

Zoning Commission
Village of Schuylerville
Public Hearing
Wednesday, December 1, 2021 – 6 p.m.
MINUTES

ATTENDANCE

As provided on Attendance Record attached hereto and made a part of these official Public Hearing Minutes.

WELCOME AND INTRODUCTIONS

The Public Hearing was called to order at 6:05 p.m. by Zoning Commissioner Leona Colvin. Commissioner Leona Colvin welcomed everyone present, introduced herself and stated that the meeting was being recorded for the purpose of transcribing minutes, which would be transcribed verbatim as much as possible. If you do have comments during the Public Comment period, please state your name and address and speak as clearly as possible for the recording.

OVERVIEW OF ZONING

Commissioner Leona Colvin gave a short synopsis of zoning history in the Village of Schuylerville. The Schuylerville Zoning Commission was commissioned in about 2009, over ten years ago, by the then Village Board for the purpose of exploring the possibility of establishing zoning in the Village of Schuylerville. As we progressed through the process, we started with a simple form “Whaddya Say, Residents of Schuylerville?”, which was sent out to survey all the residents of the Village, asking their opinion on a variety of issues related to zoning in Schuylerville. From there, the Commission received permission from the Village Board to retain a consultant to work with. We sent out requests for bids and in November of 2008, not 2009, we retained C.T. Male and at that point in time the three-member Commission plus our Village’s legal counsel at that time began their work. Over about two years, we created several versions of a possible zoning code. We started with a land use map of the Village, identifying every parcel of land in the Village, marking whether it was a house, a school, a church, a business or whatever it was. We then color-coded those properties by use and the proposed Zoning Code map began to take shape.

As we conducted our research, we met with a variety of interested parties – we met with the Village Board, the Fire Department, we met with the Village Code Enforcement Officer several times, we met with the clergy, we met with the Chamber of Commerce, all of the various interest groups in the Village, to get their input, thoughts and concerns. From there, we drafted our first code and took that proposed code to a Public Hearing. That Public Hearing resulted in a voluminous document expressing various questions and concerns from several Village residents. We took those concerns and developed a spreadsheet to evaluate those areas we could deal with. There were some concerns we could not deal with because we were dealing with law. We took the concerns we could deal with into a spreadsheet and addressed each and every one of them by concern and revised the Code to what we thought at that point in time, and I still think, is

a Code that best represents the needs of the Village of Schuylerville. Why do we need a Zoning Code? Over on that table (pointing to a table covered with documents), are reiterations of other attempts at zoning for the Village of Schuylerville, starting in 1971 – I was in high school, I wasn't on the Board. We have been through this several times and it appears that it has always been a need that the Village just hasn't been able to get its arms around it and get done. Also on that table are the Zoning Commission's copies of various documents you are welcome to peruse if you like. There is the Comprehensive Plan for the Village of Schuylerville, Zoning Codes for other municipalities, the Town of Saratoga and the Village of Victory, and all of the rules and regulations for adopting and managing zoning in a municipality. So why do we need zoning? Schuylerville is a little microcosm in the middle of a sea of zoning – everyone around us has zoning, leaving us vulnerable. It leaves us vulnerable to someone coming in and doing something with a piece of property that might not meet the needs of our village residents or should I say the interests of our residents. So, Schuylerville is vulnerable amidst this sea of other zoning codes around us. So that's the purpose of a Zoning Commission. As I mentioned, we started this some 11 years ago. The Village Board changed members some time after the Code was proposed and the new Board membership voted on the proposed Code and it was not successful in passage. The proposed Zoning Code then went dormant, it went into the "didn't happen" file, and the Zoning Commission, whose role was completed upon submittal of the proposed Code to the Board, was dissolved.

Maybe a year ago, the current Board asked me to resurrect the Zoning Commission and talk with our consultant about the possibility of whether or not we needed to redo the existing proposed Code or whether or not the Code was acceptable. After much review and discussion with legal counsel, it was determined that the code was still valid and still meets the needs of this Village. Upon presentation of this information to the Board, I was asked to continue to pursue the steps necessary to resubmit the Code for Board consideration. The Board chose not to name additional members to the Commission at that time because there was nothing for them to do at that time. The process going forward was mainly a paperwork process. That's how we got to where we are today.

Today we have a Zoning Code proposal that has been posted on line. It is a "monster" of a document, but it has to be. This document takes all of the zones we established as a Village and breaks it down as to what you can and cannot do on that property and how you have to go about doing certain things that you can do. For instance, if you have a single-family home, can you put a garage up. If you can, how high can it be, setbacks need to be reviewed. Those kinds of questions are answered in the Code. We have a Code, we are ready to present it to the Village Board, once we present it to them, the Zoning Commission will once again be dissolved, but this Public Hearing needs to happen first. If, for some reason, this Public Hearing determines that we don't go forward with this Code and we need to do a new one, then we go that route. If that is not determined, then I will present it to the Village Board as our proposed Code and they will then have their own Public Hearing for the purpose of proposing a new Village Law for implementing zoning, and they will then vote on it at a future Village Board meeting.

So that is “in a nutshell” how we got to where we are today. At this point, I will open the Hearing up to public comment. Again, I ask that you please state your name and address for the recorder and speak clearly. Thank you.

PUBLIC COMMENT PERIOD

Bruce Ricketson, 226 Broad Street, Schuylerville

- I have read most, a lot of the zoning on line, I agree with about everything that is there and I think it should be passed. In think it needs to be passed, it should be passed. This is an excellent start and it should be done.

Wendy Lukas, 77 Green Street, Schuylerville

- I have concerns about the present document and I’m wondering what the chances are that the village board will actually make the changes it needs before it is approved by them as historically that hasn’t happened. When I was reviewing the document today, I was expecting that it would be dated this year, not ten years ago. Now it is a ten-year-old document that doesn’t necessarily match some of the changes that have happened in the Village. For example:
 - There is an area on fencing and screening and I was reading that and wondering why that would be something that would be mandated, failure to maintain shall be a violation, but what would be the consequences. I don’t understand the projects that are available to be done in there.
 - There’s something on sidewalks in there, but it will not match the new sidewalks law. It indicates it will be four feet and the new sidewalk law is five feet. There are some changes that could possibly be made to the document today before it is approved by the board – not everything, just a few things.
 - There is something in there that the Village should have a Village Engineer. I’m not aware that the Village has an Engineer.
 - I also wonder that there is quite a bit to be established by the Board of Trustees. I saw five things that they would be responsible for.
 - The other area I couldn’t wrap my head around was the parking spaces. It made it sound like there was no street parking at all and everyone would need to have their own parking spaces on their property. It gave dimensions on how wide the spaces should be and that there is a limit on how many vehicles could be parked in certain areas. I don’t know how that gets enforced. If people don’t know, they’re going to have to enforce that.
 - There was something about failure to comply, not exceeding a fine of \$200 or imprisonment. Sometimes when you read those things, you know that it’s not going to happen. Will the Village Board follow through or the Code Enforcement officer for enforcement of the fine or would they really imprison people for not doing what’s in zoning? And the fines keep going up each week. I wonder if it’s doable. In the past, they never enforced any laws, not very well. Things are written, but not complied with.
 - I wonder if this zoning goes through, if the approval of the tiny apartments for that house that haven’t been built yet, would that be one of the last projects

that would be done that wouldn't require zoning. Since they haven't started it yet, would that now be part of the zoning plan is my question.

Commissioner Leona Colvin, in response:

- I can respond to a few of those things and I cannot respond to some of those things. In my introduction, I introduced myself, but we do also have present our legal counsel, David Klingebiel. Most of our Village Board members are also present as observers since they will receive this document. We also have a Village Board member on the Zoom call and we also have a news reporter on the Zoom call. We also have our Village Clerk/Treasurer Cory Heyman here.
 - Regarding the fencing and screening, that was addressed very strongly in our Public Hearing and we did make some adjustments to that to the comfort of those that had concerns at that point in time. No Zoning Code is ever going to make everyone happy – it's just not going to happen. Someone is going to want you to put a fence to surround your trashcans and someone else is going to not want to put up a fence so that other haulers can get to their trashcans. It's a fine line that you walk with a Zoning Code, but it was addressed and reviewed through the process we've gone through. Whether or not the Village Board does anything different than that will be for them to determine.
 - Regarding the Sidewalk Law not matching, there is no new Sidewalk Law yet to match to. There is a current Sidewalk Law and it matches the proposed Code to the best of my understanding. We can't address things in the Code that haven't happened yet. Mr. Klingebiel, could you address my question – wouldn't a new Law supersede the Code if it is passed at a later date?

David Klingebiel, Village of Schuylerville Attorney, in response:

- We would want them to be consistent. For example, the Zoning Code is voted on and adopted by the Board and then the Village Board wants to adopt the new Sidewalk Law, we would amend the Zoning Code to match the new Sidewalk Law, subject to public notice, public hearing and a Board vote of approval. Once the Zoning Law passes, the current Sidewalk Law is superseded by the Zoning Code.

Commissioner Leona Colvin, in response:

- Regarding the Village Engineer, that is an issue the Village Board would need to address at their Public Hearing
- Regarding the responsibilities assigned to the Board of Trustees, it is typical of a Zoning Code that it outlines the responsibilities for Code Enforcement, for the Zoning Board of Appeals that will need to be created if the Code is passed, and for the Board of Trustees. They all have their various roles that must be performed and they are spelled out in this Code. If you look in Victory's and you look in Greenwich's, you will see the same kind of language and information.
- Regarding parking spaces, I will take another look at that, but I don't recall that it was an issue when we had Public Hearings in the past, so I will take a look at it just to see if I can pull out what it is you're concerned about there.

- Regarding failure to comply, fines and imprisonment, you need to define those things in your Zoning Code. A violation without some kind of fine or imprisonment, which I cannot imagine seeing happen, but without having those in there, it has no teeth. You have to have some kind of a “failure to comply, this is what happens”.

David Klingebiel, Village Attorney, in response:

- If I could chime in here, enforcement, whether it’s a speeding law in the State of New York which could carry a 15-day jail sentence; I’ve been practicing law for over 20 years and since 2006 in the State of New York, and I’ve never seen anyone put in jail for a speeding violation. Enforcement is at the discretion of the enforcing authority, but to Leona’s point, there has to be a fine to encourage compliance with the Zoning. If you don’t have something there, people could ignore the law and violate the code knowing there would be no consequence. I’ve handled some Zoning enforcement matters and had some people be outright defiant, such as putting up an illegal structure. Absolutely defiant and the only thing that got them to comply was an ongoing daily fine. The judge gave them two days to remove the structure or be fined. That’s up to the judge. Any violation would be brought to Town Court, and that’s how the enforcement would be. So, it’s built in there to give the Code what it needs to encourage compliance and it is up to the discretion of the judge to apply that penalty. Just like any violation, it would be adjudicated through the court system, not through Village officials.

Commissioner Leona Colvin, in response:

- Thank you for that clarification. Regarding the tiny apartments, those units were approved by the Planning Board and it is now the Code Enforcer’s responsibility to determine how they are built, according to Building Code and the approval in place. Whether or not it is the last project not requiring zoning depends on when and if the Zoning Code is approved and whether or not any new applicants come forward before that time. I don’t know where they stand as far as building them, I know they are in process and under construction, but I don’t know the particulars and it’s not pertinent to the work I’m doing here.
- Do we have any further questions?

Wendy Lukas, 77 Green Street, Schuylerville

- There was something in the proposed Code regarding mature trees. Stating that no mature trees will be removed without a permit. Is that something we have on the books right now?

Commissioner Leona Colvin, in response:

- I’m not a Village Code expert, so I can’t answer that question.

David Klingebiel, Village Attorney, in response:

- I apologize, I did not bring my Village Code book, but I believe there is something in there. Probably two years ago, someone came in and was complaining about not being able to cut low hanging branches and the Village Board authorized DPW to cut

them, so I believe there is a requirement for Village Board or DPW approval for cutting trees in the Village, so I think that may be consistent with that. I might be wrong, but that's what I recall.

Wendy Lukas, 77 Green Street, Schuylerville

- I don't believe there is a law in place currently about people not being able to remove their own trees, so that's new.

David Klingebiel, Village Attorney, in response:

- Their own trees, I don't believe that's what this says, trees in the right-of-way.

Wendy Lukas, 77 Green Street, Schuylerville

- It says no mature trees shall be removed without a permit from the Code Enforcement Officer, and that was on people's property.
- So, everything that is in place right now once Zoning gets approved and is on the books is grandfathered in to not having to be subject to the Code.

Commissioner Leona Colvin, in response:

- As far as structure, yes, but there are some matters of safety and operational things such as restaurant operations and that kind of thing that would need to adhere to the Code. But, as to the homeowner, a property owner, the structural, Dave, correct me if I'm wrong, but they would be grandfathered in. We're not going to make someone move their garage because it doesn't meet the requirements of the new Code.

David Klingebiel, Village Attorney, in response:

- Any existing structures would be grandfathered in, including mobile homes, but new construction or mobile homes would be subject to the Code.

Commissioner Leona Colvin

- I'll get to the Board comments in a minute if that's okay. Is there anyone else on the Zoom call with questions to pose?

Trustee Dan Baker, Green Street, Schuylerville (On Zoom call)

- I just wanted to say thank you, Leona, for your work on this. It's great, I'm glad you were able to resurrect this. I really appreciate your efforts, excellent presentation.

Commissioner Leona Colvin

- Thank you, Dan – I appreciate that. I hear no other questions on our Zoom call. How about our Board members here in the room, any questions or comments?

Mayor Dan Carpenter, 104 Green Street, Schuylerville

- I would just echo what Trustee Baker said. Thank you for your hard work on this. It's been a decade plus in the making, and as you pointed out, decades.

Commissioner Leona Colvin

- For the Village, yes, it has been a long process. I personally would like to see it come to fruition for the reasons I stated. It has been a pleasure to work through it this second time around and, as I'm sure you know, it was a frustration to have done the three years or so of work and have it come to naught, so to get the opportunity to present it again and hopefully work through any issues and get it passed so that this Village is protected is exciting for me.

CONCLUSIONS AND PATH FORWARD

Regarding where do we go from here – provided that this Public Hearing does not cause any concerns that would require us to make any edits to the Code itself as it is present, my next step would be, after a seven-day hold, which is required after the Public Hearing, to allow for any additional comments that may come in writing, should I deem it to that point, we are ready to take the Code to the Board. I will present it to the Board hopefully at its next Village Board meeting.

They will then need to schedule a Public Hearing, which is a Public Hearing to propose the new law of zoning, not necessarily a Zoning Code Public Hearing, but a new law Public Hearing. They have to have a Public Hearing for any proposed new law. From there, after their Public Hearing, we need to get Saratoga County Planning Board to accept this document. They accepted the previous document and, as long as it remains unchanged, they have assured us they will accept the new Proposed Zoning Code. At that point, the Village Board can vote on it or not vote on it, as they see fit. So that's the chain of events that still needs to occur.

ADJOURNMENT

With all that said and done, if no one has anything else, the meeting is adjourned. Thank you for coming.

The Public Hearing was adjourned by Commissioner Leona Colvin at 6:35 p.m.

/s/ Leona M. Colvin

Respectfully submitted,
Leona M. Colvin
Zoning Commissioner
Village of Schuylerville

ZONING COMMISSION
 Village of Schuylerville
 Public Hearing - Attendance Record
 December 1, 2021 - 6 PM

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CORY HEYMAN			
CLERK / TREASURER			
DAVID KLINGBIEL			
LEGAL COUNSEL			

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Village of Schuylerville
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AGENDA

- **Welcome and Introductions**

- **Overview of Zoning**
 - Purpose of a Zoning Commission
 - Zoning Adoption Process
 - Draft Zoning Code Overview

- **Public Comment Period**

- **Conclusions and Path Forward**

- **Adjournment**

Customer Ad Proof

60003234 VILLAGE OF SCHUYLERVILLE - LEGALS

Order Nbr 115947

Publication	Post Star		
Contact	VILLAGE OF SCHUYLERVILLE - LEGALS	PO Number	
Address 1	35 SPRING STREET	Rate	Legals
Address 2		Order Price	29.95
City St Zip	SCHUYLERVILLE NY 12071	Amount Paid	0.00
Phone	5186953881	Amount Due	29.95
Fax			
Section	Legals	Start/End Dates	11/20/2021 - 11/20/2021
SubSection		Insertions	1
Category	001 Legal Notices - Warren County	Size	11
Ad Key	115947-1	Salesperson(s)	INSIDE SALES CLASSIFIEDS
Keywords	2021 ZONING PUBLIC HEARING	Taken By	Akilah Saunders

Notes

Ad Proof

The Village of Schuylerville board of trustees will be holding a public hearing on the adoption of zoning on December 1, 2021 at 6 pm in the village hall at 35 Spring Street. Masks are required for all. This meeting will be held in person and in Zoom format. Please e-mail clike@villagesofschuylerville.org for the Zoom link.
PUB: NOVEMBER 20, 2021