

This meeting held at the Village Hall 7194 Lakeview, Estral Beach was called to order at 5:30 p.m. by Chairman Bill Smereka and opened with the Pledge of Allegiance.

ROLL CALL: PRESENT: CHAIRMAN: Bill Smereka, VICE CHAIRMAN: Fred Borowski,
SECRETARY: Madonna Burkit, MEMBERS: Ben Nietubicz,
Dave Haddad

LATE: RECORDING SECRETARY: Carol Vandercook (6:10 p.m.)

3-18-1 MOTION by B. Smereka seconded by M. Burkit, To approve the minutes of February 20, 2018 as presented with corrections of Ben Nietubicz was a child on Estral Beach leaving and returning in 1983 and Fred Borowski have lived on the beach since 1952.

AYES: ALL

NAYS: NONE

MOTION CARRIED

- B. Smereka – we (the ZBA) have training scheduled Monday March 26th with Ben Tallerico
- Do not discuss variances until after the new ZBA has been trained
 - Looking for Planning Commission’s recommendation (Jennifer Metcalf will email to the ZBA).
 - There is a minimum of 15 days after the hearing has been scheduled before notices to neighbors are mailed and newspaper public notices are published.
- J. Metcalf wants information who may recuse themselves from the variances so she may get alternates up to speed. The person recusing themselves can be present in the audience and make citizen comments but not be part of the decision process

AUDIENCE PARTICIPATION:

- R. Nietubicz – asked is the 1973 Ordinance 1031 the legal set of rules and is it the most updated version?
- J. Metcalf – the planning commission will be working on updating Ordinance 1031 and EBV also has the Master Plan and PA 110 when looking for ordinances
- M. Burkit – asked what is a conflict of interest before anyone recuses themselves.
- B. Smereka – read page 4 of the handbook and advised ZBA Vice President Fred Borowski that he has a conflict of interest with the Emmerich variance since he is the bother of the neighbor directly involved with the variance dispute.
- F. Borowski – disagreed he is in conflict otherwise the whole village is in conflict
- B. Smereka – read through the Rules and Procedures under conflict of interest page 31 – 32 outlining malfeasance in office of a public official
- M. Burkit offered to recuse herself from the Emmerich variance
- F. Borowski – pointed out we are creating a precedence and we (EB ZBA) should look into the conflict of interest more closely before making a decision.
- (More debate over this issue continued and legal consequences – Discussion continued to review this issue with the ZBA trainer on March 26th)
- J. Metcalf – (interrupted the discussion) advising the Rules of Procedure must be voted on and approved before continuing with recusing rules of engagement. The Rules of Procedure is a legal document the ZBA must follow with the option to amend later provided it doesn’t conflict with State and Federal laws.

Page 2

3-18-2 MOTION by M. Burkit seconded by D. Haddad, To accept the Rules of Procedures brought forward.

AYES: ALL
NAYS: NONE

MOTION CARRIED

Next ZBA meeting Wednesday, March 28th at 5:30 p.m.

3-18-3 MOTION by B. Smereka seconded by M. Burkit, To adjourn at 6:25 p.m.

AYES: ALL
NAYS: NONE

MOTION CARRIED

These minutes are a synopsis of the comments that were made at the Zoning Board of Appeals meeting and are not intended to represent a verbatim transcript.

BILL SMEREKA
CHAIRMAN

MADONNA BURKIT
SECRETARY