

A regular meeting of the Town/Village of Lima Zoning Board of Appeals was held on Monday, January 31, 2022 at 7:00 PM at the Lima Town Hall 7329 E Main Street, New York 14485

PRESENT: Chairman Jim Van Dick (T), Members Dennis Neenan (T), Duane Fuller (V), Andy Mathews (T), Duane Thompson (T), Steve Werner (V), and Member Cindy DePuy (V) Alternate Member John Bailey (T)

ABSENT: None

OTHERS: Code Enforcement Officer (CEO) Charlie Floeser, Town Board Member Liaison Jon Belec, Village Mayor John Skiptunas, and Secretary Sharon M. Knight, MMC/RMC

VISITORS: Town Board Member Mark Petroski, and Brian Smith

Chairman Van Dick called the meeting to order at 7:00 P.M. and led everyone in the Pledge of Allegiance.

The legal notice was published for tonight's meeting on January 7, 2022 in *The Sentinel*, the Town of Lima's website and posted on the Town Clerk's Bulletin Board in accordance with State Law.

RESOLUTION #1 APPROVAL OF MINUTES

On motion of Member Fuller, second by Member Thompson the following resolution was ADOPTED AYES 7 NAYS 0

RESOLVE to approve the minutes as emailed and posted on the Town Website.

Vote of the Board: Members Dennis Neenan (T) - Aye, Duane Thompson (T) - Aye, Andy Mathews (V) - Aye, Duane Fuller (V) - Aye, Steve Werner (V) - Aye, and Jim Van Dick (V) - Aye, Members Cindy DePuy (V)

DISCUSSION –REQUEST FOR A VARIANCE FOR FAMILY TREE 3, LLC C/O EMPIRE MANAGEMENT OF CNY, INC.

Chairman Van Dick asked the Secretary to read the legal notice for the public hearing that was published in *The Sentinel*, on the Town of Lima's website and posted on the Town Clerk's Bulletin Board in accordance with State Law and then rescheduled.

LEGAL NOTICE VARIANCE APPLICATION NOTICE OF MEETING AND PUBLIC HEARING

NOTICE IS HEARBY GIVEN, pursuant to the provisions of the Code of the Town of Lima, that the Zoning Board of Appeals of the Village of Lima will hold a meeting and public hearing at the Town Hall, located at 7329 East Main Street, Lima, New York at 7:00 p.m. on Monday, January 17, 2022 for the purpose of hearing a request for an area variance and a use variance based on an application received from Family Tree 3, LLC c/o Empire Management of CNY, Inc.

The request for relief that relates to a Use Variance would permit applicant to continue to use the existing sign in front of the old Save-A-Lot Plaza. The sign has been present since the 1970's when the original store opened. The Lima Village Code Chapter 188-60 D. Non-Conforming signs. (1) General rule. Any sign made nonconforming by this local law for which no sign site plan approval shall be permitted to remain unless the following conditions are met: (b) The business or matter advertised by the sign closes or ceases operation for a period of 60 days.

Applicant is also requesting an area variance because the sign that Applicant wishes to utilize will exceed the maximum size as allowed in the Village Code.

The subject property located at 7273 West Main Street, Lima, New York, also being designated as Tax Identifier Map Parcel Number is 37.10-2-66.1-1.

All persons interested in said matter will be heard at said public hearing.

Dated: January 3, 2022

By Order of the Zoning Board of Appeals of the Village of Lima

Chairman Van Dick stated that the meeting was re-scheduled for tonight, January 31, 2022 and notifications were posted.

Discussion ensued including, but not limited to the following:

- The \$300.00 fee was paid by the applicant for the public hearing
- Use variance and/or area variance
- Livingston County Planning Board response
- Historic Preservation Committee response
- Requirement to place "Public Hearing" sign on property did not occur
- Notification to neighbors within five hundred feet did not occur

It was determined after a lengthy discussion that the Public Hearing could not be opened as the notification of public hearing sign and the notification to the neighbors did not occur.

Discussion continued as follows:

- Village Board is currently working on a draft amendment to sign law
 - Pylon signs are not included
 - Local law process/timeline
 - Required five steps for a use variance
- The Mayor Skiptunas will provide copies of the current Village Code and the draft sign local law.
- Need to reschedule the hearing versus adopt new Village local law

RESOLUTION #2 APPOINTMENT OF CHAIRWOMEN

On motion of Chairman Van Dick, second by Member Werner the following resolution was ADOPTED AYES 7 NAYS 0

RESOLVE to approve the appointment of Cindy DePuy as the Vice Chairwoman of the Zoning Board of Appeals.

Vote of the Board: Members Dennis Neenan (T) - Aye, Duane Thompson (T) - Aye, Andy Mathews (V) - Aye, Duane Fuller (V) - Aye, Steve Werner (V) - Aye, and Jim Van Dick (V) – Aye, Members Cindy DePuy (V)

DISCUSSION - HOUSEKEEPING

Chairman Van Dick opened discussion on:

Village/Town appointments
Required four hours of annual training
Prior offered Farm Tour by the Conservancy
Possible Business Tour to include Barilla
Sexual Harassment/Discrimination annual training requirement
Contact information for Skyport to get Town of Lima provided emails operating.
Personnel emails will no longer be used. Member Andy Matthews need to have information mailed by USPS
Email from Supervisor Falk regarding use of Town resources for private purposes
Mayor Skiptunas will provide terms of Village Member for updating website

The meeting was adjourned by motion of Member Thompson, seconded by Vice Chairwoman DePuy at 8:32 P.M.

Respectfully submitted by:

Sharon M. Knight, MMC/RMC, Secretary