

**TOWN OF BARRE
ZONING BOARD OF APPEALS
March 20, 2023**

CALL TO ORDER: The board met at the Town Hall with the meeting called to order at 7:02 pm by chair Mr. Coville.

BOARD MEMBERS PRESENT

Steve Coville David Allen
Kelly Dudley Larry Gaylard
Charles Swan

BOARD MEMBERS EXCUSED

Others Present: Kirk Mathes, Robert Hatch of Schultz Associates, Sean P. Pogue and Kerri Richardson

Mr. Coville welcomed Mrs. Dudley and Mr. Allen to the board as new members. Thank you cards were signed for Mrs. Tierney and Mr. Karas, for their service to the board who have resigned.

I. APPROVAL OF MEETING MINUTES – March 2, 2022

Mr. Gaylard made a motion to approve the meeting minutes of March 2, 2022 seconded by Mr. Swan and carried (5-0).

II. NEW BUSINESS

Mr. Coville stated that an application has been received from Schultz Associates Engineers and Land Surveyors on behalf of GLX Farms. They would like to do a minor subdivision which will require variance for the pre-existing structures. Mr. Hatch was then given the opportunity to address the board. Mr. Hatch stated that the owner is sectioning off a 1.5 acre parcel with the house and outbuilding from the remaining land. This will require a front, side, and rear setback for the existing home that was built in approximately 1830. There will be an easement for the existing driveway into the rear section of the driveway which is already in existence. Discussion took place:

- The current zoning on the property is Business and Ag/Res Districts with the home entirely in the Business District
- The owner is aware of a penalty and is willing to pay it for removing part of the property out of Agriculture land
- The cycle for Agriculture land is seven years
- Our roads are wider now making it necessary for the front setback

- The driveway access points were discussed as to if its industrial or residential {350 32 (C)}. Industrial shall not be less than 24 feet nor more that 40 feet in width. All others shall not be less than 20 feet nor more than 30 feet in width.
- A hard map survey is part of the application
- A public hearing is needed which will be on April 17th at 7 pm.

The SEQR was reviewed and questions answered.

Resolution 1-2023

Introduced by: David Allen
Seconded by: Charles Swan

WHEREAS the Town of Barre Zoning Board of Appeals has reviewed Part 2 of the FEAF SEQR form for the application of Schultz Associates Engineers and Land Surveyors on behalf of GLX Farms, LLC for property at 4760 Oak Orchard Road (103-1-5) and

RESOLVED, that the proposed minor subdivision requiring front, side and rear setbacks will not result in any significant adverse environmental impacts therefore declaring a negative SEQR

UPON ROLL CALL VOTE:

Mr. Coville – Aye
 Mr. Allen – Aye
 Mrs. Dudley – Aye
 Mr. Gaylard – Aye
 Mr. Swan – Aye

The resolution passed.

A resolution is before the board on adopting a policy to allow meetings to be held via video conferencing in certain circumstances

Resolution 2-2023

Introduced by: Charles Swan
Seconded by: David Allen

WHEREAS, the Zoning Board of Appeals of the Town of Barre (“Zoning Board of Appeals”) recognizes extraordinary circumstances within the meaning of New York Open Meetings Law Section 103-a, and

WHEREAS, the Zoning Board of Appeals acknowledges that the people’s right to witness and observe the governmental decision-making process in action is basic to our society, and

WHEREAS, the Zoning Board of Appeals recognizes the need to create criteria for “extraordinary circumstances” to authorize the limited use of videoconferencing for Zoning Board of Appeals members to attend meetings in accordance with New York Open Meetings Law section 103-a(2), and

WHEREAS, the Zoning Board of Appeals will consider the following to be “extraordinary circumstances” allowing a Zoning board of Appeals member to participate via videoconference within the meaning of New York Open Meetings Law section 103-a:

- A. Disability,
- B. Illness,
- C. Caregiving responsibilities,
- D. Inclement weather,
- E. Traveling out of the area which prevents in-person attendance, or
- F. Any other significant unexpected factor or event which precludes the member’s physical attendance at such meeting, and

WHEREAS, the Zoning Board of Appeals defines videoconference as a conference in which participants in different locations are able to communicate with each other in sound and vision, and

WHEREAS, the Zoning Board of Appeals recognizes the following criteria for the procedures for appearance via videoconference, and

1. As authorized by the newly enacted New York Public Officers Law § 103-a, meetings of the Zoning Board of Appeals may be conducted using videoconferencing to conduct meetings, provided that all requirements of Public Officers Law § 103-a are met.
2. A quorum of members of the Zoning Board of Appeals must be physically present at all meetings where videoconferencing will be used.
3. The Zoning Board of Appeals shall provide an opportunity for the public to view the meeting and participate both in person and via video conferencing in real time.
4. The Zoning Board of Appeals shall ensure its members can be heard, seen, and identified during the meeting, especially when any matter is being formally discussed and/or voted upon.
5. The meeting minutes shall identify the names of the members who participated remotely and the names of the members who participated physically in person.
6. The public notice of the meeting shall inform the public where to view and participate in the meeting virtually, where to participate and attend physically, and where records will be made available.
7. Transcriptions of a public meeting shall be made available only upon request.
8. All videoconferencing shall use technology consistent with the 1990 Americans with Disabilities Act.
9. Zoning Board of Appeals members intending to attend a meeting via videoconferencing shall, to the extent practicable, give notice to the Town Clerk advising of their intent to do so at least 24 hours in advance of the meeting.
10. Attendance via videoconference shall be allowed only under extraordinary circumstances as defined in this Resolution.
11. After September 19, 2022, virtual meetings without physical presence shall be held only during a State of Emergency declaration by a state, county, or local municipal governing

authority, and only where the disaster circumstances would affect the ability to meet safely in person.

NOW, THEREFORE, it is resolved that the Zoning Board of Appeals hereby recognizes extraordinary circumstances within the meaning of New York Open Meetings Law Section

103-a.

UPON ROLL CALL VOTE:

Mr. Coville – Aye
Mr. Allen – Aye
Mrs. Dudley – Aye
Mr. Gaylard – Aye
Mr. Swan – Aye

The resolution passed.

III. OLD BUSINESS

Mr. Coville reminded everyone about the yearly training. There is one coming up on Thursday hosted by MRB and Hancock Estabrook. The County will be hosting one again at the library. Mr. Coville will email everyone the State training website.

Mr. Coville asked the board since we have new members if they would like to have work/training sessions to review meeting procedures, reviewing applications etc. The board agreed that it was an excellent idea.

IV. ADJORNMENT

Mr. Gaylard made a motion to adjourn the meeting at 7:20 pm; seconded by Mrs. Dudley and carried (5-0).

Mr. Gaylard made a motion to adjourn at 7:20 pm; seconded by Mr. Coville and carried (5-0).

Lee A. Preston, Clerk