

Lance Brabant: So I started the recording. Good evening. We are having the workshop meeting to kind of go over some suggestions for code updates for the Town of Avon. The Code Enforcement Officer, myself and other Town staff have been working on trying to do some updates to the code. If I may first if we could for those of you called in using your phone if you could mute yourself than there wouldn't be so much echo in the phones and it will make the recording a little bit easier. Than when you want to speak just unmute yourself and go for it. Prior to speaking tonight I think we should all announce our names first and then and then whatever your question is just to make the recording and the minutes that much easier going forward. I think the way that we kind of envisioned it would be a quick overview of some areas of the code that we are either having problems with or there has been previous questions with or maybe there is some suggested changes already received and we will go over those and then field any questions and comments the Board has, either of the Boards or staff have in regards to those. It is more of an opportunity tonight to just get some ideas from the Boards prior to us moving forward with some actual code updates. So I think we should first just for the record announce whose on, for those that I can see I will go over those and then those who I do not announce, if you could announce yourselves. First I have Lance with MRB Group, I have Clara on the Planning Board, I have Diane and Brian both on Planning Board and Zoning Board, I have Kevin McIntee MRB Group, Kim McDowell Town staff, and then I don't know who else is on. So if you guys could announce yourselves for the record?

Tom McGovern

Randy Kozlowski

Jeff Passarell

Kathy Mannix

Kathy Cole

Cindy Kellen

Jim Campbell

Brian Glise

Kim McDowell: Alright is Mike Miles on here? Is Jeff Mulligan? Cindy Kellen?

Cindy Kellen: I am here Kim

Kim McDowell: Bob Westfall? Ok, so I am missing Mike Miles, Jeff Mulligan and Bob Westfall everybody else is here.

Kathy Cole: What about Tom McGovern?

Kim McDowell: He said he was here I heard him

Kathy Cole: Oh Ok I am sorry I missed that

Tom McGovern: Hi everybody I am here

Kathy Cole: OK

Kathy Cole: Lance?

Lance Brabant: Yes

Kathy Cole: This is Kathy, can I ask a question?

Lance Brabant: Please

Kathy Cole: Do we have to open this up and do like a normal meeting to have a motion to open the meeting and all that?

Lance Brabant: Umm, Mr. Campbell, do we need to do an official motion to open the meeting or can we just begin?

Jim Campbell: No, we can just begin, this is really as I envision it a workshop. A meeting between the two boards so there is no real official agenda at this point so you are fine just to begin.

Kathy Cole: sounds good

Lance Brabant: That is what I had thought, was not sure. OK. So if I may, Brian I would like to pass over to you so you can kind of highlight some of the concerns or questions or suggestions that you have with regards to the code update that you were looking to possibly do at this time or the Town I should say was looking to move forward with doing at this time.

Brian Glise: Ok. This is Brian and I just wanted to thank you guys all for getting together tonight. I thought this would be a good time to do it. Happy Cinco de Mayo, Taco Tuesday. My concerns over the years have been some of the things, the evolution of the code and Lance brought up some issues on procedural things and we have all seen how people get batted around back and forth and they go to Planning and go to Zoning and to the Town and back to you know whatever the combination happens to be and it ends up being months that people sometimes have to wait and I am just wondering if there is a more efficient way of doing stuff either with combined meeting which we have been trying to do which are great or some kind of change in the code. Um other aspects, I have had a couple people say they really don't understand the code and you know if anybody on any of the Boards ever has questions please give me a call, walk people through it, you know everything starts with zoning. Some of the things that I like to do procedural is with some of the meetings is just make sure questions get asked for every variance and vote be taken. Um Lance sent out a special use permit from another Town which is a great suggestion. I looked that over and I hope that you guys did too. Just wondering what the Boards thought of that. Things in my office, we are starting out with the application and then change that and make that more efficient for people. But I am just looking at making this more efficient starting with the procedural stuff and then getting deeper into the code. We got some issues with accessory buildings in town, swimming pools, ponds, you know small detailed stuff like that that I don't want to change myself because it should be the Planning Board should be involved in stuff like that and having the, you know, the wants and needs of the people of the Town you know keeping the health and welfare and the design criteria in mind when they make the decision, it shouldn't just be me making um kinds switches to it. So, if Lance you want to go with procedure or what you think to make it more efficient.

Lance Brabant: Sure. Well I know based on our conversations before and I have had dialogue with the Boards before and staff before as well. The way I see it I shouldn't say all municipalities cause obviously not everyone does it this way but most have taken Special Use Permit process because in all municipalities either there is a separate site plan application that is required to go hand in hand with it or at least the site plan approval that has to go with it either as part of Special Use Permit or separate application and what we are finding out is that it just seems to make sense that have the Planning Board be the sole reviewer of that particular application being that the site plan for all intents and purpose is a major component to it. Not to say that the details of the Special Use Permit are but in most cases everything that we are talking about as it relates to Special Use Permit has to be shown on a site plan. It also helps facilitate SEQR and cleans that process up so that we don't have two separate boards taking action on the same project but running it separate SEQR that is where we've been trying to combine the boards to make it a little bit easier for us to facilitate. So I think you would see an improvement both from the reviewer side and from the SEQR environmental review side of that equation if we moved it into one Board as opposed to two boards. The other advantage would be that it would definitely streamline that application a little bit quicker.

Not that we are trying to get applications in and out faster we obviously want to continue to do what we been doing continue which is to take a hard look at these projects make sure ready to you before we ultimately approve them or not approve them. We are not looking to change that but it does eliminate the need to having to go to a meeting than to the County than to another board meeting one month and then go back to the Planning Board another month before you know it we are four months in on a Special Use Permit probably that could have been reviewed and approved in one month after it went to the County so I think we shorten that unnecessary length of time by making this change too. Now,

Brian Glise: What does Kathy and the other Board's think of that, I mean what is their opinion, I guess, is would be my question? Is everyone kind of good with that idea or does anybody people should definitely get due process and it might take three to four months and I appreciate the time that people are taking to look at stuff but I don't know if it seems inefficient to other people also

Randy Kozlowski: This is Randy Kozlowski and I chime in to say I support the recommendation and I think it is sad that some of the applicants have to come in month after month just to present simple additions to their application and it does seem to draw it out so I would support simplification.

Kathy Cole: This is Kathy Cole, I agree too. If we can make the process a little bit quicker and easier for people I think that is what we should do.

Lance Brabant: Clara just wrote to us as well for those of us who can see she also said that she is in support of that change

Jeff Passerell: This is Jeff Passerell, I agree with the change, streamlining this would be much better for the community.

Tom McGovern: Tom McGovern I agree definitely

Mike Miles: This is Mike Miles and I agree as well

Brian Thorn: This is Brian Thorn I wanted to ask Lance if there are any potential downsides that he sees to such a change

Lance Brabant: So you know I guess you know procedurally I don't see a downside but I guess you could look at it like instead of having the five, six, or seven Board members looking at it you would have 11 Board members looking at it. I mean that would be an advantage right you have more eyes on a project but I think we all trust each other and I definitely have faith in both of the Boards individually so I don't think we are losing much that way. Um, but I think where I see a potential concern is if you were to make that change in your Special Use Permit process, Special Use Permit is highlighted in several areas of the code specifically in our local laws that relate to solar. So if we were to modify that change or make that change in the code, I would imagine we would probably have to go then and update our local law on our solar. Um, I don't know that to be a bad thing I know there has been some concerns from staff and Board members and from the residents of Avon with the way the solar law is written but I does open up a certain scenario if we do go down that road having that local law being amended some potential I guess concerns that I could see going that route but it would have to have been I would imagine as part of that update.

Jim Campbell: This is Jim Campbell. Well I can speak to that just for a moment is that alright? I don't want to interrupt.

Lance Brabant: Please

Jim Campbell: Yea, so a couple of things, first of all Special Use Permit are governed at two different levels, initially the state level which is Town Law Section 274-A authorizes the Town Board essentially to determine by local law which of their local Boards whether it is Planning Board or Zoning Board of Appeals or frankly the Town Board has the authority to hear applications for Special Use Permit and make determinations in that regards. So we certainly can change that it would be done by way of local law that would modify various sections of our code because not only do we have it in 130-35 but it filters throughout different places of the code so we have to go through and review each section of the code to make sure that we don't create any inconsistency and that also applies with regards to the solar stuff. It doesn't trouble me to update the solar local law in that regard I think if we are going to do that however any other changes that we might want to make with regard to the solar regulations for the Town we should probably try to incorporate them into that process as well so we are not going back repeatedly to modify that particular section of the code. Does anyone have any questions about that?

Brian Glise: Well to that point I sent out something, this is Brian again, I sent out something about OARS I just took a little webinar class on solar storage or battery storage and stuff. And they said under the OARS that is an acronym for something that the Governor is basically changing municipal or trying to bypass the hurdles that the Town municipalities have put up. Um is that something we are going have to change our local code every time that happens or

Jim Campbell: Well what happened is it well it is a bit of both. So what has happened is the adoption of the state budget incorporated certain changes that have nothing to do with the budget but are special interest negotiations that take place between all the politicians in Albany and the Governor's initiatives for renewable energies was as the fore front of it this year. And so there are some significant changes to our local ability to review certain solar projects. It is largely involving Article 10 the bigger projects. Um, but what has been considered to be Article 10 scope and size is also being changed and in addition to Article 10 all review and negotiations of PILOTS (Payment In Lieu of Taxes) agreements is also being significantly affected in terms of our ability and authority to undertake the negotiations of those contracts. Now there are some requirements to have NYSERDA involved and calculations of value and some of that stuff we are still trying to figure out how it is going to apply at the local level. I did the long and short of it is it might affect the revisions we contemplate. Um, I just don't know yet until I understand it a little bit better. In my world there is a lot of discussion about this amongst my peers who do municipal work and renewable energy work and we are trying to make better sense of the language that was used to understand the implication but I think it is fair to say we will probably have to take those things into consideration at some level at least to the extent that we can.

Brian Glise: Not to get too far off topic did someone else have a question?

Kathy Cole: I did, this is Kathy Cole. For I don't know if this is for Jim or for Lance but for like a bigger project such as a solar field or like a housing development something really on a large scale could we somehow make it so that Zoning and Planning meet together for those kinds of things so that it is all discussed at the same time.

Jim Campbell: Well we could do that right now as you know our code breaks down the responsibilities and shares them between the Planning Board and Zoning Board of Appeals. If we wanted to leave it that way in the sense that the ZBA would still be responsible for the Special Use Permit and not the Planning Board one of the alternatives is that we could talk about some revisions to the code that specifically set out a process of the cooperative effort Lance was talking about and so was Brian about things like SEQR.

We really have to be careful to and I use this term deliberately coordinate our efforts when it comes to SEQR because if we are really talking about one application or one project that has two applications site plan and SUP one of the things we can't do is have separate SEQR reviews, it is called segmentation and segmenting the SEQR review process is something that creates real liability or vulnerability of any approval you get. So we could if you were not comfortable with shifting the Special Use Permit review process to the Planning Board we could maintain our current structure but beef it up to specify how the ZBA and the Planning Board are to work together and having a joint meeting or meetings joint SEQR review those kinds of things we have been implementing that with some I think, some success recently they are not easy meetings and they often when there controversial projects are unpleasant but the way they have worked has been pretty successful, I think if we wanted to formalize that process as an alternative we could do that so I think that's kind of another choice it doesn't streamline things as to the same extent that it would to put the Special Use Permit review process in the hands of the Planning Board along with site plan um but it certainly a possibility if you prefer that.

Kathy Cole: Well I was just thinking of, you know, of Lance's comment about you know 11 or 12 people looking at it verses just 7 people and, you know, in my opinion meeting with the ZBA at some of these meetings, you know, I've listened to what members of that Board have said and, you know, I thought it resulted in a lot of good questions and thoughtful process.

Lance Brabant: This is Lance. I don't believe there is a wrong answer here I think I think we are just simply trying to verify what one makes the most sense for the Town of Avon and with you guys so um obviously we are not looking to update anything this moment but we are trying to get feedback as to what makes the most sense for you guys so if the idea is we still want all eyes that we have had on the project on the project and obviously keeping the procedure and process as it currently in the code makes sense with some amendments to like Jim suggested or was mentioned earlier combine the meetings more frequent which we have been able to do um the only concern I have and always have is SEQR it's just becomes it is difficult to manage that at times on some projects due to the number of Boards, the time frames that we have to oblige by it does make that a lit bit more complicated when we have two applications having to go between two Boards but we have been able to handle it so. But I don't think there is a wrong answer here.

Mike Miles: Hey Lance this is sorry to interrupt you. Is there a way to possibly to do both like written in the code maybe some sort of trigger that would initiate the cooperation or coordination between the two boards that Jim suggests maybe something similar to like and I don't know if this could be done maybe something similar to like anything above any type of proposal on anything other than a single use resident lot or a single lot or something like that to expedite the smaller projects that we would feel more comfortable with one Board looking at but ensuring that we would have you know the more questions and eyes on the larger projects. I don't know if there is a way to do that within the code.

Kim McDowell: Was that Mike Miles, sorry, was that Mike Miles that just asked that question?

Mike Miles: Yea this is Mike

Kim McDowell: Ok Mike, say your name before you speak please

Mike Miles: I'm sorry, I am sorry Kim

Kim McDowell: That is OK

Jim Campbell: This is Jim this is Jim. You know the tricky part about that is, where is the cut off, so that we don't find ourselves in a position of somebody pointing the finger saying your arbitrary and capricious because if I have one less of this you would treat me one way now because I have got one more you are treating me a different way.

Um but you know for a minute looking at Mike's example really right now when we think about the respected roles of the Planning Board and the Zoning Board of Appeals if I want to do some kind of development on a single parcel of land that is residential in nature and I want to build a even a four lot or five lot subdivision it really pretty much involves the Planning Board unless there is something that triggers a Special Use Permit in the code it is more when we get into the commercial side of things that were dealing with this dual dynamic of Planning for site plan review and possible Special Use Permit otherwise the function of the Zoning Board of Appeals is really variance request for area or use variances and that must by law remain with the Zoning Board of Appeals once you have a ZBA established so that can't be otherwise delegated so for all intent and purposes variances are always going to rest with the ZBA in Avon. So if you need a variance for a subdivision you know lot coverage or setbacks for an area variance you are going to always have to go to two Boards anyway. A site plan review for a subdivision or a five lot subdivision is going to be with the Planning Board and area variance request is going to be with the Zoning Board of Appeals so the only kind of I guess efficiency we are talking about is really primarily in the context of commercial applications for the business type situations for the most part wouldn't you say that is true Lance?

Lance Brabant: Yes Jim I would agree with you. I think when I think of most of our when you look at all the Special Use Permit applications that we have had very rarely is there any that doesn't require some form of a plan update. You know, even the most recent one where we had the mechanic that wanted to do work out of Bruckel's business there I mean that is probably one of the simpler ones but you know we in terms of very little changes to the site but those are the type of projects that require Planning Board review for screen age, location of stock pile, location of equipment, what sign materials are you talking about adding, and what exterior materials are we talking about with little less to deal with the use of it more to deal with parameters of the site plan. Jim I guess I keep hearing large project's, I don't so I guess I don't know what we constitute as a large Special Use Permit project other than solar projects. I don't know that I am not speaking for the Board on this just asking the question if there was a way to separate the solar law from code Special Use Permit process is that possible could the SUP process that is identified in the code say, you know, that if you need a Special Use Permit under these zoning districts for this type of usage you go through this process than our local law for solar says well because you are a large scale solar this is the Special Use Permit process that you have to follow different than what is identified in the code.

Jim Campbell: You know in theory I think you can do that but it is not without some, some vulnerability and the vulnerability really is that notion again if you are singling out a particular industry and saying we are going to treat you different it makes it a challenge from a defensibility stand point for people who do what I do for a living and potentially not certainly but potentially I think that is going to be more likely to be a concern with the newest changes that Brian was referring to. I think that for the bigger projects, the Article 10 projects you know which now are probably covers more projects that it did before. For those big projects the efforts of the State are to make it a more streamline process not more intense because of the increase in size and with the support of the State I think the Article 10 siting commission is likely to look at that kind of change to our code and say it is unreasonable in light of the dynamic at the State level and the things that are being essentially preempted by the State determination. So I think it might probably not be effective I guess. As far as other projects non solar related projects how do you judge what is big or not. Do you judge it by the amount of money that is spent, do you judge it by the amount of controversy, the amount of people that show up raising an objection. It is really hard to come up with a scale that applies fairly across the board and then again that's an area of vulnerability.

Brian Glise: This is Brian and I just had a thought is the government by doing this special with the solar, isn't he kind of making us make it something different. I don't know if you know my thought process here is he kind of forcing our hand that we are treating them differently because of that.

Jim Campbell: Well what you know yea that is a legitimate way to consider it but the impact of that doesn't really help us because what in essence these changes at the State level can do is no matter what we might have on the books and no matter what our typical process might be that we have established whether it is good or not got or at any level complete the newest changes are going to circumvent a lot of that so.

Brian Glise: Right so my question I guess is do we just do nothing and wait or do we try and do as much as we can and maybe have it changed by the State, you know is a concern I am sure everyone has.

Jim Campbell: I think there is still some, some I don't want to say rhetoric because that might be too cynical and strong but there is still some discussion out there that the Article 10 siting commission or the new equivalent that is being formed is going to make an effort to honor local regulatory frame work. The caveat to that is number 1, they never had to do that Article 10 has always allowed them to pour suitable Article 10 projects to kind of preempt and supersede those local regulations that don't always do it but they have historically done it. They can certainly do that now even more readily. There is almost a Governor's mandate through the budget that says our top priority is to streamline these processes and projects in getting through really quickly but they are still talking about the fact that they encourage local communities to continue to refine the regulations so that they can be considered even through that streamline process. I don't think it is a waste to do per say I think that we just don't know what kind of reaction we are going to get until after we are done.

Brian Glise: Right, and now getting back to the procedure of things and those ideas do we put those to print, have the Boards vote on, what would be the best to move forward with those ideas. At the next meeting have an all-around vote on what we think or choices that we have. Everyone seems to be all on the same page. What is the next step?

Jim Campbell: Yes you have I think it sounds to me from the discussion that we have two options with regards to the Special Use Permit process. Combine it with the existing processes of the Planning Board so that the ZBA is no longer responsible put it all one Board. That is Option 1, Option 2 is keep the frame work that we have now that the ZBA does the Special Use Permit and the Planning Board does the site plan review but build a discernable road map for how the respective boards interact with one another. Those are two things that I think you need to toss around a little bit, give some thought to and then if your consensus is to go with Option #1 for example than I could communicate that on your behalf once I know that it's the consensus of the two boards. I could communicate that to the Town Board and ask for their permission to draft something for their consideration. All of this would have to be adopted by the Town Board but I would anticipate after it was drafted it would come to the Zoning Board and the Planning Board for review and comment to the Town Board if there is anything that should be changed or clarified from what I have, I think that would make a good deal of sense.

Brian Glise: Um, does it make sense to put a time limit on it, next meeting, two meetings, something like that if anybody has any concerns, questions or comments?

Jim Campbell: I think maybe email each of the Board members, could email their preference for Option 1 or Option 2. Again Option 1 being changing it and making Planning Board responsible for SUP and Option 2 is leaving it essentially the way it is but coming up with a road map maybe within a week each of the members could just kind of look at the code, reflect on it, and then email Kim and Brian with a preference we could get a sense of how those preferences stack up and then go from there.

Brian Glise: Does everybody sound like they are good with that are there any comments there, questions

Kathy Cole: sounds good to me

Brian Glise: OK

Jim Campbell: One of the other things that is as long as I got you as a captive audience for a minute or two longer, over the years whether it is at the Planning Board or at the Zoning Board or Appeals if we really think about it, I think we call all kind of remember things that might not have worked or might not have been clear whether we are talking about how to determine where the height of a building is established or other things that you have struggled with it might be a good idea for you to reflect on your history on the respective boards and if there were that you didn't think were particularly clear or that frankly our code doesn't address, I loved to hear about those thing. Brian and I have been talking about coming up with a list because if we are going to make some changes to the code, just for efficiency purposes, if I am going to be going through and weaving new language throughout the whole code, it is easier to do it for multiply things at once than it is to do it multiply times. Just from a cost effectiveness and effort stand point, so if you got things that you think we should discuss throw them in that email and we can maybe we can reconvene and talk about them.

Brian Glise: I have suggested some things, this is Brian, our pool code got written by Jen and somebody else, there are some things in there, 15 foot setbacks, other Towns have 10 foot, some other Towns have 20 foot. Where did we come up with 15 foot, is that good for people? Our definition of pools itself says any pond is considered a pool that is 24 inches deep. Some municipalities have taken that right out, the pond aspect because you know if a farmer puts up a pond does he need to surround it with a fence, according to our code and definition. That is just a suggestion, um, other suggestions have been the accessory building in front of the primary, some of these houses we have in Avon are 600-700 feet back off the road, why isn't it OK for them to put an accessory building 3 foot in front of their house when they are 700 feet. Should we modify that, I don't know if we should or we shouldn't but it seems like that presents variances quite often and we allow it or you know we give a variance for it. So you know if we would like to take it out of the code now would be a good time to do it. You know primary structures; um I'm sorry, accessory structures without a primary structure that is another suggestion. You know there is a lot of little things that I know come up through the years as Jim said and if we could get a list together and what you guys think, have you heard any scuttlebutt? Somebody come up to you say while I didn't like the way the Town did this, suggestions we can change it now, now is the time to do it, if we are going to do it.

Lance Brabant: Brian I agree, I think some of the small minor Planning Board elements that I think we come across um that I don't think were missing from the code and I don't think there is much changes needed but we might want to just double check and it has to deal with lighting, landscaping, parking as it relates to plans just to make sure that we have some language in there in regards to that. One more thing section Brian, I'm sorry, and I will let it go signage also. I know our signage requirements are pretty detailed oriented but I think there might be a way to clean that up a little bit. And that is just a suggestion. I haven't dove into it maybe I am wrong but that might be an area to focus on as well. Lastly as a whole our definitions when we look at our definitions in the code, a lot of times they get outdated pretty quickly or missing something so I think that is a good starting spot is our definitions, were can we use a new definition and where can we add in some more definition.

Brian Glise: Right, and what I suggest one of the suggestions that came to mind is that I think Joyful Beginnings, they were like required to put down pavement and stuff and the place across the street it was OK for millings and stuff like that and I agree impervious surfaces and but questions have been raised. Why this person is able to do this and why is that person able to do that and why do I have to do it and why they didn't. So I don't know how to do what but we need a little more consistency because I can only enforce what is in the code and I can't say well they were allowed to get away with it 10 years ago so you should be able to. I shouldn't be doing it and I can't do that but we need more consistency and maybe with check lists something like that to make sure that we cover everything in the Planning Board meeting or Zoning Board meeting. I like to check boxes and make sure everything is checked rather than trying to remember everything off the cuff.



So I don't if people got suggestions for that or whether there is a way that we can refine that. The definitions there is a new code out this starts May 12<sup>th</sup> and there are a lot of different definitions in the International code so maybe we can cheat and use some of those. Maybe that will help but the Town Board has put aside money this year for recodification. So that also helps us if we are going to change it we should change it now. Um, some of the Board members got back to me and said that they can't really understand the process and code or they tried reading the code and believe me it is dry but if they do have any questions, I will reiterate, just call me and maybe you know we can learn together. Every time I read it I learn something new so they are not the only ones. Anybody got questions, comments.

Cindy Kellen: Um, this is Cindy Kellen, I'm all in favor of more joint meetings. I feel like streamlining so people don't have to show us their plans twice and go through their whole spiel. Um, I just feel bad that they have to do if for 2 different groups but also Jim I had a questions um the 2 Boards got together and wanted to do away with allowed use for gravel pits, did we get any action on that.

Jim Campbell: So the Boards sent a letter to the Town Board asking the Town Board to take that under consideration, that hasn't happened yet, um, because we are really having very, very streamlined remote meetings. The Town Board meetings so far over the course of the last 8 weeks have really just been about approving the vouchers and payment of bills and that letter came out and was sent right before all of this hit. So I do know that the Town Board is interested from what I understand form the Supervisor having discussion about that. Um, so I think that is something else that will be factored in to this process.

Cindy Kellen: Thank you

Mike Miles: This is Mike Miles. I agree with what Brian wants to do or his intentions. My question is how structurally and mechanically kind of how would that look forward, how would that be accomplished Brian. I am not trying to criticize just saying how would that procedurally how would we do that.

Brian Glise: Which part?

Mike Miles: I guess just the codes and bits and pieces; um, some of the bits and pieces you were talking about um is it.

Brian Glise: The International code doesn't cover like distances of pools that is up to the municipality. And so we can put whatever we want in our code and right now it says like 20 feet from the septic system. Well if someone has a septic right behind their house and they want a pool and they need to put it 40-50-60 feet up to the municipal code, we can change that number if we want if you think it's a good idea. I know Royal Springs runs into this a lot because they made them non-conformation lots they are too small that of a normal lot and people want to put up their shed, they want a garden, they want a pool in, well with all the setbacks they can't have everything or they can't fit without a variance so it just should we change those setbacks or what's the feeling of the Boards, now that we are getting into smaller lots people want that less than half an acre, Village lot, because they don't want to mow as much, you know do we change some of the rules. People don't want three acres anymore. Um, Lance was telling me other municipalities are going for shared driveway and stuff that things are starting to change the old mentality so we could you know change those numbers or change that wording in the code now, if that is your question.

Mike Miles: No, I guess I was just wondering would it be something that Ok, here is the conglomerate of what we want to change all these nuts and bolts in the code in various sections, would it be voted on, how would it be presented and would it be voted and approved on, how would that work?

Jim Campbell: I can answer that for you Mike.

Mike Miles: Go ahead, thanks Jim

Jim Campbell: So what from a process standpoint the way I envision it is that the Planning Board and the Zoning Board in cooperation with Lance and his people, and Kim and Brian would come up with a list of ideas here we are suggested changes we think will enhance our code and be good for applicants and persons in the Town of Avon. We present the notion of these changes to the Town Board because only the Town Board has the legislative ability to change the code. The Zoning Board of Appeals has the very temporary and fact specific ability to issue a variance which is a onetime change to the code for a particular property but from a general legislative stand point if the Town Board so you guys would come up with some recommendations they would be presented to the Town Board either by your Board's or your Chairpersons of your Boards or through a combination of me, Brian and Lance present it to the Town Board. The Town Board looks generally at them in a favorable light, they will instruct me to draft a propose local law that will affect the changes and that is where I go into the code and take you want to change the definition of an accessory building, now I have to go through every section of the code and make sure that we cover it with our new change and I draw it up in such a way that it affects the change in each section throughout the code that it needs to present it to you as Boards for review to make sure that um you don't see anything that I missed and then if it looks good we present it to the Town Board for official action. When we present it to the Town Board we also have to submit it to the County Planning Board under what is called the general municipal laws Section 239M and that requires us, that is a State Law, that requires us to make an official formal referral to the County Planning department they review it and they give the Town Board their opinion and it maybe to approve it or not approve it or maybe certain advisory statements like you've seen in some of your applications but then once that happens the Town Board has a public hearing and affords the general public an opportunity to comment after the Public hearing is concluded they can take action to adopt it, not adopt it, seek modification and changes but it becomes really a function of the Town Board at that point, that answer your question?

Mike Miles: Yea definitely, thank you Jim.

Jim Campbell: Sure and that is a couple month process really from the point where I got it almost drafted to when it is adopted it is really 2-3 months minimum.

Brian Glise: And the company that we use now E-Code they are also willing to cross reference and anything we do have stuff in the code now that references the international code from 2015 which is two codes ago. So we definitely need to relook at things and just from a reference stand point we can't have our code reference to something from 10 years ago, 2010 code and that's what E-Code um would do. So is there any other comments, questions? I don't know whose going to put this to print whether Kim can or Lance, like the two suggestions and send them out to the Boards to see what they want to do if we can do that that would be great.

Lance Brabant: So are you referring to the minutes of the meeting Brian?

Brian Glise: Not necessarily the minutes but just those two suggestions um to move forward, you know whether the Boards like the first suggestion, second suggestion, um or if they have comments and want to change anything or the flux but just to keep the ball rolling um to have discussion maybe next meeting about which ones the Board's prefer.

Lance Brabant: sure

Jim Campbell: I will put something together just like Option 1, Option 2, which one you prefer and I can get it to Kim to circulate to everybody.

Brian Glise: Sure

Jim Campbell: Ok

Lance Brabant: Yea, than I would say is there any other concerns or areas of the code that you guys have run into that you think are problematic, I think that is what we are looking for as feedback in order to begin this process.

Brian Glise: Yea, if you don't want to change anything or want to have a variance for a building every time it happens than that is fine, I am good with that but it just seems like non efficient if we are just going to cave to every one of them. But if the Boards want to review that than that is their prerogative and we should keep doing it that way.

Jim Campbell: And I think a good rule of thumb also is to think about what you struggled with individually as members of these respected Boards, what have you had a hard time understanding in the code as it applies to real world situations because when people like me write the language that gets adopted and goes into the code, without any particular real world situation in mind and I feel all the time once you actually have an application that tries to apply that language, that is when you see the short comings of it. So think about the things that you struggle with, the thinks that you didn't like, that you know your found objectionable or you found unfair, unworkable, any of those thinks and I will put a spot on there for you to voice some of those things and then you can email them back in and they can be circulated just so everybody else can think about them. Does that make sense?

Cindy Kellen: Yep

Brian Glise: Alright no other comments, complaints? I just want to thank everyone for doing this again. It's I hope really going to help. So, I don't know who wants to draw to a close but go ahead Lance you started it.

Lance Brabant: So I guess just to be clear, sounds as if what's going to happen is the email will go out to Board members and all people who participated today with some of the things we are looking to address. Summarizing the meeting and then we are looking to get these comments back to staff by when? When is that date? Do we have a date or is it going to be in that letter the email they get sent?

Jim Campbell: I will certainly put it in the letter, when do you think?

Lance Brabant: Probably would make sense to have feedback that we can discuss at the next Planning Board meeting even if it is of what our next steps are. So we would want it prior to the next Board meeting I would I think.

Brian Glise: Right, cause I know if it is me and if it is too long I am going to put it off and forget about it you know if you give me a date real quick in a week or so I will do it and get it done rather than wait till last minute but then again we want to give people the opportunity to um really think about what stuff so you know when is the next meeting, next month, a couple of weeks and

Jim Campbell: How about we do May 15<sup>th</sup> how about May 15<sup>th</sup>, that is a week and a half?

Brian Glise: Sure

Lance Brabant: Yep

Brian Glise: One of the other suggestions that just went through my head was, Lance what did you just talk about

Lance Brabant: Definitions, lighting

Brian Glise: No, oh man it just went through my head here, um, process, I don't know if I think about it I will write it down but oh

Lance Brabant: OK

Kathy Cole: Brian this is Kathy Cole, um, you and Kim also hear a lot of people's complaints, comments, concerns when they come in for permits or want to do paperwork. So I think your feedback on some of that too will be very helpful to look at.

Brian Glise: Right and I threw out some suggestions, you know, the buildings, the pool, stuff that um accessories those are the I don't think it should be up to me to change, I mean there is a reason that it is there, I have in the past come up with these words in a book and I don't really think it should be up to one person, me, you know so yea, I can write everything down when I give you guys suggestions but I think it should really be a group effort to um change.

Kathy Cole: Absolutely, I agree

Brian Glise: Ok alright, um, I hate when I have a thought and now it just slips my mind so is everybody good?

Kathy Cole: Good

Lance Brabant: Sounds good. Alright that is it. I am good if you guys are good.

Diane Attea: This is Diane Attea. Who do you want us to email this information to, that we have that we create our suggestions?

Lance Brabant: Jim?

Brian Glise: This is Brian, you know all of us

Diane Attea: Brian, OK

Brian Glise: Yea, let's start with that to Kim, if you send it to Kim, Kim will forward it to all of us

Diane Attea: Ok we'll just send it to Kim

Brian Glise: Yea, I love volunteering Kim for stuff

Jim Campbell: I am going to make up a form

Kim McDowell: Diane was that you who just asked who to send it too?

Diane Attea: Yes it was Kim

Kim McDowell: OK

Jim Campbell: This is Jim, I am going to make up a form, send it to Kim and feel free to squall on it, write on it, your thoughts are what's important, get them back to Kim, she will circulate them to everybody else and that might generate additional email comments that is fine. I will get this out to Kim so she can get it out to you all shortly.

Brian Glise: Ok let's wrap it up, thanks for coming go have a Margareta

Kathy Cole: sounds good thank you everyone

Lance Brabant; Kim are you still on?

Kim McDowell: yes

Lance Brabant: I will download the meeting and I will send it to you.