

Public Hearing Meeting  
July 9, 2018

The Hamlin Town Board held a Public Hearing in Hamlin Town Hall Located at 1658 Lake Road, Hamlin New York. The meeting was called to order at 6:30 by Supervisor Eric Peters. The locations of the fire exits and defibrillator were explained to those present.

Present: Councilperson Jason Baxter, Councilperson Dave Rose, Councilperson Martin Maier and Supervisor Eric Peters.

Absent: Councilperson Jennifer Voelkl

Also, Present: Town Attorney Ken Licht and Deputy Town Clerk Keylee Gilfilian.

Public Hearing was opened for local law NO. 4 of the year 2018 at 6:30 pm

A Local Law Adopting Special Provisions Regarding Modification of Site Plans in Commercial Use Districts.

Section 1. Section 520-18 (C-NB District) of the Town of Hamlin Zoning Law of 1991 is hereby amended to add subsection (A)(2.1) as follows:

520-18. C-NB DISTRICT

(A)(2.1): Modification of Approved Site Plan Because of Change in Use

Pursuant to the provisions regarding site plan approval process (see section 520-65(J) of this Chapter), certain requirements for site plan approval may be waived if an applicant merely proposes to change a use permitted pursuant to a site plan previously approved by the Planning Board to another use which is also permitted subject to site plan approval in the C-NB District.

Section 2. Section 520-19 (C-GB District) of the Town of Hamlin Zoning Law of 1991 is hereby amended to add subsection (A)(2.1) as follows:

520-19. C-GB District

(A)(2.1): Modification of Approved Site Plan Because of Change in Use

Pursuant to the provisions regarding site plan approval process (see section 520-65(J) of this Chapter), certain requirements for site plan approval may be waived if an applicant merely proposes to change a use permitted pursuant to a site plan previously approved by the Planning

Board to another use which is also permitted subject to site plan approval in the C-GB District.

Section 3. Section 520-65 (Site Plan Review) of the Town of Hamlin Zoning Law of 1991 is hereby amended by adding subsection 520-65(J) as follows:

520-65. Site Plan Review

(J): Special Provisions Regarding Modification of Site Plans for Commercial Use.

1. Administrative Approval of Certain Changes in Use.

(a) With respect to a use permitted by site plan approval in a commercial use district, site plan approval is not required for a change of a previously approved use within a previously approved building or structure provided that there is no change in required parking, site drainage, access, lot coverage, or exterior alteration of the building or structure, and further provided that the proposed new use is also a use permitted subject to site plan approval. Upon a determination by the building inspector that the proposed new use meets all such requirements for exemption from the requirements for site plan approval, the building inspector shall file a statement setting forth the date of approval of such change in use with the original approved site plan, and may issue a certificate of occupancy for the new use.

(b) If administrative approval of change of use has been issued pursuant to subsection (J)(1)(a) above, site plan approval is also not required for a change in previously approved exterior signage provided that the only change on the approved signs is the designation of the business.

2. Possible Waiver of Site Plan Review by the Planning Board.

All applications for a change of use or for other modifications to a previously approved site plan for a commercial use which do not meet the requirements for administrative approval pursuant to subsection (J)(1) hereof require site plan review by the Planning Board. Notwithstanding the foregoing, upon a finding by the Planning Board following its initial review of the application that, because of the particular character or limited nature of the change in use or modification of site improvements, the submission of a site plan, or of particular portions of the information typically required as part of a site plan, is inappropriate or unnecessary, the Planning Board may vary or waive the requirements for site plan review. The decision to vary or waive the requirements for site plan review shall be incorporated in a resolution setting forth the reasons supporting the decision. When granting a full or partial waiver from the requirements for site plan review the Planning Board may impose additional conditions it deems appropriate or

necessary with respect to modification of the site plan. A statement setting forth the date such waiver was granted and the decision to permit the modification requested shall be filed with the previously approved site plan.

Section 4. Effective Date.

This local law shall become effective upon filing with the Department of State.

**PUBLIC QUESTIONS:**

With no one wishing to address the board, Supervisor Peters subsequently closed the forum.

**PUBLIC HEARING CLOSED:**

Resolution #145 Motion was made by Councilperson Dave Rose, Seconded by Councilperson Jason Baxter requesting Town Board resolution to close Public Hearing regarding local law NO. 4 of the year 2018 A Local Law Adopting Special Provisions Regarding Modification of Site Plans in Commercial Use Districts.

Polled Votes: Councilperson Jason Baxter aye, Councilperson Martin Maier aye, Councilperson Dave Rose aye and Supervisor Eric Peters aye. Motion Carried.

Respectfully submitted,

Kathi A. Rickman, MMC  
Hamlin Town Clerk