

Town of Romulus Zoning Board of Appeals Minutes - Draft  
4/26/2018

The meeting was called to order at 7:15 pm by chair McCall

Roll Call:

Present: Barb McCall, Mike Elliott, Paul Doyle

Not Present: Jane Braunig (excused), Tom Grasek (excused)

Others Present:

Patrick Morrell – Town of Romulus Attorney

David Kaiser – Town of Romulus Supervisor

Tom Bouchard – Town of Romulus Planning Board Chairperson

Alan Knauf, Alan Kiehle, Judy Elliott, Catherine Kiehle, Maryanne Kowalski

**Business Meeting**

Old Business

Motion to approve minutes of March 22, 2018 Motion Paul Doyle, Second Mike Elliott.

Roll Call Vote: Barb McCall aye, Paul Doyle aye, Mike Elliott aye.

Minutes Approved

Correspondence – none

Kiehle Appeal -

Zoning Board Resolution ZB 1-18 was read into the record by Mr Morrell. Motion to approve the resolution by Mike Elliott seconded by Paul Doyle

Discussion of resolution text. Motion by Paul Doyle to amend the main resolution changing the May 10, 2017 date to August 28, 2017, seconded by Mike Elliott. Roll call vote: Barb McCall aye, Paul Doyle aye, Mike Elliott aye. Amendment approved.

Roll call vote to approve the main resolution: Barb McCall aye, Paul Doyle aye, Mike Elliott aye.

Resolution Approved

ZBA By-Laws -

Motion to approve the By-Laws prepared by Mr. Morrell by Mike Elliott seconded by Paul Doyle.

Discussion of text. Ms: McCall asked that item 2.7 be amended to include “and the ZBA chairperson” at the end of the sentence. Mike Elliott will correct the final draft.

Roll call vote: Barb McCall aye, Paul Doyle aye, Mike Elliott aye.

By-Laws approved

Motion to adjourn - Motion Paul Doyle, Second Mike Elliott.

Roll call vote: Barb McCall aye, Paul Doyle aye, Mike Elliott aye.

New Business – none

The future ZBA meetings will be held on the fourth Thursday of every month should there be business before the board.

Town of Romulus Zoning Board of Appeals  
Resolution ZB 1-18

April 26, 2018

WHEREAS the Town of Romulus Zoning Board of Appeals (ZBA) did meet at their regular public meeting on April 26, 2018 at the Town of Romulus Town Hall 1435 Prospect Street, Willard , New York 14588; and

WHEREAS the ZBA has received an appeal of a determination of the Town Zoning Officer from resident Alan Kiehle, challenging two letters issued by the Zoning Officer dated March 16, 2017 and August 28, 2017; and

WHEREAS interpreting an existing code, rule or regulation is listed as a Type II action for State Environmental Quality Review under 6 NYCRR 617.5.c.31; and

WHEREAS the ZBA does not agree with the determination of the Town's Zoning Officer that a waste-to-energy facility constitutes a valid renewable energy source and that such a use would not be a "noxious or injurious" use provided it substantially complies with applicable environmental regulations; and

WHEREAS the Town of Romulus has enacted specific provisions in it's Zoning Code with the intention of restricting land use activities involving waste materials, including the following:

Article VI, Section 8 states that, " The storage of any waste material, except for food processing or agricultural waste and marketable recyclable materials, is prohibited"; and

Article VIII, Section 15 states that, "The storage, processing of any waste materials, except for food processing or agricultural waste and marketable recyclable material, is prohibited"; and

WHEREAS the ZBA believes that the determination of the Zoning Officer that a Waste to Energy project would be considered Renewable Energy Production under the Town's Zoning Code is contrary to the Town's stated intent with regard to land use activities involving waste materials; therefore

LET IT BE RESOLVED that the Town of Romulus Zoning Board of Appeals hereby declares the two letters issued by the Zoning Officer dated March 16, 2017 and August 28 2017 to be vacated; and

LET IT BE FURTHER RESOLVED the ZBA declines to issue an interpretation in their place as the Town Board of the Town of Romulus has recently adopted amendments to the Town's Zoning Code, which address the issues presented herein.