

TOWN OF WARNER – ZONING BOARD OF ADJUSTMENT

Meeting Minutes

May 11, 2016 7:00 PM

Warner Town Hall, Lower Level

Members Present: Chairwoman Janice Loz, Vice Chair Rick Davies, Andy Bodnarik, Howard Kirchner, Alternates; Corey Giroux, Beverley Howe, and Barb Marty.

Members Absent: Gordon Nolen

Land Use Secretary: Lois Lord

1. OPEN MEETING

Chairwoman Loz opened the meeting at 7:00 p.m.

2. ROLL CALL

Roll call was taken with 7 members present and one absent. Chairwoman Loz welcomed new alternate Barb Marty to the Board. She asked Corey Giroux to sit on the Board as a full member in Gordon Nolen's absence.

3. APPROVAL OF MEETING MINUTES

Chairwoman Loz brought forth the Meeting Minutes of April 13, 2016 for approval. Andy Bodnarik had some typos and rewording and Chairwoman Loz noted a change. Rick Davies asked to make a procedural comment for Barb's benefit and clarified that alternates can participate in conversations but can't make a motion, can't second a motion and can't participate in the discussion of a motion.

A **MOTION** to approve the minutes as amended was made by Corey Giroux and seconded by Rick Davies. A voice vote was taken with a **unanimous yes**.

4. UNFINISHED BUSINESS

Site Visit Procedure Document revised 4/13/16 – first reading. Chairwoman Loz noted there were two copies of the document, one marked up and one clean copy.

Rick Davies noted there was also a rough draft of the Rules of Procedure and within that document was the Site Visit Procedure document with a carriage return issue. Lois handed out corrected copies of the page with that corrected. Discussion ensued as to which document would be reviewed at this time, that the Site Visit Procedure document had been revised per the April 13th meeting and the Board reaching the consensus it would be reviewing the Site Visit Procedure document for a first reading.

Chairwoman Loz asked what the board thought about the document. Howard said he thought it was great, it had been hashed out and a lot of little things cleaned out. Rick, Andy and Corey were in agreement.

Rick Davies made a **MOTION** to accept the revised Site Visit Document with the one carriage return resolved and proclaim this to be the first reading of the document. Howard Kirchner seconded Rick's motion. **A roll call vote was taken with the result of 5-0-0.**

Rules of Procedure XV additional rules of order revised 4/13/16 – first reading. Chairwoman Loz asked Corey if he had any comments on the document. Corey replied that on Item R, which reads as follows:

***R. Ex Parte Communication** The Board shall not engage in ex parte communications regarding an application before the Board.*

the way its written is nonsensical because the Board can't have ex parte communications by definition because the Board would be a quorum. It should be written *members and alternate members of the Board* rather than the Board collectively. Corey continued, for the sake of consistency there should be a colon after Ex Parte. If you look at all of the lettered items in this section there is a bold and then generally a colon along with it. Some of them have colons, some are blank and some have periods. For internal consistency sake they should all be the same.

The Board discussed this and arrived at the consensus that Corey would do the revisions for adding colons and bolding and would submit them to the Land Use Secretary.

Chairwoman Loz asked the Board if they were happy with the following addition to Section XV of the Rules of Procedures:

- S. Board members may use electronic devices during Zoning Board of Adjustment meetings only for purposes sanctioned by the Board.*

There were no comments on this item and other revisions on page 3 were discussed with no changes. Chairwoman Loz asked about having amended dates for these changes and Lois said they will be on the final document.

Rick Davies made a **MOTION** to proclaim four items; Section II, Items 6 and 7 and Section XV Items R and S be accepted as the first reading as revised tonight. Howard Kirchner seconded the motion. **A roll call vote was taken with the result of 5-0-0.**

The Board discussed the changes Corey is going to make to Section XV with bolding and colon changes which are administrative in nature.

5. NEW BUSINESS

The Land Use Secretary said she had no new business to discuss.

6. COMMUNICATION AND MISCELLANEOUS

Howard Kirchner welcomed Barb Marty to the Board and that they are happy to have her on the Zoning Board of Adjustment. The Zoning Board of Adjustment discussed the upcoming OEP Conference on June 4th and who is planning on attending.

Discussion continued on the RSA book, that this year's edition has less annotations than last years, that the previous years was easier to read, that this years was done by a different publisher and that there are some inconsistencies in the historical references shown.

Rick Davies suggested the Board at a future meeting tag their RSA books for the ZBA basics and offered to tag his book prior to that meeting. The OEP Zoning Board of Adjustment handbook was discussed and that it, in certain ways, is a lot more of a usable document as it explains more of the impact of some of the changes to the RSA and is updated every year.

7. ADJOURN

MOTION to adjourn was made by Howard Kirchner, seconded by Rick Davies. A voice vote was taken with all in favor. Meeting was adjourned at 7:40 p.m.