said that after discussion it was sent to the Planning Board for their

recommendation. The Town Board is waiting on that recommendation before proceeding. Nick said the Planning Board did make a recommendation that everything was ok but did ask for clarification on the definition of an electronic sign.

Hal asked if Keegan was aware of the issues with the Town of Fenton. Keegan explained that his understanding was that not all the notices were sent to all individuals making them aware of the Public Hearing. Hal mentioned that the County's 239 comments were not satisfied. Keegan agreed and said that is why you want as much evidence as possible documented otherwise you leave to town open to litigation.

Chairman Northwood asked the board to come up with two or three areas that the board would like to discuss over the winter.

Art asked Nick if there should be something in the code book about fences.

Liz suggested that Keegan could go over some of the test questions and answers that Coughlin & Gerhart have on their quizzes. Keegan said that could be done. Hal suggested the refresher be done at the next meeting. Liz felt that might bring up some questions that the board could work on.

Hal mentioned how in the past the code officer has made an interpretation of something that is not in the code book and his interpretation would not hold up the test of time. Hal felt that the interpretation should be run by the Zoning Board for awareness.

Art asked Nick if when something comes in front of the Zoning Board he could state the area of the code book that it refers to. Nick said he would do that. Hal suggested that Nick make sure the application is complete. If it's for a Use variance, make sure they have a reason why this is the only way it will work. All the other options have been explored.

Tom asked if there is something that comes before the board numerous times over the past 10 years that could be reviewed.

Chairman Northwood would like to review home occupancy. If anyone has something they would like to review they can call him anytime.

Keegan will look into getting information for next month meeting.

Chairman Northwood motioned to adjourn the meeting and Hal Cole second. All present board members approved.

Next Zoning Board Meeting will be held on Tuesday, October 3, 2017.

Northwood closed the meeting at 8:04 p.m.

Respectfully Submitted,

Mary Plonski – Zoning Board Secretary