

**TOWN OF PHELPS
ZONING BOARD MEETING
MINUTES**

December 15, 2011

MEMBERS PRESENT Scott Fremouw, Chairman, Ed Clark, Zoning Officer,
 Brooks McKinney, Glen Wilkes, Steve Westfall, Alternate,
 Jeff Caves

 Absent: Joyce Mitchell

CALL TO ORDER Chairman Mr. Fremouw called the Zoning Board Meeting
 to order at 7:03 p.m. at the Phelps Town Courthouse.

 The Pledge of Allegiance was said by all.

MINUTES The minutes of the November 17, 2011 meeting were
 considered. Mr. Wilkes made a motion to accept the
 minutes with corrections. Mr. McKinney seconded. Motion
 carried unanimously.

PUBLIC HEARING None.

REVIEWS None.

OLD BUSINESS None.

NEW BUSINESS Mr. Fremouw started discussion on special use renewals. Current
 process is for Zoning Board to review first. Mr. Wilkes felt that the
 public should be made aware. Mr. Fremouw stated we don't have
 a public hearing on special use permit renewals currently. Mr.
 Fremouw believes the Zoning Board should not have to review the
 permits if there have been no changes. If there have been any
 changes, the Zoning Board would then review. He solicited the
 board for comments. Mr. Fremouw explained to the board he felt
 the board had been reviewing items unnecessary for Zoning
 Board's review. Mr. Wilkes said the Zoning Board does have that
 responsibility. Mr. Fremouw explained he felt the other "stuff" was
 for the Planning Board to review. The Zoning Board needs to
 determine the right fit for the right area. The Code enforcement
 officer and the Planning Board has the remaining responsibilities;
 septic, wells, sewer etc.

 Mr. Caves didn't feel the board had overstepped their
 responsibility. Mr. Fremouw's opinion is that we can make a
 suggestion to the Planning Board as to what they should look out
 for prior to final approval.

 Mr. Fremouw gave an example of the Springer's application for an
 abattoir (slaughter house). Zoning could not disapprove for no
 well but Planning Board could. The planning board would then
 turn around and inform the Zoning Board that the application

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should not be approved due to the missing information. Mr. Allen used the Kennel permit for Susan Parson's as another example. Both boards are trying to streamline the process. Shouldn't have to recreate the wheel at each meeting. Each board has a responsibility.

Mr. Fremouw explained that he appeared at the Planning Board meeting in hopes to understand the process to assist in streamlining and to keep the lines of communication open.

The mine renewals weren't handled correctly per Mr. Fremouw. The process is that Mr. Clark has to do an inspection and the renewals are required after 2 years. If there are no violations that the town can control, they can be approved. Once the Zoning Board reviews, the Planning Board needs to see and approve the site plans. Proposed on renewal: straight to Planning Board, then to Zoning for final approval. Mr. Fremouw did feel that the Ridley Road Mobile Home Park needed to come to the Zoning Board first due to change of ownership as well as the permit renewal. Mr. McKinney stated that if it was just a transfer of ownership it could be done through Zoning Officer.

Mr. Clark still feels it all comes down to the codebook. Mr. Allen agreed that the codebook is inadequate for the times. The Town Board needs to make a decision to change the code. The codebook is not going to be effective at some point in the future. Money is a big issue as this will cost a good chunk of money. Mr. Fremouw suggested that both boards write a letter to the Town Board to help move the request along. It was discussed many things are missing from the codebook. Examples were given.

Mr. Wilkes asked if Mr. Dendis was going to come to the Zoning Board meeting to discuss his renewals. Mr. Fremouw said he should have to make his first appearance at the Planning Board meeting. Mr. Dendis could present himself to the Zoning Board after the visit to the Planning Board. Zoning Board's requirement was only to make sure the permits were up to date. The Zoning Board doesn't have control over the DEC violations. Mr. Clark made it clear that under excavation there are very specific things that can be addressed. Mr. Clark stated that the work that the Mining Committee has done will alleviate some of these issues.

Mr. McKinney stated that the Mining Committee asked the attorneys to review the code for consistency.

Mr. Caves didn't like the idea of "throwing out the entire codebook" and starting from scratch. Mr. Clark assured the board that they use the current codebook, but bring it up to standards for the times.

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Mr. Fremouw made it clear we can still act on things that aren't fixed in the codebook. The lawyer would draft changes of the laws for the Town board to review/approve for ultimate publication.

The steps were explained on how to make changes to the codebook. Examples such as the AG law were discussed. There is a mechanism to do this. Mr. Caves thinks the request for a complete overhaul of the codebook all at once would be overwhelming for the Town Board.

Does the Zoning Board need to review special use renewals? Mr. McKinney agreed that the review initially should be by the Planning Board. The Zoning Board would still approve, but would reduce handle time.

The Town Board will have to approve change in process.

Mr. Caves made the recommendation to have the Planning Board review special permit renewals prior to the Zoning Board final review. If Code Enforcement Officer deems no changes to the permit, the renewal will start at the Planning Board.

Mr. McKinney suggested to give thought to all the types of requests that have passed through. Think through the process we follow today vs. what we would like it to be. Possibly flow-chart some ideas; Kennel permits, porches, manufactured homes.

Mr. Fremouw also stated that Mr. Sontheim would like a proper notification of 500 feet of the property owner to notify of a change.

Mr. Fremouw requested that a special meeting in March occur to discuss these concerns/issues. Mr. Allen agreed to have a list. Once lists are laid out, the boards (maybe including the Town Board) can coordinate a meeting together.

Mr. McKinney suggested that the Zoning Board could set up a training session so training credits could be earned. Mr. Allen would like to chair the meeting. Might be a good way to get everyone to participate.

Mr. McKinney distributed the final report of the Mining Committee for board review. He requested everyone look at the mine summaries. There are colored versions of the maps available.

ZONING OFFICER BRIEFS Mr. Clark stated he was presented with a mining permit application for an operation of Gifford Road. Mr. Clark sent a letter to Syracuse Sand and Gravel and Dave Bimber, DEC reminding them that there is a moratorium on mining currently and

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they should resubmit when the moratorium is lifted. Since no one has been mining this area for over the past 2 years a new permit may be required.

Ridley Road MHP is ready to go to Planning Board. All information is in order.

PUBLIC COMMENT

None.

ADJOURN

Mr. Caves made a motion to adjourn the meeting. Mr. McKinney seconded. All carried. Adjourned 8:39 p.m.

Respectfully submitted,
Stephanie Kelly
Secretary