

Village of Athens Zoning Review Committee

Minutes from meeting on July 16, 2009

Committee members in attendance: Margaret Moree, Chris Pfister, Denise Hartman, Tim O'Leary and Chairman Mark Levanway.

Meeting called to order at 6:40 pm by Chairman Levanway.

1. The minutes from the July 2, 2009 meeting were approved as amended with one typographical error corrected. Margaret Moree will submit to Nan Stolzenburg for posting.
2. Members discussed the proposed Moderately-Priced Housing section and agreed that more research was needed. Ms. Moree distributed some material she had found on different approaches taken in the state of Washington. Mr. Pfister had asked Ms. Stolzenburg for local examples which we might be able to review.
3. The group affirmed its previous decision to recommend elimination of proposed Article VIII, Residential Planned Unit Development. All subsequent sections will be renumbered accordingly.
4. Article IX, Nonconforming Buildings, Uses and Lots is renumbered to Article VII and the section is approved as written with no proposed amendments.
5. Article X, Administration is renumbered to Article IX and the following changes are proposed:

§92-40 Enforcement amended to read: *This chapter shall be enforced by the Code Enforcement Officer. No building permit or certificate of occupancy shall be issued by the Code Enforcement Officer pursuant to Local Law #1, 2008, except where all the provisions of this chapter have been complied with.*

§92-41 and §92-42 to be deleted.

§92-43 Zoning Board of Appeals, to be renumbered §92-41, and the following changes proposed:

- §92-43(A), line 2: change three members to five members, consistent with current practice.
- §92-43(B)(2): delete to be consistent with other recommendations made in this draft document; renumber subsequent subsections accordingly.
- §92-43(F) is moved in its entirety to be combined with §92-43(H).
- §92-43(G) is amended to read: The Zoning Board of Appeals shall hold a public hearing on all appeals, or applications within sixty-two (62) days of the filing of a complete and proper appeal or application. The Zoning Board of Appeals shall fix a reasonable time for the hearing and give public notice of such hearing by publication in a paper of general circulation in the village at least five (5) days prior to the date thereof. The applicant shall, at least ten (10) days prior to the public hearing,

by certified mail return receipt requested to the Zoning Board of Appeals, notify all owners of real property within three hundred (300) feet of the property subject to the proposed variance.

- §92-43(H) is amended to include §92-43(F) and the last sentence of the §92-43(G) to read: The Board shall render its final decision within sixty-two (62) days after the conduct of said public hearing. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board. Decisions of the Zoning Board of Appeals shall be in writing and shall specify the particular conditions for such approval, or the grounds for denial. The decision of the Zoning Board of Appeals shall be filed in the office of the Village Clerk within five (5) business days after the day of such decision is rendered, and a copy thereof mailed to the applicant.

§92-44: Local Law #1, 2008 uses a daily penalty structure for offenses. The ZRC members support a weekly penalty for penalties related to violation of the Zoning Code. This inconsistency is something the Village Board will need to address.

§92-46: This section was reviewed previously by the ZRC at its March 19, 2009 meeting and reflected in the minutes of that meeting. The ZRC recommends placing §92-18 and §92-46 together in a final document and suggested they be placed at the beginning of Article X in a final draft. The revised Article X would include the following sections as recommended by the ZRC: Special Use Permits, Site Plan Review; Zoning Board of Appeals; Referral to the County Planning Board; Enforcement; and Penalties.

6. Article XI Miscellaneous Provisions: The ZRC reviewed the contents of this section and recommended the entire section be deleted.

7. Article IV, §92-23 Stormwater and Erosion Control:

- Insert the word "building" before the word "permit" in the first line of A.
- Move §92-23(D) in its entirety to follow §92-23(A).
- Reletter §92-23(B) to §92-23(C).
- Strike all language contained in §92-23(E), (F), and (H).

The ZRC will review § 92-24 and §92-25 at its next meeting.

Meeting adjourned by Chairman Levanway at 9:15 pm.

Next meeting is August 6, 2009 at 6:30 pm.

CC: Andrea Smallwood, Mayor