

**ZONING BOARD OF APPEALS
TOWN OF KNOX**

MEETING MINUTES
October 24, 2019

In attendance: Chairman Doug Roether, Dennis Cyr, Kristian Snyder, Bonnie Donati, Sue Mason, John Wright, Eric Marczak, Recording Secretary Mackenzie Hempstead

Absent: All Present

Chairman Roether called the meeting to order at 7:30 p.m. A motion was made by Dennis Cyr and second by Bonnie Donati to accept the August/September 2019 minutes as written. Six Yay, One Nay (Marczak), motion carried.

NEW BUSINESS

Richard Shoemaker, 2305 Helderberg Trail Berne, NY came before the ZBA per the request of Dan Sherman. Mr. Sherman had received some calls regarding the use of the property across from the Foxenkill. Mr. Shoemaker considered starting a campground but has decided against it. Mr. Shoemaker owns that property and came before the ZBA to inform the board that the property is for personal use only. He will NOT be using the land as a campground and the sign that was in place has been removed. He did however inquire with the ZBA about leaving campers on the property throughout the winter months when they are not being utilized.

Dennis Cyr – Has no issues with request

Kristian Snyder – Has no issues but if owner decides to change use, come back to ZBA

Sue Mason – no issue, thanked owner for advising the ZBA of plans

Eric Marczak – No issue, his concerns have been addressed

Bonnie Donati – No issue, this is for personal use

John Wright – Agree with everyone, as long as it's used for family/friends no issue

Doug Roether – The ZBA has no business with owner as it is his for his personal use

Comment was made to owner to register the campers if storing there.

OLD BUSINESS

Cultural Facility Discussion resumed. There was a communication breakdown between Chairman and Secretary. Will draft statement to the Dan Sherman as to what the definition of Cultural Facility. This will be sent to the town attorney before being sent Mr. Sherman. The ZBA will recommend to the Town Board what should be considered a Cultural Facility so as to get the definition clearly listed in the town ordinance.

Dennis Cyr – Good things have happened there but wants it brought up to code
Kristian Snyder – Has never been there but has heard nice things are being done there. Wants any dangers to the public addressed and rectified

Sue Mason – If something were to happen after the ZBA approved then liability would fall on the owners shoulders. Wants to make sure that all is up to code and owner has everything they need. It has been noted that improvements that have been suggested have been made. Per Amy Pokorny there is insurance for events.

Eric Marczak – Abstain from comment

Bonnie Donati – Agree with Sue. Criteria needs to be in place for public use. All events will benefit from criteria in place.

John Wright – Agrees with the rest of the board. Has never been, hears good things about it. Just wants it brought up to code

Doug Roether – Agrees with all. ZBA job is to define the zoning ordinance. Will deliberate on definite parameters as to what a cultural facility is. Feels there are gray areas about renting the space out for weddings, party, etc.

ZBA will recommend to the Town Board for the zoning ordinance and they will review.

A motion was made by Eric Marczak and second by Kristian Snyder to discuss the answer given by town attorney regarding Gary Mickle Special Use Permit application. After discussion, motion was made by Doug Roether and second by Sue Mason to reject Special Use Permit. Mr. Mickle needs to apply for a USE VARIANCE as the Special Use permit does not apply to the jurisdictions to grandfather existing business. The ZBA will grandfather ONLY the repair shop business of Mr. Mickle and not the selling of vehicles at the location. Adding the addition of selling vehicles at location is change of use.

Motion was made by Kristian Snyder and second by John Wright to approve the non conforming use of the motor vehicle auto repair shop, subject to technicality.
6 yay, 1 nay (Mason)

Dennis Cyr - Yes, Been an establishment for a long time, can't cut livelihood
Kristian Snyder – Yes, Agrees with Dennis, sees no reason not to
Sue Mason – No, Has no **definition** on grandfathering
Eric Marczak – Yes, Has no objection to it, it's Mr. Mickle's livelihood
Bonnie Donati – Yes, not detrimental, it's a working business and he pays taxes
John Wright – Yes, there will be no significant changes made to location. Been a business for many years
Doug Roether – Yes, business has been operating since before the Zoning Ordinance went into effect.

There was a challenge from the public to the ZBA. How can ZBA authorize as it was pre-existing to the zoning ordinances? It is a non conforming building. Business can continue as is as long as no more than 5 cars are sold per year. Owner does have other alternatives to seek use variance: Can request re-zoning from Town Board to sell cars.

Owner needs use variance as per note on paperwork from town attorney.

Sexual harassment training, once scheduled, will be counted as final training for 2019.

Dennis Cyr will run ZBA meeting on December 5, 2019. Doug Roether will not, physically, be attending. He will try to call in to meeting.

With no further business, a motion was made by Eric Marczak and second by Dennis Cyr to close meeting. All in favor, motion carries.

Respectfully submitted,
Mackenzie Hempstead
Recording Secretary
Zoning Board of Appeals