

**TOWN OF ARIETTA
ZONING BOARD OF APPEALS
Piseco, NY 12139**

Public Meeting Dated:
Monday April 10, 2017- 6:00 P.M.
Piseco School

Approved Minutes - Town of Arietta Zoning Board of Appeals was called to order by Chairman Frank Sczerzenie at 6:00 PM.

Members present: Frank Sczerzenie, Chairman Kevin Dorr Bill Hotaling Chris Laver Secretary Marie Buanno

Members absent: Tim Morris Zoning Officer Mel LaScola

Others present: Supervisor Rick Wilt

Chairman Frank Sczerzenie brought the meeting to order at 6 PM and had everyone sign in. This will be a record of which meetings ZBA members attend. The Town of Arietta Town Board passed a Resolution on February 6, 2017 that puts in motion the compensation pay of \$500.00 per ZBA member per year for "qualified" members. "Qualified" means those who have been appointed, sworn in and have completed the required annual four hours of education training. The pay will be a lump sum payment in December of each year. There is nothing that states the members must attend every meeting/hearing. Rick Wilt stated it would be unlikely a member who does not attend meetings/hearings regularly would be appointed again. It was questioned as to when a member is "sworn in" if there is an actual oath taken, Rick said there is not. A copy of the Resolution is filed with these minutes. Members filled out paperwork to be put on payroll.

At the February 14, 2017 meeting of the ZBA, members felt as does the Town Board that the fee of \$385.00 for variances was high. Marion Parslow did some research to find out what fees others towns and municipalities were charging. The list is attached to these minutes. The Chairman inquired of the NYS Planning Federation to see what is typically charged. They e-mailed him with averages for most towns. That e-mail is also attached to these minutes. Postage and newspaper ads are the major costs to the town and a major factor for the fees charged. You cannot charge for the ZBAs time. According to the list from Marion, Rick feels you can tell who is doing the process correctly by the fees that are charged. Rick suggested the applicant come prepared with seven copies of the plans including a survey so each member can take a set home and look it over so the members don't come to the meeting/hearing blind. (i.e. 1 for the Zoning Officer, 1 for the file and 5 for the ZBA members) Discussion ensued and the consensus was to let the Zoning Officer make the call as to if a survey map was necessary to submit to get a variance as they are expensive. The Auditor felt the fee of \$385.00 was too high but did not make a recommendation. It was unanimously decided that the Chairman recommend to the Town Board that a fee of \$150.00 be charged for all variances. It is the Town Boards responsibility to set the fee.

Review of the object and purposes of the Land Use Code Book was done by the ZBA members actually reading out load page 5 from the code book. That page is attached to these minutes. It cites code #1.020 General Object and Legal Context and code #1.030 Specific Purposes. The Chairman reminded members that these items need to be taken into consideration when making decisions on variances.

Also reviewed were lot size requirements by going over pages 24 and 25 of the codes book which discusses Use Designation and Intensity Designation. Actual codes are #3.040, 3.050 and 3.060. Page 25 shows the use by district. It was noted there are also district maps in the back of the codes book. Maps are also on the county website by district. It was discussed that some properties have two, sometimes three zones on one parcel. The

Chairman will ask Rick Wilt (he left the meeting at this point) how to legally decide when making decisions on variances which zone to take into consideration.

ZBA training. At the next meeting, the Chairman plans on actually opening the NYS Planning Federation website and going through the power point presentation for the operation of the ZBA. He hopes for it to count as one of the ZBA training hours. He hopes to get other presentations in the future that the ZBA can do as a group when there is nothing else on the agenda.

Marie reminded everyone that now that we are having meetings with minutes taken that they need to be approved or corrected and approved by a motion. She will send out both February and April minutes (there was no quorum at the March meeting) so they can be approved at the May meeting.

A motion to adjourn was made by Kevin Dorr, 2nd by Chris Laver. All were in favor 4 – 0. So moved.

Respectfully Submitted,

Marie C. Buanno

Attachments – ZBA Compensation Resolution

Variance fees research by Marion Parslow

Variance fee averages from NYS Planning Federation

Object and Purpose (page 5 of the Land Use code book)

Intensity and Use Designation (page 24 of the Land Use code book)

District Use/Intensity Designation by district (page 25 of the Land Use code book)