

**Village of Schuylerville**  
**Public Hearing on the**  
**Proposed Zoning Code Ordinance**  
**and Amendments to the Proposed Alternate Street Parking Law**  
**Wednesday**  
**January 5, 2022**

**Public Hearing on the Proposed Zoning Code Ordinance**

Mayor Carpenter opened the public hearing with the pledge of allegiance.

Wendy Lukas spoke. She stated that she was confused because she thought there already was a public hearing for the proposed zoning. Mayor Carpenter clarified that the prior hearing on December 1<sup>st</sup> was held by the zoning commission. Tonight's hearing was presented by the village board to offer the public another chance to weigh in on the proposed zoning ordinance.

Ms. Lukas asked if the board would be making a decision tonight. Mayor Carpenter stated that the board would not be making a decision at this hearing. The purpose of this hearing is only for the board to hear the public opinion on the proposed zoning. The proposed zoning will be brought up for a vote at the next regular village meeting.

Ms. Lukas asked, if the board did pass the zoning, when the zoning would take effect.

Attorney Klingebiel stated that the zoning would go into effect as soon as it was filed with the secretary of state. The county has already approved the zoning on the condition that it has not changed since the last time the proposed zoning ordinance was presented to them, and it has not changed.

Ms. Lukas stated that when the zoning becomes official then the board will need to appoint a zoning board. Ms. Colvin corrected this to, "a zoning board of appeals"

Mayor Carpenter stated that he would like to be proactive in appointing, however the zoning has not yet been passed.

Ms. Lukas asked if she could direct a question to the village attorney. Attorney Klingebiel agreed to this. She asked what involvement will the village board have once the zoning is in place?

Attorney Klingebiel stated that the only involvement that the village board will have, once zoning is in place, is amending zoning law. If there are amendments to be made, just like they are doing now, this board will have to go through the same steps and procedures to amend the zoning ordinance; 7 day notice, public hearing then the board can vote on it. Once the zoning ordinance law is passed, it will be up to the zoning board of appeals to enforce it. The zoning board of appeals will hear applications for variances and bring action if there are violations of zoning.

Ms. Lukas expressed concerns that the village has not had much luck in getting members to join, and that the village has had to go outside of the village to get members. Mayor Carpenter stated

that the only member of the planning board who was not a resident is Ronnie Miers, and she was a resident when she first became a member and is only across the street from the village border. An exception was made for her on the basis of these facts. Ms Lukas stated that it was never open to the public for residents to apply.

Mayor Carpenter corrected her by stating that advertisements for planning board openings have been posted several times on the village website and advertised in the Post Star. Multiple outreaches have been made during his term of office.

Ms. Lukas asked if there would be planning board members who would also serve on the Zoning Appeals board. Ms. Colvin stated that members could not sit on both boards.

Ms. Colvin stated that she would like to clarify that the zoning board of appeals is only three members and that they only meet when there is an appeal. They do not meet on a monthly basis. They do not have a regular meeting schedule. She does not anticipate that there will be many meetings. She stated that during her time on the planning board there had only been possibly 4 or 5 occasions where an appeal would have been brought to the Zoning board of appeals. The planning board has only had three meetings in the past year.

Mayor Carpenter asked Ms. Colvin to confirm that there is training that is offered by the county and the state to make sure that the members of the zoning commission are qualified. She confirmed. Mayor Carpenter stated that these courses would be budgeted for and funded by the village.

Patricia Smola asked if a person who is not a resident of the village could be a planning board member. Attorney Klingebiel stated that he believed that there had been a revision to the restriction of membership to residents only, but that it only included persons who were already sitting members who moved out of the village while they were still on the planning board. There was also a stipulation that they still had to be within the Town of Saratoga. If they left the board after they had moved out of the village they could not re join the board.

Trustee LeBaron had a question for the former zoning commissioner, Leona Colvin. He asked if the planning board had all of the required members. She stated that the board is full but that there were no alternates. A question was raised as to whether Ms. Wilusz had moved into a permanent seat or was still an alternate. Ms. Colvin stated that it had been so long since the board has met that she wasn't sure of the state of the members.

Pat Smola asked if people should come in to the village to get an application to apply for the planning or zoning board positions.

Mayor Carpenter confirmed this and stated that the application would be forwarded to him. If he felt the applicant was promising, he would arrange for an interview of the applicant with him and Bob Foster (Planning board chairman) Then the candidate selection would be brought to the board to ensure they are comfortable with the candidate.

Wendy Lukas asked what the status of the filling of the position for code enforcement officer is.

Mayor Carpenter stated that the village has received one application for the position of building inspector. He also mentioned that there were several projects in the interim that would require

building inspector/code enforcement services, and that he would be discussing with the board at a later date the possibility of contracting with Mr. Albert after the end of his employment with the village. His official end date is the 12<sup>th</sup> of January.

Wendy Lukas stated that if the village were unable to get a code enforcement officer, that they could apply to the county to use an officer from their staff.

Attorney Klingebiel confirmed that this is what a lot of municipalities do. Most of the code enforcement officers are out of the county in Washington County. Attorney Klingebiel says that the code enforcer is not necessarily the building inspector. A lot of municipalities have a code enforcement officer that does not deal with anything that has to do with building. They typically deal with things like zoning violations, dog ordinances and parking violations. The building inspectors come from the county.

Mayor Carpenter stated that he would like to close the public hearing on Zoning and open the public hearing on the amendments to the alternate street parking laws.

## **Public Hearing on the Proposed Amendments to the Alternate Street Parking Law**

Mayor Carpenter summed up the proposed amendment as follows;

The only street affected by this amendment would be Broad Street and the only change is that the time frame will be from 10pm to 6 am as opposed to the former law which currently reads that parking is only allowed from midnight to 6 am. Mayor Carpenter clarified that the reason that the board was proposing this amendment is that the current time frame does not allow for easy enforcement, as this means that a board member must stay up past midnight to call in the tow truck.

Mayor Carpenter thanked the small business association and everyone who signed the circulated petition, as the original amendment to the law would have been to mirror the restrictions that were in force on the other streets that run north to south. Members of the Small Business Association were concerned that this would severely limit access to their businesses. Patricia Smola, a member of the small business association, spearheaded this appeal to the board to change the amendment by circulating a petition and gathering signatures.

Trustee Baker mentioned that the board had originally changed it to 8pm to 6am but after further consideration, it was determined that there were restaurants that were open until 10pm, as well as the bowling alley. The board then reconsidered and decided to extend it to 10 pm.

Ms. Smola stated that she was glad that they were able to work together to settle on something that works for everyone.

Trustee Colvin made the motion to adjourn the public hearing, Trustee Baker seconded the motion, all in favor, public hearing adjourned.