

**TOWN OF FARMINGTON
ZONING BOARD OF APPEALS MEETING MINUTES**

Approved MINUTES

The following minutes are a written summary of the main points that were made and the actions taken at the Town of Farmington Zoning Board of Appeals meeting held on December 19, 2016.

Zoning Board of Appeals Members

| | | |
|-----------------|-------|---------|
| Timothy DeLucia | Chair | Present |
| Cyril Opett | | Present |
| Nancy Purdy | | Present |
| James Russell | | Present |
| Tom Yourch | | Present |

Town Staff Members

| | |
|---------------|--------------------------|
| Ron Brand | Director of Development |
| Dan Delpriore | Code Enforcement Officer |

Also Present

| | |
|-------------|------------------------------|
| Daniel Guth | 54 Northrup Lane, Farmington |
| Steven Vann | Burger King, Farmington |
| Kenn Giroux | Burger King, Farmington |

Open Meeting

Tim DeLucia called the meeting to order at 7:00 pm. He explained the emergency evacuation procedures and that they would follow the adopted Zoning Board of Appeals rules of procedures for all public meetings.

Approval of Minutes

Cyril Opett made a motion to accept the November 28, 2016 meeting minutes and Nancy Purdy seconded the motion. A voice vote was taken and the motion was passed with four (4) Ayes with Tom Yourch abstaining.

BOARD BUSINESS:

Mr. DeLucia attests to the publishing of the two (2) legal notices, for the public hearings on tonight's agenda, in the December 11, 2016 edition of the Daily Messenger, the Town's Official Newspaper; to the posting of the meeting notice on the town's website www.townoffarmingtonny.com ; and the posting of the meeting notice upon the Town

Hall Bulletin Board. Copies of the legal notices and tonight's agenda are on the sign-in table.

CONTINUED BUSINESS: None

NEW BUSINESS:

ZB 1201-16

DANIEL GUTH

AREA VARIANCE

Requests an area variance to Chapter 165, Article V, Section 58.C. of the Town of Farmington Codes. The applicant wishes to construct a 144 square foot (12 foot by 12 foot) storage shed to be placed upon the lot within the side yard area. The Town Code allows a maximum size for an accessory structure located within this zoning district of 100 square feet in area. The property is located at 54 Northrup Lane, in the Woodlawn Mobile Home Park, and is zoned RMF – Residential Multiple Family District.

Mr. DeLucia declares the public hearing open.

Daniel Guth is present to speak on behalf of the above application. Mr. Guth explains that when he moved in there was a small shed on the property that was about 7x7. That shed was purchased by Woodlawn for another unit and moved off the lot. He contacted Woodlawn back in April about his need for a larger accessory structure. Woodlawn approved the structure but never mentioned that he needed to contact the town to obtain a permit. With Woodlawn's approval he purchased and installed a premade Woodtex shed. After installation he found out there was an issue with zoning and placement of the shed. Jamie Kincaid, Town of Farmington Code Enforcement Officer, went to the property to recommend placement of the shed and suggested the shed be moved about twelve (12) feet back because it was too close to the front of the trailer. Mr. Guth explained that he has not moved the shed yet because he was waiting for the board's decision.

Mr. DeLucia then asks for questions or comments from the board.

Mr. Russell verifies with the applicant that the brown shed that is currently on the property is the accessory structure that he is seeking approval for.

Mr. Guth says yes. He explains that if Woodlawn had told him that he needed to obtain approval from the Town he would have waited to purchase the shed. He explains that it will cost him about \$300 to relocate the shed on his property.

Mr. DeLucia then asks for questions or comments from the staff.

Dan Delpriore, Code Enforcement officer, explains that the Town Code states accessory structures within a mobile home park cannot be larger than 100 square feet. Mr. Delpriore explains that Mr. Kincaid is correct and the accessory structure needs to be placed behind the mobile home so it is not in the front yard.

Mr. Delpriore then asks what Mr. Vann would classify the images as in the pictures given to the Board.

Mr. Vann explains that the images would be the same as to what is on a menu board and they are not moving.

Mr. Delpriore then questions what happens when the message changes.

Mr. Vann explains that the only time there is movement is when the message changes to a different slide.

Mr. Delpriore then explains that is why the message center sign is against Town Code.

Mr. Vann explains that he feels animated means a moving picture.

Ron Brand, Director of Development, informs the Board that he has drafted and posted upon the town's website four Resolutions for them to review. A SEQR Resolution-Unlisted Action, a Resolution Accepting Parts 2&3 of the Short Environmental Assessment Form, a Resolution of Significance, and a Draft Resolution. Today he received the County Planning Board Recommendation of denial for the sign. He explains in order for the Board to do anything other than a denial they would need four out of five votes to override the County along with a resolution setting forth the reasons for disagreeing with what the County findings are. Mr. Brand adds that the intersection has had some accidents one of which was fatal. The State Department of Transportation will admit that the North bound traffic gets confused by the left turn into Aldi's and Burger King because they think they are getting into the left turn lane to Route 96.

Mr. DeLucia then asked for any further questions or comments from the Board, staff or the public pertaining to application ZB1202-16.

Hearing no response he then closes the Public Hearing for ZB1202-16.

Area Variance and Findings

ZB 1201-16

David Guth

SEQR Resolution - Type II Action

File: ZB # 1201-16

Applicant: David T. Guth

Action: Area Variance, to keep a detached non-conforming Accessory Structure, located in both the Front and Side Yard area of the Lot; and to allow the Accessory Structure that is larger in size than what is permitted by the Town Code. The Town Code requires Accessory Structures to be located in the Rear Yard portion of a Lot; and they shall not have more than 100 square feet in area. The property is located at 54 Northrup Lane and is zoned RMF Residential Multi-Family.

WHEREAS, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has reviewed the criteria, under Part 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations, for determining the Classification associated with the above referenced Action; and,

WHEREAS, the Action would involves the granting of area variances for: an individual setback for locating an Accessory Structure within the Front and Side Yard portions of an existing residential Lot; and to permit the Accessory Structure to be larger in total square footage than what is otherwise allowed by Town Code.

NOW, THEREFORE, BE IT RESOLVED THAT the Board finds that the Action is classified a Type II Action under Section 617.5 (c) (12) of the SEQR Regulations.

BE IT FURTHER RESOLVED THAT, Type II Actions are not subject to further review under Part 617.

NOW, THEREFORE, BE IT RESOLVED THAT the Board in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the Town file upon this Action.

The above Resolution was offered by Jim Russell and seconded by Cyril Opett at a regularly scheduled Zoning Board of Appeals Meeting held on Monday, December 19, 2016. Following discussion, a roll call vote was recorded:

| | | |
|-------------|----|-----|
| Jim Russell | -- | Aye |
| Tom Yourch | -- | Aye |
| Nancy Purdy | -- | Aye |
| Cyril Opett | -- | Aye |
| Tim DeLucia | -- | Aye |

**TOWN OF FARMINGTON
ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION**

Applicant: **David Guth**
54 Northrup Lane
Farmington, NY 14425

File: **ZB # 1201-16**
Zoning District: **RMF Res. Multi-Family**
Published Legal Notice on: **12/11/16**
County Planning Action on: **N.A.**
County Referral #: **N.A.**
Public Hearing held on: **12/19/2016**

Property Location: **54 Northrup Lane, Farmington, New York 14425.**

Applicable Sections of Town Code: **Chapter 165, Article V, Sections 58. A. & C.**

Requirement for which Variance is requested: **The applicant wishes to keep a detached non-conforming Accessory Structure, located in both the Front and Side Yard areas of the Lot; and to allow the Accessory Structure that is larger in size than what is permitted by the**

Town Code. The Town Code requires Accessory Structures to be located in the Rear Yard portion of a Lot; and they shall have not more than 100 square feet in area.

State Environmental Quality Review Determination: The granting of area variances to enable an Accessory Residential Structure (a storage building) upon an approved building Lot is classified as a Type II Action under Part 617.5 (c) (10) of the State Environmental Quality Review (SEQR) Regulations. Type II Actions have been determined under the SEQR Regulations not to have a substantial adverse impact upon the environment or are otherwise precluded from further environmental review under Environmental Conservation Law, article 8.

County Planning Referral Recommendation: A referral to the Ontario County Planning Board is not required under the provisions of Sections 239-l & -m of the New York State General Municipal Law.

FACTORS CONSIDERED & BOARD FINDINGS

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
 Yes No

Reason: The Board finds that the character of the neighborhood is predominantly single family manufactured dwellings located along both sides of Northrup Lane. The Board further finds that the existing Accessory Structure is located in the Front and Side Yard portions of the Lot. The Board further finds that both the Principal Structure and the Accessory Structure have been maintained in good condition. The Board further finds that there is approximately a 20 foot setback of the Principal Structure from Northrup Lane.

The Board further finds that the General Manager of Choice Properties of Western New York, the owner of the Woodlawn Mobile Home Park, on August 30, 2016, has given their approval for the placement of the Accessory Structure upon the site without any reference to the need for Town authorization. The Board further finds that there are other Lots located within the manufactured home park with Accessory Structures that are located in the Side and Rear Yard portions of Lots, but not within the Front Yard portion. The Board further finds that the placement of the Accessory Structure on this Lot does not provide sufficient separation between the structure's doors and the adjacent park street (Northrup Lane) to allow a vehicle to park on the site with the doors to the Accessory Structure open without there being an over-hang of the vehicle into the street. The Board further finds that the existing Accessory Structure location does not allow adequate safety concerns associated with the blocking of emergency escape route from the Principal Structure. The Board further finds that there is ample space elsewhere on the Lot to allow the placement of the Accessory Structure and that in so relocating the structure it would not interfere with the movement of persons and vehicles across the front portion of the Lot.

The Board, based upon these findings, determines that there will likely be an undesirable change in the character of the neighborhood resulting from the

granting of the requested area variance to allow an Accessory Structure to remain in the Front and Side Yard portions of the Lot.

2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the requested variance. X Yes No

Reason: **The Board finds that there is a feasible alternative identified by the Applicant for the placement of a 144 square foot Accessory Structure to meet the needs of the Applicant for storage. The Board further finds that relocating the existing Accessory Structure to a Rear and Side Yard portion of the Lot can be achieved by the applicant and is, therefore, a feasible alternative to the requested variance.**

The Board, based upon these findings determines that granting the requested area variance, to allow a 144 square foot Accessory Structure to remain in the location shown on the drawings submitted with this Application, would not be granting the minimum relief necessary.

3. Whether the requested variance is substantial. Yes X No

Reason: **The Board finds that the requested Area Variance is to allow the placement of an Accessory Structure that is 44% larger than the maximum allowed by Code. The Board has consistently found that a variance request that is fifty percent (50%) or greater of what is otherwise required by the Code is a substantial variance request.**

4. Whether the proposed variance will have an adverse effect or impact upon the physical environmental conditions in the neighborhood or district. Yes X No

Reason: **The Board has given consideration to the criteria for determining significance, as set forth in Section 617.7 of the SEQRR Regulations, the information contained on Part I of the Short Environmental Assessment Form and has determined that the proposed Action is a Type II Action. The Board, in making this Determination, in accordance with the provisions of the New York State Environmental Conservation Law, article 8, has determined granting an area variance will not have an adverse effect or impact upon the physical environmental conditions in the neighborhood or district.**

5. Whether the alleged difficulty was self-created which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance. X Yes No

Reason: **The Board finds that the Applicant is seeking approval to allow the placement of an Accessory Structure in the Front and Side Yard portions of the Lot; and to allow an Accessory Structure that is larger than what is allowed by Town Code. The Board finds that the alleged difficulty was self-created due to the fact that the applicant failed to verify from the Town whether approvals would be required. Based upon this finding, the Board determines that the alleged difficulty is a self-created hardship.**

DETERMINATION OF THE ZONING BOARD OF APPEALS BASED UPON THE ABOVE FACTORS

The Zoning Board of Appeals, after reviewing the above five proofs, finds:

That the benefit to the applicant DOES NOT outweigh the detriment to the health, safety and welfare of the Neighborhood or Community and, therefore, the requested Area Variance is DENIED.

The Board further finds that relocating the Accessory Structure to the Rear and Side Yard portion of the Lot, and maintaining the required Rear and Side Yard Setbacks would be granting the minimum relief necessary and, therefore, the application as submitted is hereby MODIFIED accordingly.

The Board further finds that granting the requested area variance to allow the existing 144 square foot Accessory Structure to remain would be granting the minimum relief necessary and, therefore, the Board does hereby grant approval for the existing structure to remain on the Lot with the following conditions:

1. There shall be no outdoor storage of materials associated with the principal use of the Lot. All storage and tools are to be contained inside the Accessory Structure.
2. Any lighting of the proposed Accessory Structure shall comply with the lighting standards contained in Chapter 165 of the Town Code. No lighting shall be permitted to extend beyond the property line onto adjacent properties, or the public highway.
3. The Applicant is to obtain a Building Permit from the Town Code Enforcement Officer for the construction of the proposed accessory structure in accordance with the conditions of approval for this Area Variance and the State's Uniform Code.

NOW, THEREFORE, BE IT RESOLVED that the Board in making these Determinations has satisfied the procedural requirements under New York State Town Law and the Town of Farmington Town Code by granting the minimum relief necessary.

BE IT FINALLY RESOLVED that the Board directs this Resolution be placed in the public file upon this Action.

The above Resolution was offered by Nancy Purdy and seconded by Jim Russell at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, December 19, 2016. Following discussion, the following roll call vote was recorded:

| | | |
|--------------------|---|------------|
| Jim Russell | - | Aye |
| Tom Yourch | - | Aye |
| Cyril Opett | - | Aye |
| Nancy Purdy | - | Aye |
| Tim DeLucia | - | Aye |

The applicant agrees to all the above conditions.

Area Variance and Findings

ZB 1202-16

Burger King

SEQR Resolution - Unlisted Action

Files: ZB # 1202-16

Applicant: Burger King

Actions: Area Variance, Message Center Sign

WHEREAS, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) based upon its review of Sections 617.4. (b) (6) and 617.5 of the State Environmental Quality Review (SEQR) Regulations, a part of article 8 of the New York State Environmental Conservation Law, does not find the proposed Actions listed as either a Type I or Type II Action.

NOW, THEREFORE, BE IT RESOLVED that the Board determines the proposed Action is an Unlisted Action.

BE IT FURTHER RESOLVED that the Board has reviewed the Parts 2 & 3 of the Short Environmental Assessment Form and finds the analysis of anticipated impacts to be accurate and complete.

The above Resolution was offered by Cyril Opett and seconded by Jim Russell at a regularly scheduled Farmington Zoning Board of Appeals Meeting held on Monday, December 19, 2016. Following discussion, a roll call vote was recorded:

| | | |
|-----------------|---|-----|
| Jim Russell | - | Aye |
| Nancy Purdy | - | Aye |
| Cyril Opett | - | Aye |
| Thomas Yourch | - | Aye |
| Timothy DeLucia | - | Aye |

**TOWN OF FARMINGTON ZONING BOARD OF APPEALS RESOLUTION
CRITERIA FOR DETERMINING SIGNIFICANCE**

ZB # 1202-16

APPLICANT: Burger King Restaurant, c/o Steven Vann

ACTION: AREA VARIANCE, MESSAGE SIGN

WHEREAS, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Board), based upon review of the Criteria contained in § 617.2 (a) of Part 617 of NYCRR, article 8, New York State Environmental Conservation Law, has found the above referenced Actions to be Unlisted Actions; and

WHEREAS, the Zoning Board of Appeals has reviewed the completed Part 1 of the Short Environmental Assessment Form; and

WHEREAS, the Zoning Board of Appeals has completed Parts 2 and 3 of the Short Environmental Assessment Form; and

WHEREAS, the Zoning Board of Appeals is the only involved agency with said Actions and, therefore, is hereby designated the lead agency for making the required determination of significance.

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of Appeals does hereby accept the findings contained in Parts 1, 2 and 3 of the Short EAF and directs the Zoning Board of Appeals Board Chairperson to sign and date the EAF Part 3.

BE IT FURTHER RESOLVED that the Zoning Board of Appeals reasonably concludes the following impacts are expected to result from the proposed Actions, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed action;
- (iv) the overall density of the sites is consistent with the Town's Comprehensive Plan land use recommendations;
- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site, or will the proposed action impair the existing community or neighborhood character;
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed action;
- (vii) there will not be any hazard created to human health;

- (viii) there will not be a substantial change in the use, or intensity of use, of land including open space or recreational resources, or in its capacity to support existing uses;
- (ix) there will not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the action;
- (x) there will not be created a material demand for other actions that would result in one of the above consequences;
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related actions which would have a significant impact upon the environment.

BE IT FURTHER RESOLVED that based upon the information and analysis above and the supporting documentation, the Board determines that the proposed action WILL NOT result in any significant adverse environmental impacts.

BE IT FINALLY RESOLVED that the Board directs that copies of this determination be filed as provided for under the SEQR Regulations.

The above resolution was offered by Cyril Opett and seconded by Nancy Purdy at a meeting of the Zoning Board of Appeals held on Monday, December 19, 2016. Following discussion thereon, the following roll call vote was taken and recorded:

| | | |
|-----------------|---|-----|
| Jim Russell | - | Aye |
| Nancy Purdy | - | Aye |
| Cyril Opett | - | Aye |
| Thomas Yourch | - | Aye |
| Timothy DeLucia | - | Aye |

**TOWN OF FARMINGTON
ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION**

Applicant: **Burger King**
1298 Route 332
Farmington, NY 14425

File: **ZB # 1202-16**
Zoning District: **GB General Business**
Published Legal Notice on: **12/11/16**
County Planning Action on: **12/14/16**
County Referral #: **186-2016**
Public Hearing held on: **12/19/2016**

Property Location: **1298 State Route 332, Tax Map #29.00-1-20.110**

Applicable Section of Town Code: **Chapter 165, Article V, Section 41.A. (6)**

Requirement for which and Area Variance is requested: **The applicant wishes to construct an additional Commercial Speech Sign, to display messages relating to the Burger King Restaurant operation at the Site. Said Sign has been determined by the Code Enforcement Officer to be an Attention device as defined in the Town Code. The Town Code does not allow a sign to consist of animated or moving parts such as being proposed.**

State Environmental Quality Review Determination: **The granting of an area variance to enable the construction of and operation of an accessory commercial speech sign is classified as an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations, article 8 of the New York State Environmental Conservation Law.**

County Planning Referral Recommendation: **A referral to the Ontario County Planning Board (OCPB) is required under the provisions of Sections 239-l & -m of the New York State General Municipal Law. The OCPB Referral # 186-2016 recommends denial of this requested Area Variance.**

FACTORS CONSIDERED & BOARD FINDINGS

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
 Yes No

Reason: **The Board finds that the character of the neighborhood is predominantly general business types of land use, involving a number of separate parcels of land located along the heavily traveled New York State Route 332. The Board further finds that the proposed sign will be used as a marketing tool with the advertisement of specials for the week, season or holiday with displaying the time and temperature. The Board further finds there are a number of signs, both freestanding and located upon the restaurant building, that adequately identify the use to passing motorists along the highway.**

The Board, following testimony presented at tonight's public hearing, further finds that there is an identified concern with the movement of traffic through this area given its proximity to the intersection with State Route 96 and the number of other commercial sites located in the immediate area. The Board further finds that the access from State Route 332 to the Burger King Restaurant Site has been the scene of a fatal accident along with a number of other traffic accidents. The Board finds that the other businesses located along this corridor do not have the type of electronic commercial speech device being proposed with this application. The Board finds that granting one variance for additional signage could lead to other similar requests, which when compounded, would be a detriment to the traveling public creating distractions along this heavily traveled major corridor into Ontario County.

The Board further finds that the Ontario County Planning Board has found, in their referral #186-2016 that the proposed signage is excessive and that excessive signage has a negative impact on community character.

The Board, based upon these findings, determines that there will likely be an undesirable change in the character of the neighborhood resulting from the granting of the requested area variance to allow an Accessory Structure that is an attention getting device, a distraction to the motorists attention. Such distraction could contribute to additional traffic accidents and thus adversely affect the health and safety of the traveling public.

2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the requested variance. Yes No

Reason: The Board finds that there is no feasible alternative to be considered by the Board, to the benefit sought by the applicant, for the requested additional commercial speech signage that is intended to distract the attention of the traveling public from along the highway adjacent to the site.

The Board, based upon this finding determines that granting the requested area variance, to construct an additional commercial speech message sign would not be granting the minimum relief necessary.

3. Whether the requested variance is substantial. Yes No

Reason: The Board finds that the requested Area Variance is to allow the placement of an additional Accessory Structure, a Commercial Speech Message Sign, that is a 100% increase above what is allowed by Code. The Board has consistently found that a variance request that is fifty percent (50%) or greater of what is otherwise required by the Code is a substantial variance request.

4. Whether the proposed variance will have an adverse effect or impact upon the physical environmental conditions in the neighborhood or district. Yes No

Reason: The Board has given consideration to the criteria for determining significance, as set forth in Section 617.7 of the SEQR Regulations, the information contained on Part I of the Short Environmental Assessment Form and has determined that the proposed Action is an Unlisted Action. The Board has considered the impacts identified in Part 2 of the Short Environmental Assessment Form, and based solely upon the criteria listed in the Part 2, the Board has made a determination of non-significance upon this Action. In making this Determination, in accordance with the provisions of the New York State Environmental Conservation Law, article 8, the Board has determined granting the requested area variance will not have a significant adverse impact upon the physical environmental conditions in the neighborhood or district. The Board, however, further determines that there are likely to be other environmental concerns beyond the physical environmental concerns which have been considered in the decision rendered herein.

5. Whether the alleged difficulty was self-created which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance. Yes No

Reason: **The Board finds that the Applicant is seeking approval for the placement of an additional Commercial Speech Message Sign that is not allowed by Code. Based upon this finding, the Board determines that the alleged difficulty is a self-created hardship.**

**DETERMINATION OF THE ZONING BOARD OF APPEALS
BASED UPON THE ABOVE FACTORS**

The Zoning Board of Appeals, after reviewing the above five proofs, finds:

- X That the benefit to the applicant DOES NOT outweigh the detriment to the health, safety and welfare of the Neighborhood or Community and, therefore, the requested Area Variance is DENIED.**

NOW, THEREFORE, BE IT RESOLVED that the Board in making this Determination has satisfied the procedural requirements under New York State Town Law and the Town of Farmington Town Code.

BE IT FINALLY RESOLVED that the Board directs this Resolution be placed in the public file upon this Action.

The above Resolution was offered by Jim Russell and seconded by Cyril Opett at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, December 19, 2016. Following discussion, the following roll call vote was recorded:

| | | |
|--------------------|---|------------|
| Jim Russell | - | Aye |
| Tom Yourch | - | Aye |
| Cyril Opett | - | Aye |
| Nancy Purdy | - | Aye |
| Tim DeLucia | - | Aye |

Public Comments – open forum

None

Other Board Matters:

None

Code Enforcement Update:

None

Director of Development Update:

The Planning Board has started updates to Chapter 165 for matters that pertain to them i.e.: Special Use Permits. They may be creating a committee with a representative from the Planning Board, Zoning Board of Appeals, and the Town Board. He encouraged the

Board members to look through Chapter 165 and make a list of things that may be confusing or questionable and have the list ready for April/May 2017.

Make necessary changes to the Rules of Procedures and have them ready for the January 23, 2017 meeting.

Annual Report is due December 31, 2016.

Next Meeting:

The next Zoning Board of Appeals meeting will be held on January 23, 2017. Cyril Opett made a motion to adjourn the meeting at 7:51pm and was seconded by Nancy Purdy. A voice vote was taken and the motion was passed with five (5) Ayes.

Minutes were respectfully submitted by Sarah Mitchell, Clerk of the Board.