

Zoning Board of Adjustments Meeting
September 16, 2019

Minutes taken by Suzy Metzler

The meeting was called to order by Chairperson James Sharpton at 7:05pm. In attendance were Chairperson James Sharpton, ZBA members Ramon Reed, Rodger Lull, and Jesse Garetson, and Building Inspector Rand Makowski.

The topic was revision of the 2012 Zoning Code, continued.

Mr. Sharpton stated that the Board had a quorum. Just 30 minutes earlier James received an email from Phil Duetsch who is resigning from the Zoning Board of Adjustments.

Mr. Sharpton asked for corrections to the minutes of the Zoning Board meeting held on August 21, 2019.

Ramon Reed had one amendment to the minutes: Pg. 2, 3rd paragraph, "zone should be followed" - quote from Jesse Garetson - should be "zoning code should be followed."

This was also the only change that Mr. Sharpton found.

Ramon Reed made a motion to approve the minutes as amended, seconded by Rodger Lull. A vote was taken and the changes to the minutes were approved unanimously.

Mr. Sharpton said that they would begin working on Section 14, and have worked on Parts A & B at the previous meeting. At the end of B, James Sharpton had noted "Lot Clustering," and wondered if the group would like to further discuss that topic. Ramon Reed said that there had not been much interest in lot clustering when it was discussed at the August 21 meeting. There was no more discussion of lot clustering.

Mr. Sharpton read Part C of Section 14 so that it could be discussed. Rodger Lull said that it looked like #3 is repeating the beginning of the paragraph. Jesse Garetson feels that there should be approval of the ZBA to do structural alteration. This phrase will be added to #3.

So #3 will now say:

3. The Zoning Board of Adjustment's approval is required for any structural change which would not increase the degree of non-conformity or change the use to a non-conforming use.

D. Add to Section D Restoration: In cases where structures on parcels of only one or two lots that are damaged and found structurally unsound, when adjacent lots are not available for addition to make the building site conforming to this code, the owners may request a variance from this code as defined in Section 18(B)(8). The approval of this variance request is still subject to the review of the Zoning Board of Adjustment.

The board members were in agreement that this change be made.

E. Previously approved uses: Add a period after the word "completion."

The board members were in agreement with this change be made, deleting all of the text beginning with the word "providing....." and to the end.

F. Discussion of how a non-conforming use is defined.

Ramon says that all of the conforming uses are listed in Section 7 and 8. James Sharpton said that the lists of conforming uses are only shown in Residential Zoning, but also that all of the same uses are shown to be applicable in Business Zoning. Jesse says that you go to definition #24 in definitions.

There was discussion that Paragraph F be stricken. The board members were in agreement that Paragraph F should be removed.

Section 15. Signs and Advertising devices.

Ramon Reed presented a complete edit of this section, incorporating the original writing, removing or changing some of the writing in the original and adding additional wording.

In the first paragraph, in the 3rd line, instead of Board of Zoning Adjustment it should say "Building Inspector."

Also, in the next sentence, "nor" should be inserted in place of "or," and the word "may" should be removed after "advertising device." It would then read "No new permit shall be issued, nor sign or advertising device be erected unless such sign or device conforms to the following schedule of types of use and classification of signs permitted under this section."

The board members were in agreement on these changes.

Definitions:

Direct Lighting: keep the same

Indirect Lighting: "any light source external to a sign, intended to illuminate the sign. Indirect lighting shall be designed, installed and maintained to eliminate or minimize upward directed light, so that the light(s) illuminate only the sign and not adjacent...." (The remainder, keep the same).

Free-Standing Sign: keep the same

Attached and Facia Signs: any sign, whether a separate structure or a sign painted or applied directly, on the side of a building. (The remainder, keep the same)

The board members were in agreement on these changes.

The following text is the way the board members agreed to change this next section. Where the text should be as drafted in Ramon's new draft, it is so noted. Where text is to be stricken, it is so noted.

A. Sign Types allowed, by District:

Change: 1. Resident, Residential: Type A and D

2. Business, Business: Type A, B, C and D

1. Type A, Identification Signs: - changes per Ramon's new draft, with some additions and one line completely stricken.

2. Type B, Directional Signs: - completely stricken.

(3 - now becomes 2.)

2. Type B, Indoor Business Signs or Devices:
changes as per Ramon's new draft.

3. Type C, Outdoor business signs or Advertising Devices:
changes as per Ramon's new draft.

4. Type D, Temporary Signs:

C. Non-conforming Signs: no changes from Ramon's new draft.

D. On-site Location: no changes from Ramon's new draft.

E. Setbacks: no changes from Ramon's new draft.

F. Municipal signs: no changes from Ramon's new draft.

Discussion of Section 16, Administration and Enforcement.

A reference to the zoning enforcement official - who IS the zoning enforcement official? Discussion that the zoning board can tell someone that they can't DO something, but the zoning board is not able to enforce. The ZBA is a regulatory body.

Section 16 as edited: Administration. This Code shall be administered by the Building Inspector and the Zoning Board of Adjustments, appointed by the Town Board of Trustees.

The board members agreed with this change.

The next ZBA meeting will be on October 21, 2019, at 7:00 p.m. at the Newcomb Community Center.

The meeting was adjourned at 8:50 p.m.