

Village of Scottsville  
Zoning Board of Appeals  
March 22, 2018  
MEETING MINUTES

**Call to Order:** Chairman Tom Knitter called the meeting to order at 7:00 pm.

**Roll Call:**

Present: Tom Knitter, Chairman  
Kyle Burns  
Tim Ozminkowski  
Tom Sands  
Evan Dumrese  
Kevin Norton

Also Present: Dan Magill, Attorney  
Charlie Floeser, Code Enforcement Officer  
Anne Hartman, Village Clerk  
Margaret Mercado, Deputy Clerk  
Ruben Ortenberg, Woods, Oviatt, Gilman, LLP (Appellate)  
Nick Pearl  
Henry Williams

**Approval of Minutes:**

**Motion:** made by Tim Ozminkowski and seconded by Tom Sands to approve the minutes of the Thursday, January 11, 2018 Zoning Board of Appeals Meeting as submitted.

**Vote:**(Carried 6-0)

Thomas Knitter	AYE	Tom Sands	AYE
Timothy Ozminkowski	AYE	Kyle Burns	AYE
Evan Dumrese	AYE	Kevin Norton	AYE

Attachments: Structural plans for 34x72 pole barn  
Building permit  
Appeal letter

Chairman Tom Knitter opened the Public Hearing at 7:03 pm with the reading of Public Comment Guidelines

**Legal Notice  
Notice of Public Hearing  
Village of Scottsville**

PLEASE TAKE NOTICE that a Public Hearing will be held by the Village of Scottsville Zoning Board of Appeals on Thursday, March 22, 2018 at 7:00 pm at the Wheatland Municipal Building, 22 Main Street, Scottsville, New York to review the Notice of Appeal of Building Permit No. BP 2018-003 (9 Oakwood Lane) pursuant to New York Village Law 7-712-a. A copy of the Notice of Appeal is available at the Office of the Village Clerk where it may be inspected by any person during office hours. Office hours are Monday-Friday 9am - 5pm.

Ruben Ortenberg spoke on behalf of the appellate, Mark Smith and Sharon and Jan Brewster.  
Appellate letter submitted into record.

Applicant, Nick Pearl, 9 Oakwood Lane

- apologize for the inconvenience
- building is for personal use, private workspace and storage
- supplied everything asked of him.

Board Comment:

Chairman Knitter stated tonight's meeting is not to grant a variance, but to determine whether due process was followed in the issuance of the permit.

Public Comment:

Frank Majeski, 50 Browns Grove How can the Village issue a permit without knowing the use or placement?

Chairman, Planning Board did not review the application; the Building Inspector felt it met all Village Codes. An appeal was served and building was stopped.

Nick Destounis 49 Browns Grove, was the permit properly issued?

Chairman Knitter, that's what we will be addressing tonight.

No letters have been sent in to the Office in regards to this permit.

Chairman Knitter asked the public for those in favor of the application.

Mr. Ortenberg stated for the record that he objects to this aspect of the procedure it is completely improper.

Mary Jo Rollo, 28 Oakwood Lane, Nick does his homework, he came to us and asked our opinion, this has caused division in our neighborhood.

Nancy Laniak, 61 Browns Grove, Nick does things well, he will make it look nice, he has brought class back to Main St.

Nick Distounis, 49 Browns Grove, ponds and fences have been built without permits, trailers, log splitter and dead trees all lowers property value.

Frank Majeski, 50 Browns Grove, the board needs to know the law, the system is cracked and needs to be fixed

Jan Brewster, 37 Browns Rd., it's too big and going to have impact on property value, need a municipality to do the right thing

Close the Public Hearing at 7:48 pm.

Board Discussion: Discussion of the Code and definitions.

VILLAGE OF SCOTTSVILLE ZONING BOARD OF APPEALS  
RESOLUTION

WHEREAS, Nick Pearl (herein “Applicant”) submitted a Building Permit Application dated January 18, 2018 to the Village of Scottsville regarding an accessory structure at 9 Oakwood Lane, and

WHEREAS, the Code Enforcement Officer reviewed the Building Permit Application, and

WHEREAS, the Code Enforcement Officer issued Building Permit No. BP 2018-003 dated January 23, 2018, and

WHEREAS, on March 2, 2018, Mark Smith served a Notice of Appeal on the Village of Scottsville regarding the issuance of Building Permit No. BP 2018-003, and

WHEREAS, on March 6, 2018, Mark Smith and Jan Brewster served an Amended Notice of Appeal on the Village of Scottsville regarding the issuance of Building Permit No. BP 2018-003, and

WHEREAS, under New York Village Law Section 7-712-a, the Zoning Board of Appeals held a public hearing on March 22, 2018 regarding the Amended Notice of Appeal, and

WHEREAS, the Building Permit is for an accessory structure located in the R1-16 District pursuant to Section 170-11 of the Scottsville Zoning Code, and

WHEREAS, Section 170-11 of the Scottsville Zoning Code subjects the Building Permit Application to the additional regulations set forth in Article IX of the Scottsville Zoning Code, and

WHEREAS, under Scottsville Zoning Code § 170-47(B), the requirements of Scottsville Zoning Code Article IX “are applicable to the uses, permitted or specially permitted, listed in the use tables for each district under Article III of this Chapter.”

WHEREAS, under Scottsville Zoning Code § 170-50, “[n]o authorization for a special use permit or building permit shall be granted by the Planning Board or Code Enforcement Officer for any use listed in this section unless the board shall specifically find that in addition to meeting all the general conditions set forth in § 170-49, the proposed specially permitted use also meets the special conditions and safeguards required in this section,” and

WHEREAS, an accessory structure is a use listed in Scottsville Zoning Code § 170-50, and

NOW, THEREFORE, the Zoning Board of Appeals makes the following findings of fact:

- A. The Code Enforcement Officer should have sent the Building Permit Application dated January 18, 2018 to the Planning Board;
- B. The Code Enforcement Officer’s issuance of Building Permit No. BP 2018-003 dated January 18, 2018 was incorrect.

FURTHER, IT IS HEREBY RESOLVED THAT, Building Permit No. BP 2018-003 dated January 23, 2018 is invalid and rescinded, and

FURTHER, IT IS HEREBY RESOLVED THAT, the Code Enforcement Officer shall forward the Building Permit Application dated January 18, 2018 to the Village of Scottsville Planning Board

(unless the Applicant wishes to withdraw the Building Permit Application dated January 18, 2018 and submit a new Building Permit Application).

**Resolution** made by Evan Dumrese and seconded by Tim Ozminkowski to approve the above resolution.

**Vote:** (Carried 5-0)

Timothy Ozminkowski	AYE	Tom Sands	AYE
Thomas Knitter	AYE	Kyle Burns	AYE
Evan Dumrese	AYE	Kevin Norton	AYE

**Adjournment:**

**Motion:** made by Tom Sands and seconded by Tim Ozminkowski to adjourn the meeting at 8:50 pm.

**Vote:**(Carried 6-0)

Thomas Knitter	AYE	Tom Sands	AYE
Timothy Ozminkowski	AYE	Kyle Burns	AYE
Evan Dumrese	AYE	Kevin Norton	AYE

Respectfully Submitted by,



Anne Hartman  
Village Clerk