

RESOLUTION SETTING THE VILLAGE OF PERRY ZONING BOARD OF APPEALS MEETING SCHEDULE

BE IT RESOLVED, that the Village of Perry Zoning Board of Appeals (ZBA) meetings will, from May 2, 2023 through May 7, 2024, be held at 6:30 pm on the 1st Tuesday of each month at the Perry Village Hall, 46 North Main Street, Perry, New York; and

RESOLVED, special workshops may be called as required and allowed by Village Law; and

RESOLVED, notice will be advertised for all Public Hearings prior to the Hearing date where applicable; and

RESOLVED, that the minutes of the ZBA meetings shall be made available to the public after approval by the ZBA at the next regular meeting and will be posted on the Village's website within 7 business days after approval; and

RESOLVED; that the Village Clerk is hereby directed to post the ZBA meeting schedule on the official bulletin, on the Village website, and to provide a copy of the schedule to the local media.

Chairman Czyryca explained that the schedule would remain the same as last year.

Bethany Zerbe made a motion to approve the resolution setting the Village of Perry Zoning Board of Appeals (ZBA) meeting schedule which was seconded by George Smith Jr. and carried with all voting aye.

REVIEW OF TRAINING REQUIREMENTS

Chairman Czyryca explained that NYS requires ZBA members to receive a minimum of 4 hours of training annually. The Village Board had passed a resolution approving the Municipal Bootcamp trainings by Hancock Estabrook and MRB Group to fulfill that requirement. Any certificates ZBA members receive are sent to Christina Slusser, Zoning Secretary. She will keep track of the completed training hours. As a new alternate member, George Smith Jr. is to be added to any training emails going forward.

PROPOSED LOCAL LAW ENTITLED "AMENDING 490-72 'SIGN REGULATIONS' OF THE ZONING CODE OF THE VILLAGE OF PERRY"

Mayor Hauser highlighted the following changes:

- a. A definition of murals was added and placed with the sign regulations code to address size, location and have a review/approval procedure in place as with other signs. Potential variances would be reviewed and granted by the ZBA.
- b. Allowed signs permitted in all districts is increased, no permit required, to a total of three (3) temporary signs per parcel such as flags, signs, posters etc.

Mayor Hauser explained that the Village Board brings this to the ZBA to keep all Boards informed of potential changes. He asked the ZBA to review and get some input/comments back to the Board.

PROPOSED LOCAL LAW ENTITLED “AMENDING 490-15 ‘NONCONFORMING LOTS, USES, AND STRUCTURES’ TO ALLOW FOR AMORTIZATION”

Mayor Hauser informed the ZBA about the above mentioned proposed local law as they will be the appointed body making the final determination about a reasonable timeframe after the nonconforming use being cited needs to be discontinued. When a property is cited, a clear timeframe is needed for grace periods/amortization which could be based on numerous variables. Initially the Village requested the attorney draft a law with a fixed timeframe, such as 3 years. But the Village Attorneys wanted a more flexible (and defensible, if appealed) tool in which reasonableness enters in, based on factors such as lost revenue, money recently invested in the nonconforming use, cost to renovate, etc. Some of these are hypothetical variables presented by an owner, and thus much judgment will be needed to discern whether any loss of revenue or investment is really occurring. Their law establishes the ZBA as the body to review and establish the timeframe. The mayor requested the attorney provide the ZBA with as many variables and criteria as possible to help make the calculation and decision more objective. The current draft of the law lays out such criteria and a possible “formula” to assist in this judgment. There are variables in the table which compare investment versus depreciation. The village attorney, realtor, and/or other expert may be utilized to confirm the numbers given by an applicant and/or their attorney. Chairman Czyryca referenced Zoning Board of Appeals § 490-78 C. Procedures (3) Assistance to Zoning Board of Appeals.

ZEO Roberts commented that once the proposed law is in place, any uses not conforming will have to be put on notice. This is essentially an expansion of current code with a timeframe to conform. ZEO Roberts asked the ZBA to think of who this will affect and if it will work. Meanwhile, he will put together a list of nonconforming parcels, put some numbers in the current table and see if the formula will work.

There was some discussion about whether the law could be limited to the C-1 district, since that is the district in which economic activity and other primary concerns could be adversely affected. Mayor Hauser wondered if every nonconforming use would need to be cited, or only those where the nonconforming use was causing conflict - he noted that numerous Main Street owners attended the hearing last summer for Travers place, for example, indicating the negative impact of the nonconforming use on their properties and on revitalization and economic activity. Whereas several nonconforming uses do not have any complaints or seeming conflicts within their districts. The Mayor would like the ZBA’s feedback on this.

Mayor Hauser also indicated that he had spoken with the Attorney about establishing “bumpers” for an amortization period - say, from 3 years to 7 years, and the ZBA could then evaluate the criteria and establish a reasonable timeframe within that timeframe after reviewing evidence and hearing the owner’s position. The Mayor felt that this provided for reasonableness without open-endedness that could make the ZBA’s job more difficult.

Mayor Hauser noted getting to this point has taken since last summer’s hearings, and requests to have comments back from the ZBA **within a month**, so that revisions can be reviewed by the Village Board and attorneys and a final law prepared for public hearing. He is available if anyone on the board would like to discuss this in advance.

OTHER BUSINESS

ZEO Roberts reported that Jennifer Young at 3783 Euclid Avenue fulfilled the requirements for the temporary accessory structure in her front yard. She has not reapplied for a variance to install a permanent structure.

A parcel on Page Circle may be undergoing a land separation. This would go to the Planning Board.

NEXT MEETING

The next meeting is scheduled for May 2, 2023.

Motion to adjourn was made by Joe Rebisz at 8:01 pm which was seconded by Chairman Czyryca and carried.

Respectfully submitted,
Laura Gifford, Part Time Clerk