

ZBA regular meeting Minutes April 21st 2014:

ZBA Meeting called to order at 6:29 at the Newport Firehouse.

First Agenda item:

The Newport Firemen request permission to hang a banner for the Fireman's field Days over Route 28 in the month of June until the Field Days commence in July.

Motion Made by Kimberly Farrell, Second by Don Fauville to Permit Newport Fireman to hang banner over Route 28 in June through first week of July advertising the Newport Fireman's Field Days. Motion passed unanimously.

Second Agenda Item:

Ms. Heidi Worden application for a Zoning Variance for 7389 West Street.

Information and background presented by ZBA Chair Christine Shahin Wood as well as Planning Board Chair John Flannigan who was present to offer a timeline and update on this variance application. The permit application previously submitted, denied by Mr. Farley., was then sent to Planning Board from the ZBA for review.

John Flannigan explained his process and recommended that we now make a motion to approve or deny based on the current application. Mr. Flannigan explained that Ms. Worden was present at the last planning board meeting and had no additional documentation to provide the planning board. Subsequently Her check was returned and it is asked that this application have no bearing on future applications. Mr. Flannigan also stated that at this planning board meeting he had discussion with Ms. Worden of the process for the site plan review. This prompted a discussion about Use Variance vs. Zoning Variance and the need for site plan reviews and the many criteria that can be met.

Zoning chair Christine Shahin Wood expressed her view that the prudent thing to do would be to deny this zoning variance application so that Ms. Worden can resubmit a completed application, in order for the ZBA to make an informed and timely decision. The application should answer such questions as: scope of business, mission, long term vision, projection for growth, is this appropriate for location. So that ZBA makes a wise decision in the best interests of the community. Denying the incomplete application would allow Ms. Worden to go back through the process in a timely manner.

Ms. Worden initiated a discussion about feeling that she didn't receive clear direction and asked about the training of new zoning and planning board members. Christine continued the discussion, and with all due respect noted that Ms. Worden is good at holding others accountable but pointed out that when Ms Worden started this application process she herself didn't hold herself accountable to the same standards she holds others with moving ahead without the proper approval. There then was discussion about the benefits of securing personal legal council to look at the process. Ms. Worden then stated that the property hasn't changed so why weren't those village records used? (to make a determination of granting a zoning variance)

Discussion of Time frames. George Farley was under the impression that the time frame starts once the application is complete. Mr. Flannigan explained that it was explained to him by county

planning resources that once an official appeal is on file the time starts at that time, and a decision needs to be rendered within that time frame. If the application is incomplete it can be denied based on it's incompleteness.

Kimberly Farrell asked that there is a clear way forward. What are the steps? Is a site plan review needed for a zoning variance? This prompted a discussion about zoning and use variances and that there is criteria (hardship vs. self created hardship) that needs to be met to consider a zoning variance. Hardship as well as other factors need to be proven by applicant. This led to discussion of special use permits and being that our zoning book doesn't make allowances for this the village board would need to amend the zoning laws.

Ms. Worden inquired about "General Assembly" Mr. Flannigan explained that he felt she was referring to "assembly occupancy". Which in his research he found was a generic "catch-all" definition and had a wide variety of uses. The Village Board would need to define "Assembly Occupancy" for our particular area in order for it to apply. It was agreed that the zoning book/laws need to be looked at comprehensively and adjustments made in many areas. Ms. Worden asked that "A-3 Assembly Community Hall" be addressed. This was noted for further study.

A Motion was made by Kimberly Farrell Second by Don Fauville to Deny the application for a Zoning Variance Submitted by Heidi Worden for 7389 West Street as written. Motion Unanimously carried.

Mr. Gregg Lang Then asked that since the motion carried and no application was now on file would Mr. Farley be citing any activity that didn't meet the zoning laws. It was suggested that the village board would be looking into a special use permit, and that Mr. Farley would be acting according to his requirements.

Meeting Adjourned at 7:04pm

Respectfully submitted: Kimberly Farrell zba member.