

Town of Danby Board of Zoning Appeals
Minutes of Hearing and Meeting
April 23, 2019

PRESENT:

Lew Billington
Gary Bortz
Toby Dean
Betsy Lamb
Earl Hicks (Chair)

OTHER ATTENDEES:

Town Planner John Czamanske
Town Councilperson Leslie Connors
Recording Secretary Alyssa de Villiers

The meeting was opened at 7:02pm.

1. CALL TO ORDER/AGENDA REVIEW

No items were added to the agenda. It was clarified that there does not need to be a motion to open and close the meeting, but there should be to open and close public hearings.

Board members introduced themselves to Planner Czamanske and Planner Czamanske reviewed current contact information and members' terms. Email should be sent through Town accounts so the email is archived and a record created; also, this way a Freedom of Information Law (FOIL) request would not be for a personal email account. Emailing between Board members must take into account rules about ex parte communication and should not be related to a current appeal.

2. APPROVAL OF MEETING MINUTES

MOTION: Approve minutes from the December 18th meeting
Moved by Dean, seconded by Lamb

The motion passed.

In favor: Billington, Bortz, Dean, Lamb, Hicks

Draft meeting minutes are posted within two weeks to the website. Board members have the opportunity to suggest edits, and then once the edited minutes are approved, the draft minutes are replaced in the Laserfiche archive by the finalized minutes.

3. DISCUSS POTENTIAL FUTURE BOARD TRAINING SESSION

Planner Czamanske asked board members what type of training, if any, they have had, and if that included a basic Board of Zoning Appeals (BZA) training. While many members had had training, it was largely general rather than focused on the BZA. It was agreed that Czamanske would arrange a BZA-specific training focused on fundamentals to be led by Town Lawyer Guy Krogh in May. Bortz cannot meet at the usual May meeting time.

Czamanske presented the Board with a number of resources from the James A. Coon Local Government Technical Series including “Zoning Board of Appeals,” “Guidelines for Applicants to the Zoning Board of Appeals,” “Conducting Public Meetings and Public Hearings,” and “Guide to Planning and Zoning Laws of New York State.” He also mentioned NYS’s “Local Government Handbook,” a guidebook on BZAs put out by Syracuse University, a presentation by Genesee/Finger Lakes Regional Planning, and “The Zoning Board of Appeals,” part of Westchester County’s municipal planning primer series, as potentially valuable resources.

Czamanske said that the most updated version of the Town of Danby Zoning Ordinance is now on the website. He is also working to have all the local laws clearly listed in one place on the website. He stressed that for all Board members it is good practice to read the Zoning Ordinance and the Comprehensive Plan cover to cover. Currently the project of verification of the laws in the zoning has not been undertaken. This would involve looking at each local law and checking it against the current version of the Zoning Ordinance to ensure that everything is present and accurate. Bortz asked about up-to-date definitions, particularly of “accessory buildings,” that he thought former Code Officer Hansen had been working on; Czamanske was not sure whether a new definition had been implemented, but is reviewing everyone’s notes regarding necessary fixes.

In response to a question from Bortz regarding who would clarify zoning issues to the Board and offer legal guidance, Czamanske said that there does need to be some role clarification for staff between the Planning and Zoning and Code Enforcement Departments. The new Code Officer is John Norman. John Czamanske is the Town Planner. What is less well-defined is who fills the role of Zoning Officer and what that role entails. It is possible to handle this in a number of different ways, for example towns may have the Code Enforcement Officer(s) do staff support for meetings or a Town Planner may also fill the role of Zoning Officer. Some towns require the Zoning Officer to sign off on building permit applications, like in Ulysses. Currently in Danby it is at the Code Officer’s discretion whether to bring an issue to the Town Planner. Clarification would relate to hiring descriptions, procedures, and the zoning ordinance itself.

Regarding topics the Board would like clarity on, Hicks brought up what cases come before the Board, withdraws, and what authority or jurisdiction the Board has. Czamanske emphasized that the only cases that come before the BZA should be appeals or interpretations of the Zoning Ordinance based on an appeal. The appellant is not an applicant—first they must be denied something, except in the case that an

applicant to the Planning Board is sent to the BZA. Regarding future trainings, Bortz suggested it would be useful to the Board to have short, focused topical trainings in areas such as area variances, use variances, and self-created difficulties. He thought case studies could be of particular use in these trainings.

Hicks also brought up how conditions the Board imposes get followed through on, or codified. Czamanske said that, thanks to Town Historian Mary Ann Barr, files are now filed by tax parcel number rather than name of applicant. This means that everything relating to a parcel number should be able to easily found, regardless of owner, as long as there is an existing file. Bortz asked where, say in ten years, a condition imposed by the Board could be found, and, if the tax parcel changes (say it is subdivided), how that information would be conveyed. Czamanske said that when a condition is placed, the Town Planner passes that on to the Code Officer, and something should be filed with the parcel's other documents. This information would not go on a deed. Czamanske also discussed what ideal future systems might include. Hicks asked what the Board's role should be in helping with developing processes, for instance making sure information is getting to the correct places.

4. ADJOURNMENT

The meeting was adjourned at 8:43pm.

Alyssa de Villiers – Recording Secretary