

The RACOG Cooperative Zoning Board of Appeals met in regular session on Wednesday, October 4, 2023 at the Town of Champion Municipal Building, 10 North Broad Street, West Carthage. Present were T. Heagle, M. Roberts, and M. Shettleton. M. Stephens was absent.

Vice-Chairman Heagle called the meeting to order at 7:00pm. Motion by M. Roberts, seconded by M. Shettleton to approve the minutes of September 6, 2023 as presented. Ayes-3, Nays-0. Motion carried.

Proof of notice having been furnished, the public hearing on the interpretation of the T/Champion Zoning Law for Mark Pomerville, parcel no. 76.06-2-11 was called to order at 7:02pm by Vice-Chairman Heagle. No one from the public addressed the Board. The public hearing was closed at 7:03pm.

M. Pomerville restated his position that a site plan is not required for the construction of a second house on the property or for the change of use from a bed and breakfast to a home day care facility. He stated that he had spoken to an attorney that advised him that any ambiguity in local zoning laws should be decided in favor of the applicant. He also distributed information titled "Legal Memorandum LU16: The Regulation of Day Care Facilities" asserting that local zoning laws may not restrict the use of family dwellings for home-based child day care.

The following resolution was offered by M. Roberts, who moved its adoption, and seconded by T. Heagle, to wit: that the zoning permit submitted by Mark Pomerville for the construction of a house on parcel no. 76.06-2-11 should be issued by the T/Champion Zoning Enforcement Officer.

WHEREAS, the RACOG Cooperative Zoning Board of Appeals, at meetings duly convened on September 6 and October 4, 2023, reviewed the facts in an application (Log No. 2023-3) for an interpretation of the Town of Champion Zoning Law pursuant to a zoning application from Mark Pomerville; and

WHEREAS, said application requests an interpretation of Article 4; Section 405 and

WHEREAS, the board held a public hearing, duly published and posted, on October 4, 2023; and

WHEREAS, at said hearing all who desired to be heard were heard and their testimony recorded; and

WHEREAS, all testimony has been carefully considered as to the definitions and the intent of the law.

NOW THEREFORE BE IT RESOLVED, that the RACOG Cooperative Zoning Board of Appeals has voted to uphold the decision of the Zoning Enforcement Officer and deny the zoning permit.

The foregoing resolution was duly put to a vote as follows:

T. Heagle.....nay
M. Robert.....aye
M. Shettleton.....nay
M. Stephens.....absent

Resolution denied.

The following resolution was offered by T. Heagle, who moved its adoption, and seconded by M. Shettleton, to wit: that a site plan review is required for the operation of Staci's Pitter Patter Daycare, LLC due to the change of use on parcel no. 76.06-2-11.

WHEREAS, the RACOG Cooperative Zoning Board of Appeals, at meetings duly convened on September 6 and October 4, 2023, reviewed the facts in an application (Log No. 2023-4) for an interpretation of the Town of Champion Zoning Law pursuant to a site plan review received from Mark Pomerville; and

WHEREAS, said application requests an interpretation of Article 6; Section 660 and

WHEREAS, the board held a public hearing, duly published and posted, on October 4, 2023; and

WHEREAS, at said hearing all who desired to be heard were heard and their testimony recorded; and

WHEREAS, all testimony has been carefully considered as to the definitions and the intent of the law.

NOW THEREFORE BE IT RESOLVED, that the RACOG Cooperative Zoning Board of Appeals has voted to uphold the decision of the Zoning Enforcement Officer.

The foregoing resolution was duly put to a vote as follows:

T. Heagle.....aye
M. Robert.....nay
M. Shettleton.....aye
M. Stephens.....absent

Resolution adopted.

T. Heagle presented an application from Scott and Kevin Sullivan for parcel no. 93.07-1-30 located at 34452 Pleasant Lake Drive. The applicants seek 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 were advised to provide exact measurement for both side yard setbacks.

Motion by T. Heagle, seconded by M. Shettleton to schedule a public hearing on the matter for November 1, 2023 at 7:00pm. Ayes-3, Nays-0. Motion carried.

Vice-Chairman Heagle asked P. LaBarge, T/Champion Zoning Enforcement Officer, for comments. P. LaBarge stated that he cannot issue a permit to any property owner that is not in compliance with Town zoning law and that the Town Planning Board recognizes the need and supports the operation of home-based day care in the town but needs to ensure the safety of all parties.

Motion by M. Roberts, seconded by M. Shettleton to adjourn. The meeting adjourned at 7:28pm.

Christina Vargulick

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RACOG Cooperative ZBA, Secretary