TOWN OF ALLEGANY ZONING BOARD OF APPEALS  
MONDAY, March 2, 2015

Present  
John Jones, Chairman  
Ron Kysler  
Carol Ozzella  
Don Sue  
Joe Chamberlain  
Carolyn Hemphill, Secretary

Absent  
None

Also Present  
Wendy Tuttle, Town Attorney

Regular Meeting: The regular meeting was opened by John Jones, with the salute to the flag at 7:00 pm

Carol Ozzella made a motion to appoint John Jones as Chairman of the Zoning Board of Appeals for 2015. The motion was seconded by Joe Chamberlain. Ozzella-aye; Chamberlain-aye; Kysler-aye; Sue-aye; Jones-abstain. Motion carried.

Carol Ozzella made a motion to appoint Joe Chamberlain as Vice-Chairman for the Zoning Board of Appeals for 2015. The motion was seconded by Don Sue. Ozzella-aye; Sue-aye; Jones-aye; Kysler-aye; Chamberlain-abstain. Motion carried.

These selections will be referred to the Town Board.

Joe Chamberlain made a motion to accept the minutes of the December 15, 2014 minutes, as written. The motion was seconded by Ron Kyser. Chamberlain-aye; Kyser-aye; Jones-aye; Ozzella-aye; Sue-aye. Motion carried.

New Business: The Board discussed the appeal from J. Kirby Colling, P.C. who represents Sun Communities LLC, the owner of Valley View Estates. The appeal is was in regard to a “stop work order” that Jerry Dzurowski, the Town’s Code Enforcement Officer had issued to the manager of Valley View Estates after having been issued a building permit for the project. Because the Board usually hears variance requests and has rarely, if ever, been asked to interpret the zoning ordinance they had many questions for the Town Attorney. Attorney Tuttle instructed the Board to go back to when the Town’s Zoning Ordinance came into effect and research the section of the ordinance that covers mobile home parks. She told the Board to follow that section through the years to see if any changes had been made to this particular section. She told them they then must make a determination as to whether the appeal is warranted. Another thing she told the Board is that they should consider past practices of the Code Enforcement Office and Officer in making their decision. She told the Board that they would have to listen to the appellant and their arguments before they made a decision. Therefore, the Board would have to hold a public hearing on the matter. Joe Chamberlain made a motion to schedule a public hearing for Monday, March 30, 2015 at 7:00 pm. Carol Ozzella seconded the motion. Chamberlain-aye; Ozzella-aye; Jones-aye; Sue-aye; Kyser-aye. Motion carried. The Board would like the Town Attorney and the Code Enforcement Officer to attend this meeting.

Old Business: The Board reviewed the Draft Revisions to the Zoning Ordinance that Town Planner, Carol Horowitz had provided them with back in November. There were only two small
concerns. In Section 7.07 Zoning Board of Appeals (A) Organization (6) The members of the Board of Appeals shall be removable for (remove “a”) cause by the Town Board, upon written charges and after public hearing. The second concern was in Section 7.07 Zoning Board of Appeals (C) Procedure for Appeals (1) Each order, requirement, decision, interpretation or determination of the Code Enforcement Officer shall be filed, in writing, in his/her office within five business days from the day it is rendered, and shall be a public record. The Board wondered if instead of the Code Enforcement Officer this should say the Zoning Board of Appeals.

This will be referred back to Carol Horowitz.

**Other Business:** The Board set their next meeting date for Monday, March 30, 2015 at 7:00 pm.

Joe Chamberlain made a motion to adjourn the meeting at 8:45 p.m., seconded by Don Sue. Chamberlain-aye; Sue-aye; Kyser-aye; Ozzella-aye; Jones-aye. Motion carried.

Respectfully submitted,

Carolyn Hemphill
Secretary