

# TOWN OF EAST BLOOMFIELD

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## Zoning Board of Appeals Minutes January 28, 2015

**Zoning Board of Appeals Members Present,** Art Babcock, Mike Long, Mark Thorn, Sonja Torpey

**Others Present:** Andy Hall (CEO), Kim Rayburn (Secretary) Martha Powers

**Babcock opened the meeting at 7:30pm.**

### **I. Appointment Interviews of interested residents to serve on the Zoning Board of Appeals**

Babcock explained that the Board will interview the candidate, and then they will make a recommendation to the Town Board. The Town Board will make the decision on appointment.

Babcock asked Powers if she had any questions for the Board, Powers stated that she went through the minutes from last year and stated that the Board does not meet very often and she was very surprised to see that. She stated that either the Town has very strong zoning or there are not a lot of applicants that want to do something that is against code.

Powers praised the Board on their work and decision on the signs for the Dollar General; she felt that was handled correctly. She went on to explain her history with Planning and Zoning Boards and stated that other than the Town of Bristol she has not worked with municipalities since 1997 when she started in the Telecommunications business. She works with Cell companies when their equipment needs to be replaced. She stated that in 1990 she worked for the Village of Holcomb before it was combined and the Villages of East Bloomfield, she also stated that being a public servant has always been in her blood, and she enjoys working with the people.

Babcock stated that Powers was originally interested in serving on the Planning Board, and asked her why she choose to interview for the ZBA. Powers stated that she wanted to be on the Planning Board, however she had a conversation with someone that she has a lot of respect for and they told her that with her knowledge and experience the Zoning Board could use her more. She stated that she really wants to get involved with the Zoning in the Town, and thinks that the planning phase of it needs a lot of work. Powers stated that she knows what the Board can and cannot do, which is why she commended them on their work with Dollar General. She stated they followed the criteria according to the State law.

Babcock stated that he had some occasional dealings with Powers when she worked in Farmington and Bristol and let the Board know that if they did not know who Powers was her maiden name was Rayburn. Babcock stated that as a Board he feels they are very thorough, they are serious about what they do and they put a lot of thought into their decisions. At the meetings they make sure there is an accurate record to stand on.

Torpey asked Powers what she meant, and what she was referring to by the zoning needing a lot of work. Powers stated that she is not sure why some things have happened like they have. Torpey asked for an example, Powers stated that there are residences in garages, and she does not know if the proper septic systems are in place for that. She understands that is not part of planning and zoning however she being a prior Code Enforcement Officer notices things that other people may not have a clue about. Powers stated that she has not been in Ontario County for ten (10) years but she didn't realize you could convert your garage to a residence. Also there are buildings on agricultural lands; where there are no other buildings and they are certainly not active farms. She stated there are sandwich board signs out by the road, food trucks at businesses that just had site plan review. She wonders why the owners are doing what they are, and if they have been approved by zoning. She stated she just wants to be active in the Town. Torpey stated that she is sure that Powers is aware that the ZBA is a Board of Appeals so they oversee cases that are referred by the Planning board or the Code Enforcement Officer. A lot of the stuff that Powers commented on the ZBA does not have a direct impact on.

Powers stated that she understood that, she stated that when an applicant comes in for a building permit for example, and their project is not an approved use in that zoned area they will need to come in front of the Board of Appeals, the Board agreed. She then stated that apparently no one wants to do anything that's not approved through the code, or it appears that way. Long stated or they may not have applied for what they are doing. Powers stated that her conversation regarding these things should be with Hall as she knows there should be violation letters and reports. As a prior Code Enforcement Officer she used to send violations out and then the residents would say to her I want to do this and she would simply tell them then you have to go through the proper procedure. Long stated that most of their reviews are for setback issues/ Area Variances and they try to be accommodating if they can they do not have a lot of Use Variance request. Powers stated that she does not want to see business turned away she just wants to make sure that business know the code and if they can prove they have all the criteria then they have a right to come before the Board. She reiterated that she wants to be involved with the Town.

Thorn wanted to follow up with Torpey's concerns and stated that when Powers was asked why she was here it came down to there was a lot of things she wanted to see changed and done and those things that were quoted are not the function of the ZBA. Powers stated that they were not. Thorn asked her if she was going to be happy to serve out the term on the ZBA or if she is just hoping to get an opening on the Planning Board. Powers stated that right now she would rather be on the Zoning Board as the schedule works better with her current employment, and she thinks she would most likely want to keep it that way. She stated that being involved with the Zoning Board also gives her the opportunity to understand the zoning code better and she would rather have a book in her hand that read it online. She also stated that the more she thought about it the Zoning Board made sense because she does know what you're allowed to do and what you're not allowed to as a Board. She will also have continual communication with Hall as she believes he is the one she will need to see more often in terms of her other concerns. Thorn asked her if she has looked at any Town documents such as the Comprehensive Plan, Powers stated that she started to. Babcock stated that it has not changed in years; Thorn stated that it is in the process of being updated. Rayburn stated that it should be finished this year the committee has been diligently working on it. Babcock stated that the Board gave comments and feedback on proposed zoning changes and worked with the Planning Board a few years back also, Rayburn stated that those will be sent to the Town Board this year for final review and adoption. Powers stated that is good as it's customary to look at the code and make changes if you're reviewing the same applications regularly. Thorn stated that is what was done; Both Boards reviewed the previous year's applications and discussed changes based on those.

Torpey questioned that since Powers primary interest was the Planning Board and she had mentioned some other concerns of property usage in the Town she wanted to know what specific things Powers wanted to have an impact on at the Planning board and what her vision would be of how she would like to see the Town.

Powers stated that she wants to make sure that the rules and regulations are enforced as she feels that is the job of the Boards and Halls job. She also stated that she would like to understand more and have more accessibility to Hall and Rayburn. In terms of being part of the Board it would give her that opportunity, also being involved with the Board keeps her active in terms of the zoning.

Powers briefly discussed her reasoning for the need to wear oxygen, and explained that she is in good health.

Powers stated that she did not know the other members of the Board and asked each Board member to give some background on themselves, a brief discussion was held. Powers stated that since she has moved back to the area she been welcomed. She is also active in the Rotary.

Babcock thanked Powers for coming and stated that the Board will make their recommendation to the Town Board and they will contact her. He also stated that they understand her commitment to the Town and share her love of the community.

The Board asked Rayburn if there is a deadline they need to fulfill the position and asked how and when it was advertised. Rayburn stated that it was advertised in the beginning of December on the Town website and in the community news section of the paper instead of the Legal notice section where it had been in the past as she was instructed by the Supervisor. Rayburn read the ad to the Board and it does not have a deadline listed, she is unaware of a deadline to fill the position as the Board still has a quorum.

After a brief discussion, the Board feels they would like to put the ad in the paper again under the Legal notice section as it had been in the past to add to the pool of candidates to be selected from. The Board will delay making a recommendation to the Town Board at this time. All Board members present agreed and voted aye.

## **II. Minutes of November 20, 2014**

**Torpey made a motion and Thorn seconded the motion to approve the minutes of November 20, 2014 as written. All Board members present voted Aye, with the exception of Long who was absent at the November 20, 2014 meeting. Vote was carried.**

## **III. Meeting Adjourned**

**Babcock made a motion and Thorn seconded the motion to close the meeting @ 8:25 pm. All Board members present voted aye, Vote was carried unanimously.**

Respectfully submitted,

Kim Rayburn  
Planning & Zoning Board Secretary