

TOWN OF RIDGEWAY  
410 WEST AVENUE  
MEDINA, NEW YORK 14103  
PLANNING BOARD MEETING  
AUGUST 6, 2014

PRESENT:

ABSENT

EXCUSED

Thomas Fenton (Chairman)  
Charles Pettit  
Richard Swan  
Timothy Elliott  
Richard Fisher

OTHERS

Dan Wolfe (Code Enforcement Officer)  
Anna Callard  
Shawn Callard  
Randy Heideman  
Dave Barry

CALL TO ORDER:

Town of Ridgeway Planning Board meeting took place at 410 West Avenue, Medina, New York. Thomas Fenton opened the meeting at 7P.M. with the Pledge of Allegiance attendance was taken with all members present.

APPROVAL OF AGENDA:

A motion was made by Thomas Fenton to accept the agenda Richard Swan approved with Richard Fisher seconding and the motion was carried.

APPROVAL OF THE MINUTES OF JULY 2, 2014

A motion was made by Mr. Fenton to approve the minutes of the July 2, 2014 meeting. Richard Fisher approved the minutes seconded by Richard Swan and the motion was carried.

COMMUNICATIONS:

From the County Planning Board, the approval was granted to 113 West Center Street for a new business to be named the Meadery, also from the County Planning Board approval for commercial storage units to be built across from Brunner International. The County Planning

Board also has on their agenda the proposal for LED sign regulation for Shelby. Mr. Fenton stated that Ridgeways Board should consider following suit and all members agreed. Dan Wolfe will take the matter to the Ridgeway Town Board. Supervisor Napoli left a paper entitled "AREA VARIANCE CRITERIA" in Mr. Fenton's mailbox and all members of the Planning Board were given a copy.

### **Area Variance Criteria**

(§ 267-b of Town Law)

(§ 7-712-b of Village Law)

#### **3. Area variances.**

- (a) The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.
- (b) In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
  - (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
  - (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
  - (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.
- (c) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

**4. Imposition of conditions.** The board of appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

A copy of an article referring to the new "Zombie Law" was also given to all of the members of the Planning Board for their information.

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# OPIN

## The 'zombie' law

### State legislation would make it easier for munis to address abandoned homes

When the state Legislature reconvenes this fall, one bill it should make sure it acts upon is the so-called "zombie" law. Attorney General Eric T. Schneiderman's proposed law would give municipalities needed tools for dealing with abandoned properties that create problems in neighborhoods across the state.

The proposed legislation gained informal support of Batavia City Council last week. A resolution in support of the bill, A9341/S7350, will be brought to Council by City Manager Jason Molino for review at a future meeting.

The legislation takes aim at a problem that emerged with the 2007 housing crisis nationwide. People would miss mortgage payments and be notified that their property was being foreclosed upon, and would move out as auction looms. Meantime, the lender might sell the mortgage to another bank or institution. Maintenance of the property would fall through the cracks. Local municipalities would become aware of the problem when the complaints of overgrown lawns and deteriorating properties came in. It was difficult to find whoever might be responsible for upkeep of the property, which would continue to deteriorate and become an eyesore. Some municipalities opt to mow lawns and add the cost to the tax bill; the added cost makes it even more difficult to sell the property. Meantime, vacant properties attract vermin and vandals and bring down the value of surrounding properties, as much as 15 percent in the first year, according to the Housing Council. Banks aren't required to take title to a foreclosed property until the process is complete.

According to a 2013 study by RealtyTrac, a nonprofit agency that tracks troubled properties, New York ranks fifth among states

with 9,173 so-called "zombie foreclosures." By 2014, the agency was reporting that the state had 15,000 such abandoned properties. Part of the problem is due to laws that stretch out the foreclosure process in New York state. While a longer process helps protect people from unfairly losing their homes, it also can mean the property is neglected for a longer period of time. Foreclosure can take three years in this state.

The problem is worst in the state's big cities, where the homeless are said to call them "abandoniums," but smaller municipalities are not immune. City Council members expressed concerns about the city's 40 to 50 abandoned properties; the number may be higher than that. Currently, the RealtyTrac website reports 95 properties in some stage of foreclosure in the 14020 Zip code of Batavia. The Village of Warsaw has also been struggling with the issue of abandoned homes.

Mr. Schneiderman's "zombie" legislation would require lenders to care for the property throughout the foreclosure process. It would create a statewide registry of abandoned properties so local officials have that information, and would also create a toll-free hotline so residents can report suspected vacant properties. Further, it would require that homeowners be notified that they are legally entitled to remain in their homes until ordered to leave by a court.

The New York State Conference of Mayors has come out in support of the legislation.

While A9341/S7350 can't completely solve the problem, it would help municipalities deal more effectively with the problem of abandoned properties. This legislation is needed and should be passed quickly when the Legislature reconvenes in the fall.

**OLD BUSINESS:**

Scott Wards S.U.P. was closed out after being approved through the County Planning Board and the Department of Transportation.

**NEW BUSINESS:**

Shawn and Anna Callard were present to apply for a special use permit for the intended purpose of opening and running a Can and Bottle redemption center at the property they are closing on at 11280 Ridge road, Medina New York formerly known as Payne's carpet. Mr. Fenton asked the Callard's if they planned to remodel the front of the building the reply was that hopefully in time that would be done. After some question and answers regarding the running of a redemption center and after looking at the proposed plans the Planning Board set a time and date for the site plan review, and explained to the Callards that after that it would have to be referred to the County Planning Board at which point the Board thanked the Callards and the meeting continued to the next order of business.

The next order of business was Randy Heideman addressing the Board as to what would be required to place commercial storage facilities at his property on Ridge Road. The Board and Mr. Heideman discussed many possibilities and decided that the easiest and best possible way to achieve his goal would be to look into changing the verbiage of Permitted use in a Hamlet, as this problem had arisen before. Mr. Wolfe is to refer the possible change in the verbiage to the Town Board of Ridgeway.

The Board also discussed the possibility of requiring Mr. Dunn and his junk yard auto body business to be required to work under set hours, which would be set by the Planning Board overriding the DOT standard hours for Junk Yards and Repair. Mr. Fenton and Mr. Swan agreed that it should be looked into.

**DATE OF NEXT MEETING:**

September 3, 2014 7 P.M.

**ADJOURNMENT:**

Thomas Fenton called for a motion to adjourn the meeting at 8:10 P.M. it was approved by Richard Swan and seconded by Richard Fisher, and was carried unanimously by the Board.

Respectfully Submitted by,  
Karen Kaiser  
Clerk