

**TOWN OF CAIRO**  
**Zoning Commission**

**Minutes of January 28, 2008**

In Attendance: Jeff Shapiro, Nan Stolzenburg, Mary Pesez Kames, Sue Oldakowski,  
M.A. Tarpinian, Doug Ostrander, Bill Hummel, Rich Booth, Peter Maassmann,  
John Gallagher, Rich Lorenz (Liaison)

Absent: None

Meeting called to order with the Pledge of Allegiance.

Minutes of the meeting of January 14, 2008 were approved and seconded.

Nan led the meeting off with a discussion on the amount of land disturbance that might require site plan review and approval. It was the consensus of the board to leave it at 20,000 square feet. The Town Board would need to set the fees for going through the process of site plan review. Nan will send the Zoning Board some sample fees (which was received by members) and add another paragraph about authorization for enforcement as shown on page 22 of Revision 5 of the Site Plan Review, which reads as follows:

**Add new #1:** The Town Board authorizes the Town of Cairo Building Inspector as the enforcement officer to carry out the enforcement and inspection duties assigned by this local law.

**Add new #2:** No person shall undertake any land use or development for which a site plan approval is required until a valid site plan approval has been issued by the Planning Board and a building permit issued by the Building Inspector. A building permit will be issued only when the Building Inspector has determined that all requirements of this local law and of all other applicable local and state laws and regulations are satisfied.

**Renumber existing #1 to #3**

**Renumber existing #2 to #4**

**Add new #5:** Any person, corporation, partnership, association or other legal entity who shall violate any of the provisions of this local law, or who shall have commenced site work prior to obtaining a building permit and site plan review, or who shall violate any conditions imposed by a permit pursuant to this local law shall be guilty of an offense. The Building Inspector or Town Board, in addition to other remedies, may institute any appropriate action or proceedings pursuant to this local law to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use or division of land, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. Such violation is subject to a fine of not more than two hundred fifty dollars (\$250) or by penalty of two hundred fifty dollars (\$250) to be recovered by the Town in a civil action. Every such person or entity shall be deemed guilty of

a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue. The procedure for investigation of violations shall be:

- a. Reporting and Investigation. The Building Inspector shall record all suspected violation on a form prescribed by the Town and shall investigate and determine whether a violation exists. The investigation shall include a visit to the site of the alleged violation.
- b. Notice of Violation. Within five days of determining whether a violation exists, the Building Inspector shall serve the landowner and any other responsible party, or both, with a "Notice of and Demand to Remedy Violation". The Notice shall be served on the landowner and any other responsible party by certified mail return receipt requested or by personal delivery. If service is not possible under either method, the Building Inspector may use the best possible alternative method of service provided for under the Civil Practice Law and Rules of the State of New York that insures notice to the alleged violator(s). The Notice shall set forth the alleged violation in reasonable detail and cite the applicable part of the Site Plan Law and other local law that is being violated. The Notice shall also state the corrective action sought and the time by which the corrective action must happen. A reasonable period shall be provided to correct a violation, which period shall be determined by the circumstances of the violation and the degree to which the violation constitutes a danger to public health, safety and welfare.
- c. Justice Court; appearance Tickets. If the alleged violator(s) fail to correct the violation within the time period provided for by the Building Inspector, the Building Inspector shall then commence a proceeding in the local Justice Court. The Building Inspector shall start the proceeding by ordering an appearance ticket to be served on the alleged violator(s) in accordance with the requirements of State law for issuance of appearance tickets. The Building Inspector shall also prepare a supporting deposition or affidavit setting forth the details of the violation. The Building Inspector may also, where an appearance ticket fails to secure the court attendance of the alleged violator(s), request that the Justice Court issue a summons for service on the alleged violator(s). The Town Attorney shall represent the Building Inspector in the Justice Court. Notwithstanding the foregoing, the Building Inspector may simultaneously or besides the remedy provided herein refer the alleged violation to the Town Attorney for an injunction and the collection of civil fines as provided for in Section F(5) above.
- g. A stop work order may be issued by the Zoning Enforcement or Code Enforcement Officer.

The next meeting will be a final look over of the Site Plan Review Law and a vote to send it to the Town Board. Jeff will draft a cover letter to the Board and prepare a press release. He will also resubmit a letter to the newspaper explaining the relationship between site plan and zoning.

For the next meeting **Nan will draft a checklist on what site plan has accomplished and what it hasn't so that the board will have topics to discuss.** She said they also need to revisit the buildout and all the other information collected so as to discuss the next step, which is zoning. A hydrogeologist will be invited to a future meeting to make a presentation on water.

The next meeting will be on February 11, 2008 at the Cairo Town Hall at 7:30 p.m.

Submitted by: Carol Hummel