

## REGULAR ZONING BOARD OF APPEALS MEETING

April 9th, 2009

**MEMBERS PRESENT:** John Moorehead  
Rick Stevens  
ZBA Secretary/Alternate Paige Boratko  
ZBA Attorney Scott Chatfield

**ALSO PRESENT:** Cory and Tim LeClair

### **CORRESPONDENCE:**

- ZBA Minutes of March 12<sup>th</sup>, 2009
- Codes Report from CEO R. Herrmann –March, 2009
- Letter of Denial from C.E.O. R. Herrmann to Cory & Tim LeClair (038.-03-04.6) Chapter 30 Article III section 30.32
- Letter of Denial from C.E.O. R. Herrmann to John Tracy (#038.-02-12.0) Chapter 30 Article III Subsection 30.31 Paragraph B

Chairman John Moorehead called the meeting to order at 7:00 p.m. and requested that it be so noted in the minutes that he appointed ZBA Secretary/Alternate Paige Boratko to be the Alternate voting member for tonight's meeting due to absent board members.

**APPROVAL OF MINUTES:** A motion was made by Rick Stevens and seconded by Chairman John Moorehead to adopt the minutes of March 12<sup>th</sup> 2009 with a change to a typo error on the Discussion section, third bullet. It passed with all in favor at 7:10 p.m.

### **NEW BUSINESS:**

Tim and Cory LeClair were present for informational purposes. They received a denial notice from C.E.O Robert Herrmann to run a Lawn business in a R1 District. Rick Stevens stated that Chapter 30 section 30.32 leads to section 30.42 and directed the LeClair's to read section 30.42 because this section has specific requirements as far as the storage of vehicles and signage. ZBA Attorney Scott Chatfield explained the limitations of the Town Laws and questioned the conduct of activity of the business. He suggested that the LeClairs seek legal assistance. Chairman John Moorehead instructed the LeClairs to make a decision on the type of application they want to file; an application for interpretation of the Code or application for Use Variance. They would then resubmit the application to the Town Clerks office along with the required fee. Rick Stevens made a motion to set a public hearing date for Cory and Tim LeClair for Thursday May 14<sup>th</sup>, 2009 at 7:00 p.m. at the Town Hall on Rte 31, Jordan N.Y. seconded by Chairman John Moorehead, it passed with all in favor at 8:20 p.m.

### **DISCUSSIONS:**

- O.C.P.B. Resolution - GML 239 Report of Final Action - second request  
Meeting Date: November 5<sup>th</sup> 2008 - J.Huxford - 917 Whiting Rd. Application for Area Variance to build a garage with a reduction in front yard minimum depth. The ZBA secretary contacted Jeff Harrop of the County Planning Board about the second request. This form was sent in error as the county had not yet logged in the response letters. The County states in this document that they do not approve a drive way permit for James Huxford on Whiting Rd. The ZBA's ruling was in conflict with the County's finding. ZBA Attorney Scott Chatfield stated that the two cases were unrelated.
- ZBA Attorney Scott Chatfield presented the board with a "Standards of proof" form for an area variance to go along with the rules of procedure. This is an informational form for the applicant. He will fax over a "Standards of proof" for each type of application (variance permits, use permits, special use permits, and interpretations). The Special permit will need to be tailored for each application.
- Creation of the new Zoning Application is in the works. The board received a partial copy of the new document to review the direction of progress to date. Many thanks to Penny Cerratt for her help with formatting the new document. Scott Chatfield reviewed what a general application should contain.
- Morgan Waste Removal site on Campbell Rd. - After a review of the ZBA draft minutes and hearing/resolution of March 2004 for a Use Variance from R. Welch (now Morgan property) to store empty recycle and trash containers in an agricultural zone district. C.E.O R.Herrmann investigated the site and stated that the site was compliant according to the resolution. He stated that he did not witness any trash or cleaning of containers. There are shrubs in place but they are very small.

**ADJOURNMENT:** With no further business, on a motion made by Rick Stevens and seconded by Chairman John Moorehead, the meeting was adjourned with all in favor at 8:20 p.m.

Respectfully Submitted  
Paige Boratko, Secretary