

December 27, 2019

The Mina Town Board met on the above date for the year-end meeting and public hearing on proposed amendments to the zoning law. Supervisor Brumagin called the meeting to order at 9:00 am. The following members and guests were in attendance:

Present: Rebecca Brumagin.....Supervisor
Dennis Luce.....Councilman
Ernie Roache.....Councilman
Dick Watrous.....Councilman
Dave Wilcox.....Councilman

Attended by: Barb Cooper, Sadie D'Angelo, Kris Gleason (Planning Board), Bill Himelein (Highway Superintendent), Ed Mulkearn (9:02), Andy Travis, JoAnn Travis (Planning Board), Louise Wiggers

Comments/Concerns from those present: none

Supervisor Brumagin asked the town clerk to read the legal notice stating that the year-end meeting and the public hearing on the six amendments to the zoning law is being held Friday, December 27, 2019 at 9:00 am.

Supervisor Brumagin opened the public hearing at 9:02.

a. Amendment #1 – Create Multiple Business Districts

1. Create from the existing business district boundaries – four distinct business districts:
B1 – Historic Business District (Downtown Area to South-side of School Street Intersection on Route 426)
B2 – Commercial Business District (Route 426 from North-side of school Street Intersection going north beyond I-86)
B3 – Sunnyside Business District (Krasa's Kove Property)
B4 – Shadyside Business District (Paradise Bay Both Sides of the Road)
2. Change two parcels from Business to Agriculture or Residential to align with adjacent properties:
Parcel 324.00-1-8 Business to Agriculture
Parcel 359.11-1-6 Business to R1 – Residential

Ed Mulkearn questioned where the two properties were located. Supervisor Brumagin reported the first one was on Route 426 where State Line Road connects and the second one is on Sunnyside Road near Krasa's Kove.

b. Amendment #2 – Implement Short-Term Rental Requirements and Application Process

1. Implement requirements for short-term rentals in business districts.
2. Implement requirements for short-term rentals in non-business districts.
3. Implement an application process for short-term rentals including, but not limited to:
 - a) Certificate of Compliance or Certificate of Occupancy
 - b) Fire Inspection
 - c) Certificate of Insurance (Liability)
 - d) Certificate of Insurance to Rent Motorized Watercraft or Affidavit Stating that Owners Do Not Authorize Paying Guests to Use Their Motorized Watercraft
 - e) Approval from County Health Department regarding Septic System Capacity
 - f) Annual Water Testing Results from New York State Department of Health Certified Lab
 - g) Application Fee
 - h) Special Use Permit Request to Zoning Board of Appeals
 - i) Instruction to Paying Guests regarding Findley Lake Boating Rules and Water Safety

j) Instruction to Paying Guests regarding Fireworks and Nuisance/Noise Laws

k) Copy of Lease Agreement with Paying Guests

Andy Travis asked if short-term rentals are for 30 days or less or for each tenant. Supervisor Brumagin said yes and asked JoAnn Travis to further clarify. Ed Mulkearn asked if they would need to post how many could occupy and Supervisor Brumagin replied that in advertising there would be a requirement to list the capacity for each rental.

c. Amendment #3 – Revise Bed & Breakfast Requirements and Application Process

1. Revise requirements for Bed & Breakfast establishments in business districts.
2. Revise requirements for Bed & Breakfast establishments in non-business districts.
3. Implement an application process for Bed & Breakfast establishments that aligns with the application process for Short-Term Rentals.

Barb Cooper asked if that would be for folks renting for the entire summer. Supervisor Brumagin replied it would depend on if they were renting for 30 days or less.

d. Amendment #4 – Revise Signage Requirements and Application/Enforcement Process

1. Update definitions of various types of signs.
2. Replace the sign section of the zoning law with a completely revised version.
3. Implement an application process utilizing the Code Enforcement Office and permitting by the Planning Board.

Barb Cooper asked if there would be a copy of the changes. Supervisor Brumagin said yes she can get them from the town clerk.

e. Amendment #5 – Update Definitions & permitted Areas for Accessory Buildings and Update Definitions for Boathouse/Docks/Pier/Dockage

1. Add definitions for Pier, Boathouse, Dockage and revise definition for docks.
2. Add definition for Pole Barn/Pole Structure and revise definition for Private Garage.
3. For the three types of structures, permits are required for construction in all districts.
4. Pole structures are not allowed in R1, R2, and B3 (per Amendment #1)

Ed Mulkearn asked if the docks are assessed into the assessment of the property. Supervisor Brumagin asked Assessor Heather Young-Deyell and she said yes.

f. Amendment #6 – Update Planning Board Duties

1. The Planning Board shall have the following duties with respect to the Zoning Law: Optional Recommendations – The Planning Board shall review and approve sign permits. – no comments

Overall:

- Ed Mulkearn asked if updated when the new zoning book would be available. Supervisor Brumagin stated that with all the steps that need to be followed and filing with the state, it could possibly be April 2020 before the amendments go into effect.

As there were no additional questions or concerns, Supervisor Brumagin closed the public hearing at 9:17 am.

New Business:

- Supervisor Brumagin reported that the French Creek/Mina Justice Resolution requires the signatures of each of the Town Board members.
- Sherrie Tanner, Mina Town Clerk, reported that she picked up the town & county tax bills and is working on getting them ready to mail by January 3, 2020. She reported that the first day of collection will be Monday, January 6, 2020.

- The town clerk also reported that the copier in her office has been malfunctioning and that a new copier has been ordered. It will arrive after the first of the year and the one currently in her office will be moved to the assessor/code officer room and the one in their room will be taken away by Usherwood when they connect the new copier.
- Supervisor Brumagin reported she spoke with Kevin Goree from the Deuink Agency on the NYMIR Business Policy and originally they thought there would be a 5% increase in the policy but there will be no increase in 2020.
- The Annual Requirement on Agreement for Expenditure of Highway Moneys was brought up. Councilman Watrous made a motion, seconded by Councilman Wilcox to approve signing of the agreement to send to Chautauqua County. Motion carried unanimously.
Ayes – 5 Brumagin, Luce, Roache, Watrous, Wilcox
Nays – 0
- Supervisor Brumagin reported that the zoning amendments have been submitted to the County Planning Department for its review.

Amendment #1 – Create Multiple Business Districts

Councilman Wilcox made a motion, seconded by Councilman Roache to accept amendment #1 Create Multiple Business Districts. Motion approved.

Brumagin – Aye

Luce – Aye

Roache – Aye

Watrous – Aye

Wilcox – Aye

Amendment #2 – Implement Short-Term Rental Requirements and Application Process

Councilman Luce made a motion, seconded by Councilman Watrous to accept amendment #2 Implement Short-Term Rental Requirements and Application. Motion approved.

Brumagin – Aye

Luce – Aye

Roache – Aye

Watrous – Aye

Wilcox – Aye

Amendment #3 – Revise Bed & Breakfast Requirements and Application Process

Councilman Wilcox made a motion, seconded by Councilman Roache to accept amendment #3 Revise Bed & Breakfast Requirements and Application Process. Motion approved.

Brumagin – Aye

Luce – Aye

Roache – Aye

Watrous – Aye

Wilcox – Aye

Amendment #4 – Revise Signage Requirements and Application/Enforcement Process

Councilman Watrous made a motion, seconded by Councilman Roache to accept amendment #4 Revise Signage Requirements and Application/Enforcement Process. Motion approved.

Brumagin – Aye

Luce – Aye

Watrous – Aye

Wilcox – Aye

Amendment #5 – Update Definitions & Permitted Areas for Accessory Buildings and Update Definitions for Boathouse/Docks/Pier/Dockage

Councilman Wilcox made a motion, seconded by Councilman Luce to accept amendment #5 Update Definitions & Permitted Areas for Accessory Buildings and Update Definitions for Boathouse/Docks/Pier/Dockage. Motion approved.

Brumagin – Aye

Luce – Aye

Roache – Aye

Watrous – Aye

Wilcox – Aye

Amendment #6 – Update Planning Board Duties

Councilman Roache made a motion, seconded by Councilman Watrous to accept amendment #6 Update Planning Board Duties. Motion approved.

Brumagin – Aye

Luce – Aye

Roache – Aye

Watrous – Aye

Wilcox – Aye

- Supervisor Brumagin reported that she and Superintendent Himelein will be meeting with Tom Becker from USDA Rural Development on a grant/loan application for any or all of the following: truck, loader, and/or tractor. The process can take 12-18 months to get through. Councilman Luce made a motion, seconded by Councilman Watrous to start the application process. Motion carried unanimously.
Ayes – 5 Brumagin, Luce, Roache, Watrous, Wilcox
Nays – 0
- Date for the next meeting – The Organizational & Regular Meeting will be held Thursday, January 9, 2020 at 7:00 pm.

Payment of Claims/Transfers:

- Payment of Claims/Transfers – The year-end claims were examined. Supervisor Brumagin noted that the Highway Department had no end of the year claims. Councilman Luce moved, seconded by Councilman Wilcox, to pay the year-end claims. In the General Fund claim #330 through #341 in the amount of \$5,457.67 was approved to pay. Motion carried unanimously.

Approved: Ayes – 5 Brumagin, Luce, Roache, Watrous, Wilcox

Nays – 0

Other Business/Actions:

- Supervisor Brumagin thanked Councilman Wilcox for his 12 years of exemplary service to the Mina Town Board.
- As there was no further business to come before the Board, Councilman Wilcox moved to adjourn the meeting at 9:27 a.m.

Respectfully submitted,

Sherrie R. Tanner
Town Clerk