

**PROCEEDINGS OF A SPECIAL JOINT MEETING OF THE
VILLAGE BOARD OF TRUSTEES AND THE PLANNING & ZONING BOARD**
November 8, 2004

PRESENT:

Trustees	Robert C. Corby, Mayor Thomas Farlow Paula Sherwood Steve Maddox Glenn Brown
PZBA	Remegia Mitchell Linda Lanphear Ted Weniger Tom Dannhauser Sally Chamberlin
Recording Secretary	Anne Hartsig

Mayor Corby called the meeting to order at 5:35 PM.

Five issues were identified for discussion. They are:

1. Change in procedure for approval of a Special Use Permit
2. Enforcement procedures
3. Completeness of applications that are submitted to the PZBA
4. Perception of support from the Trustees to the PZBA
5. Other code enforcement issues

Procedure change for Special Use Permit: Ms. Mitchell remarked that she appreciates the procedural change for granting a special use permit. The new procedure was used for the first time regarding Pontillo's Pizza proposed move to a new location. The PZBA provided comments to the Trustees regarding this application before a Special Use Permit was granted. Members of both boards agreed that this procedure worked well.

Enforcement procedures: Questions were raised about procedures that should be followed when a special use permit has been granted and then expanded without approval from the Board of Trustees. Breathe Yoga was used as an example. The special use permit granted for that business included an instructional yoga studio and a juice bar. Board members noted that the business expanded without approval and now includes a take-out business and now offers massage rooms. In addition, there are three tables with chairs for dining indoors and an A-frame sign advertising lunch and dinner. The Board of Trustees agreed that these additions indicate a change in use, which would require the expansion of their special permit. That expansion would require another public hearing.

Members discussed possible ways in which they could be updated by the Building Inspector on pending or non-complete applications. One thought was to have an ongoing list on the website that could be accessed with a password. In the meantime, Trustee Maddox will ask the Building Inspector to send an email to the PZBA members containing a spreadsheet that indicates the status of outstanding issues.

Members asked for clarification on the following issue. At what point during the approval process can a C of O be issued? Specifically, they discussed which site plan requirements and how many of them must be completed before a C of O is issued. In practice, the Building Inspector has issued a C of O following preliminary site plan approval and prior to final site plan approval. This was the case for Jeff Mason's new building on Schoen Place. It was stated that in theory, the Planning Board could approve a preliminary site plan that contains a list of items that need to be completed. It was the general opinion that the process between preliminary site plan approval and final site plan approval is arduous, not well understood and not well managed. It was noted that several applications have been "on the books" for a couple of years. In these cases final site plan approval has not been granted due to lack of compliance with site plan requirements.

**Proceedings of a Special Joint Meeting of the Board of Trustees and the PZBA
November 8, 2004**

As a solution to the problem of having applications left open for months and even years, members discussed changing Chapter 210-107 of the Village Code so that a C of O would only be issued after the Planning Board has given final site plan approval. Such C of O would be automatically revoked if the applicant has not complied with all conditions included in the final site plan approval within six months after the date that the Planning Board granted final approval. The Building Inspector could send a registered, receipt requested reminder letter after three months have passed. There was further discussion about allowing one six-month extension. Tim Galli, an Eastview Terrace resident, suggested that the members talk to other communities to learn how they deal with similar circumstances. He also suggested that the Village make use of the newsletter and put together a welcome package for new residents containing helpful information including application procedures and site plan regulations.

Members discussed the procedures that are in place for instances in which applicants refuse to comply with the Code. It was noted that Special Permits can be revoked but the Board of Trustees has not used this measure of enforcement in recent times. In other instances of non-compliance, there have been court appearances. Even then, some applicants refuse to comply. Members discussed the dilemma of being business friendly vs. enforcing the Code.

Completeness of applications submitted to the PZBA

Procedures and requirements for site plan approval and zoning applications should be included on the application that is given to the applicant and discussed face to face with the applicant so that there is no question about the process. This would help to insure that each application that is submitted is a complete application. The procedures and requirements should also be on the Village website. The site plan requirement sheet that was written several years ago should be updated. PZBA members agreed that reviewing incomplete applications at Board meetings is frustrating for the applicant who will have to return the following month. It is also frustrating for members to receive incomplete applications knowing that decisions are unable to be made.

All members agreed that for consistency, the Building Inspector should be the contact person and should have one on one contact with the applicant to discuss and explain the information and/or requirements that the applicant will be asked to provide. Members concurred that written letters documenting conversations are very important but should not be the only means of communicating with applicants.

Trustee Brown suggested that there be a sign-off portion on Village applications whereby the applicant acknowledges that the requirements have been explained and that he/she agrees to comply. In addition, there should be a checklist that the Building Inspector and the applicant review together before the application is submitted to ensure that the applicant is clear about the requirements. This list could then be checked again and signed at the time of submission to verify that the application is complete. The Boards could be assured that the application was complete before the meeting took place.

Perception of Support from Board of Trustees to PZBA

PZBA members asked the Trustees to define the role that the PZBA should be playing and asked for guidelines from them. Mayor Corby said he expected that the PZBA would uphold the Code when making their decisions.

PZBA members said that when an applicant goes before another board such as APRB or the Board of Trustees and then is presenting to the PZBA, it would be helpful to know what the discussions of other boards were regarding that particular application. Members discussed options for communicating this information among the different boards.

PZBA Member Lanphear asked the Trustees if they had a plan or "vision" for the business districts such as how many restaurants or dress shops or gift shops they hoped to see in a particular area. Mayor Corby responded that the Board of Trustees looks at each application on a case by case basis considering the Code regulations. He said he likes to see a mix of businesses because it is good for the entire Village.

**Proceedings of a Special Joint Meeting of the Board of Trustees and the PZBA
November 8, 2004**

Members from both Boards suggested that joint meetings are helpful and should be held at least two times per year.

Other Code Enforcement Issues

Members asked how much time should be given before a violation is addressed. Trustee Maddox said that it is reasonable to expect that once a violation or non-compliance issue has been brought to the attention of the Code Enforcement Officer, some action should take place within a week.

Mayor Corby reported that the number of seats at Jojo's Restaurant far exceeds the number approved by the PZBA two years ago. PZBA members asked about the frequency of inspections in public places. They were wondering how often fire inspections have been taking place and how often inspections during the implementation of site plans take place. It was noted that one retail establishment has not had a fire inspection in at least six years. Members concurred that if regular and routine inspections are not taking place, they should be for safety purposes and to prevent ongoing violations.

Executive Session

A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to enter executive session to discuss the employment history of a particular Village employee.

Vote: All members voted yes. **Motion carried.**

There being no action taken, a motion was made by Mayor Corby, seconded by Trustee Brown to leave executive session.

Vote: All members voted yes. **Motion carried.**

Adjournment

There being no further business, Mayor Corby adjourned the meeting at 7:35 PM.

Anne Z. Hartsig, Recording Secretary