

The Cuba Village Zoning Board of Appeals held a Public Hearing on Monday, September 24, 2018 at 7PM

**PRESENT:** Lee James, Chairwoman, Board members Deb Donahue, Mike Miller and John Ricci.

**ALSO, PRESENT:** Jessie Kernan – Deputy Village Clerk-Treasurer, Mayor Miller, Kevin Margerum – Code Enforcement Officer, David Haskins – Owner of Haskins Auto, Paul Davis – owner of Davis Auto Repair, that runs out of the same location as Haskins Auto.

7:01 PM, Chairwoman James called the meeting to order and the Pledge of Allegiance was recited.

**MINUTES:** The Zoning Board was given copies of the minutes from the last meeting, Tuesday, March 28<sup>th</sup>, 2017. **Motion was made by D. Donahue to accept the minutes as presented and seconded by M. Miller. All Approved.**

**At this time the Public Hearing on the special use permit that was granted July 15<sup>th</sup>, 1998 to Haskins Auto along with the Variances and recent complaints was open.**

Mr. Haskins operates at 2 Orchard St. Chairwoman Lee James asked Mr. Haskins if he would like to speak. Mr. Haskins expressed that he feels the only differences from the variance that have occurred at his property is an increase in unregistered vehicles. He states that they're working on all the vehicles, that they work for multiple dealerships in the area and they work to get the vehicles fixed and out of the lot as fast as possible, but time lines vary depending on the time it requires to get the necessary parts ordered and delivered.

Kevin Margerum spoke as the code enforcement officer. He stated that violations had occurred as there were regularly more than the agreed upon two unregistered vehicles on the property. He states that himself and Mayor Miller had sat down with Mr. Haskins in August to discuss this and Mr. Haskins had told them at that time that his business model had changed, requiring more unregistered vehicles on the site at that time. Mr. Haskins then reiterated his earlier statement of now working with multiple dealerships and that the variance should be revised that they have 12-18 unregistered cars on the property at any given time and have paperwork including opening invoices for all of them readily available if anyone from the ZBA would like to review them. They try to turn over all the vehicles back to the dealership or to the other Haskins Auto Sales property located at 5224 Route 305 Cuba, within 45 days. Haskins states that he has given to the community for over 50 years and tries to keep all his ordering and sales local using Roadrunner and other local business as often as possible.

ZBA member Mike Miller inquired about the storage of used oil and tires, and whether that was still an issue. Mr. Haskins stated that they keep 55-gallon barrels of used oil to burn. M. Miller inquired about if the June 2018 violations of used drums and tires had been taken care of. Mr. Haskins assured that all of that had been rectified. Chairwoman James asked what the plans were to remedy that going forward. Mr. Haskins stated that either the customer pays the removal fee and they take care of them weekly to the lot on 305 or they send the tire with the customer if the fee is not paid with the exception of a few decent tires that are kept to be used if they need one.

ZBA member Miller asked if Kevin (CEO) was satisfied with the current status and improvements made at the property. Kevin states he is currently satisfied but the concern is the years of history of the property being in compliance for a period of time only to be back in violation. Currently no oil containers are leaking, and tires are taken care of but there is a history of difficulty in maintaining compliance. Several vehicles were removed from the property to put them in compliance as requested by Code Enforcement. Between Compliance and complaints Kevin has been on the premises multiple times since he started as the Code Enforcement Officer for the Village in October 2017. Chairwoman James inquired whether annual inspections have been done per the paperwork or if only complaint forced visits occurred. Kevin stated that his understanding is that regular inspections became a moot point as complaints were so frequent Code Enforcement was there regularly. Haskins states that prior to the last 12 months he has only had anyone from Code enforcement there maybe 15 times over the last 20 years. That Kevin has been there most regularly of any previous CEO. Kevin stated that there are years worth of complaints of unregistered vehicles being parked on the property too long, as well as tires and other miscellaneous complaints. Kevin states that all visits over the last 7-10 months have been 100% complaint based from adjacent property owners, mostly verbal complaints being concerned with the repetitive nature of issues that are quickly remedied but always reoccur. Mr. Haskins asks that we do a regular inspection every 3-6 months to help keep him in compliance. He stated that he will remedy any problem and has been working hard to keep the front of the lot cleaned up and has been trying to rotate cars through the lot weekly. He states that the lot is currently in such good condition that during The Garlic Festival his lot was used for public parking, that he's isn't complaining about it, but wants it to be shown that he is trying and happy that he can be part of the community. He is hoping to sell the property in the near future as he is nearing retirement.

John Ricci inquired if a fence could be installed to help keep our currently thriving down town looking good because the public opinion currently is the property looks like a salvage yard. Since he is not selling the vehicles, a fence could help keep him from being picked on. A discussion was had about whether a fence was part of the original agreement and what section "C" and "D" of the agreement are specifically referring to. Haskins does not believe that it refers to the Main St. side of the property. Mr. Haskins feels that he is paying taxes on the

entire property and should be able to use the entire property and a fence would prevent that. Unless the village wanted to buy the property to be used for public parking or install the fence, it is not something he would want. Mayor Miller informed him the Village could not pay for a fence on private property. Mr. Haskins would like to find another way to remedy the issue without the need to install a gaudy fence. Mr. Haskins pointed to the use of this lot during the Garlic Festival and events at the Opry House and his belief that a fence would make it so the public would be using his property whenever they wanted to park there. Chairwoman James asked if Mr. Haskins would like to table this for 60 days while he puts a remedy into action and show the ZBA by receipt or document that tires are being removed and have documentation on all vehicles on the property readily available at any time for ZBA members or code enforcement to review.

**A MOTION to table for 60 days WAS MADE BY Deb Donahue AND SECONDED BY Mike Miller ALL APPROVED.**

**OLD BUSINESS: N/A**

**WITH NO FURTHER BUSINESS TO DISCUSS, A MOTION WAS MADE BY Mike Miller AND SECONDED BY Deb Donahue TO ADJOURN THIS MEETING.**

**TIME: 7:41 P.M.**

**RESPECTFULLY SUBMITTED:**

**J. Kernan**