

The RACOG Cooperative Zoning Board of Appeals met in regular session on Wednesday, September 6, 2023 at the Town of Champion Municipal Building, 10 North Broad Street, West Carthage. Present were T. Heagle, T. Kight, M. Roberts, M. Shettleton, and M. Stephens.

Chairperson Kight called the meeting to order at 7:00pm, followed by roll call. The minutes of May 3, 2023 were approved by board consensus.

Chairperson Kight presented an application from Mark Pomerville, 32579 NYS Route 26, Great Bend requesting an interpretation of the zoning law in regards to parcel no. 76.06-2-11. M. Pomerville explained that home on the property was formerly a bed & breakfast. The home is now used to provide daycare for up to 12-children and an additional 4-school age children and has a rental apartment on the second floor. The daycare is licensed by New York State as Staci's Pitter Patter Daycare, LLC. M. Pomerville stated that he submitted a zoning permit to construct a single-family home on the property but was denied and advised that a site plan was required for multi-family dwelling.

M. Pomerville also stated that the Zoning Enforcement Officer requested a site plan application due to the change of use from bed & breakfast to daycare facility which he believes is unnecessary because he feels the daycare facility is a home occupation. Chairperson Kight questioned whether the daycare owner would continue to live at the facility if a new home is constructed on the property. She also advised M. Pomerville that it was unlikely that the lot would be able to be subdivided in the future due to its configuration and frontage.

Chairperson Kight asked P. LaBarge, T/Champion Zoning Enforcement Officer, about the decision to require a site plan application. P. LaBarge responded that the decision has been discussed by the Town Planning Board who supported the required application. M. Pomerville stated that the requirement for a site plan is in retaliation to him as Great Bend Fire Department Chief regarding a cease & desist order issued by the Zoning Enforcement Officer for the town in June 2021 in regards to activities by the Great Bend drill racing team that the team's legal counsel said was unenforceable.

Chairperson Kight corrected M. Pomerville stating the site plan application requirement is due to the change in the use and intensity of use of the property as defined in the Town Zoning Law.

M. Stephens added that a site plan is not a difficult application to complete and submit and asked if the sign advertising the daycare business puts into question business versus residential. P. LaBarge stated that signs are allowed by permit. M. Pomerville stated that he was requesting the interpretation on principle.

Chairperson Kight advised M. Pomerville that a public hearing would be held on the application for interpretation on October 4, 2023 at 7:00pm.

Chairperson Kight referenced an area variance application from Scott and Kevin Sullivan for parcel no. 93.07-1-30 located at 34452 Pleasant Lake Drive. P. LaBarge explained the applicants intention to install 2-"tiny homes" on a single concrete pad. The "tiny homes" are constructed to the standards established by NYS building code and allowed by T/Champion zoning. The existing camp has non-compliant side yard setbacks. The new construction would not exceed the existing foot print. The applicants will be advised to attend the October meeting.

Motion by T. Heagle, seconded by M. Shettleton to adjourn. The meeting adjourned at 7:38pm.

*Christina Vargulick*

Christina Vargulick

RACOG Cooperative ZBA, Secretary