

PUBLIC HEARINGS

March 8, 2006

The Hamlin Town Board held public hearings at 7 pm on Wednesday, March 8, 2006 in the Hamlin Town Hall located at 1658 Lake Rd., Hamlin, New York. Town Supervisor Roach started the proceedings by first explaining the location of the fire exits for those present. Everyone present participated in the Pledge of Allegiance and a Moment of Silence for all deceased residents. Town Supervisor Roach then invited the individuals who were present to sign in and advised that they would be called to speak in the order of sign-in.

Present: Councilperson Michael Marchetti, Councilperson Paul Rath, Councilperson George Todd and Town Supervisor Dennis Roach

Also present: Bldg. Inspector Dick Bauman, Highway Sup. Tom Ingraham, Attorney Ken Licht, Mark Reeves, Tammy Palumbo, Jeanine Klopp as Members of the Conservation Board, Residents Steven and Dianne Howcraft and family, Tom Jensen, Henry Hermanowski, Jerry and Sherry Taylor, Patrick Culhane, Virginia Moffett, Evelyn Krekic, Charles and Diana Albro, Alexander MacWilliam, Thomas Breslawski, Lori Moses, Jon Secon, Brad and Linda Menear, J. Clifford, Janet Turpin, Nancy Jennejahn

Town Supervisor Roach welcomed everyone and introduced the board members. He then set forth the two issues before the board and the board's authority for addressing the proposed local laws. The board does appreciate the attendance by the public and stated their input is very important to the board. The procedures for the hearings were explained and also that the board will accept written comments. He also asked that the comments and opinions be addressed to the board and be kept to about three to five minutes.

Supervisor Roach called the public hearing to order to consider Local Law #1-2006. Legal description "A Local Law Rezoning 81 plus acres of land from Residential Very Low (RVL) density to Residential Medium (RM) density. For the record a complete copy of the legal description is attached to the agenda. Supervisor Roach read Resolution #80 which scheduled the public hearing to be held. Town Clerk displayed for those present the affidavit of publication of the official notice published in the newspaper.

Supervisor Roach then asked the representative for the applicant to present his testimony for those present. Mr. Don Carpenter of DDS Engineering was representing Mr. Truelson. The application is for rezoning of 81 acres of land located near the southeast corner of Brick Schoolhouse Rd. and Walker Lake Ontario Rd. from RVL to RM. We have appeared before the Planning Board and they have recommended that aside from some engineering concerns raised by the Town Engineer, that it be zoned RM conditional that we meet the required engineering. We have also received comments that were completed by the Conservation Board. Mr. Carpenter addressed some of their concerns some were the presence of wetlands, West Creek; whether a sewage pumping station was required, concerns for traffic and a secondary access. The plans are not under review of

the Planning Bd. at this time. This may not be the final configuration. We have not done any of the topo surveys or boundary surveys. There is still a lot of planning to do. The density is what would be allowed if the RM zoning were to take place. It is Mr. Truelson's desire to leave the larger lots on Brick Schoolhouse Rd. Both are just layouts that the board can look at and more or less how it could look in density so keep that in mind. The Conservation Bd. has some of the same concerns raised by the Town Engineer. The location of the sewer trunk line and some additional information has been taken from aerials. I would anticipate that some of the lots near the creek could be moved to the north. There are federal guidelines that we will have to meet so as not to intrude on the wetlands. When we do the topo we will locate the center of the creek and the buffer area. This area will be carefully scrutinized by the State. Also explained for those present was the size of the sewer line and what the County would allow for grading over it. The zoning code requires the buffer from the creek and wetlands. We have shown what is constructible. This will be constructed in phases and that is all to be worked out. In answer to the concern of pump station and the maintenance usually that is a town's responsibility and I am not yet convinced one will be necessary.

In addressing the building elevation or accurate elevation maps comment of the Conservation Bd., elevation requirements were explained as basement being two foot higher than the flood plain and that these plans if rezoned still do not mean that these plans are even step one. They are only a possibility. Vegetation as a screen for the cemetery would be preferred. The location of possible storm water management areas that would be green spaces was explained but the town can request some additional green space. The process and permits needed to clean a creek from the Army Corp was given. These are all typical Planning Bd. discussions. The distance on the crest of the hill was mentioned with regards to the speed limit and calculations for sight distance. The cost and location of an access road was explained.

Supervisor Roach asked if any board member had any questions and if any department head or support board member present had any questions. Supervisor Roach stated this afternoon we have received the Monroe County Referral comments and would like those comments entered into the minutes.

Tammy Palumbo member of the Conservation Bd. stated that the Conservation Bd. discussed this project at their last meeting and felt the support boards should get together to see what direction that we want the town to go.

Steve Howcraft of Brick Schoolhouse Rd. mentioned the development is on water and whether this would make it possible for extension of the waterline. As a member of the Walker Fire Dept. he mentioned the maintenance of the waterline and this may cause an increase burden on the waterline that has suffered breaks. Also you have all heard of "not in my back yard" syndrome. I'd be supportive of five acre to two acres. His son Nicholas Howcraft stated he was a hunter and was concerned for the animals and have their homes destroyed.

Henry Hermanowski of Brick Schoolhouse Rd. mentioned the promise of water and we are still on well water. My concern is once they start digging basements will it disturb

the water table. How is it going to effect our fire department, police? I don't know what the town is looking for.

Jerry Taylor who moved here thirty years ago restated some of the same concerns. I would like to discuss the speed of the vehicles coming over the crest of the hill. We have people who will no longer plow our driveway and with that added access and the distance from the hill it only adds to the problem.

Mark Reeves of 3640 Brick Schoolhouse Rd. stated he has attended the Planning Bd. and Town Board presentation. I don't think anyone would have a problem if it was developed as five acres lots. I don't think you would need a pond then. He mentioned the access and the difficulty coming out onto Walker Lake Ontario Rd.

Virginia Moffett of Walker Lake Ontario Rd. spoke of the desire not to disturb the area due to the wildlife but she imagines they will find somewhere else to go. Her concern was for the springs that are located in the area. She also mentioned a basement wall of a neighbor that had collapsed at one time. Some other problems are that of the farmer who farms there; often getting his tractor stuck in places and that they even can't plow in some places. Also development of lots along the creek would be very difficult. Low density would be more acceptable.

Evelyn Krekic stated she has written a letter to the Town Board opposing the rezoning the property.

Charles Albro mentioned the increase in taxes. Diana Albro mentioned the 27 years living there and her enjoyment of the wilderness. More development means more kids and school taxes going up. When will this end.

Alexander MacWilliam of 2127 Brick Schoolhouse Rd. had concerns for the water and if it doesn't go down Brick Schoolhouse Rd. what it might do to the water table. There is so much that could affect our wells. Is it possible that if it got approved that the development could then become denser? Supervisor Roach explained the minimum lot size for RM zoning. Mr. MacWilliam also mentioned the concern for the drainage in that area.

Tammy Palumbo wanted to go back to the road issue. She mentioned a training she recently attended and that it was mentioned there, that on average a car goes in and out of a driveway 9.7 times a day in a subdivision.

Jeanine Klopp mentioned this development being part of the Ag District and would it have to be removed from the district to be rezoned. Supervisor Roach stated he couldn't give a direct answer but that being in the district was mentioned in the Monroe County Referral and that he could provide her a copy of their comments.

Lori Moses mentioned that she lives in the Huntington Park, a High Density zoning and she has some concerns such as the lot width down at the creek level. She mentioned the trouble with room on lots when people start to park their RV's, etc. The question of who owns the property was asked at the last Town Board meeting. Has that been resolved?

Supervisor Roach mentioned the purchase contract contained a contingency which would render the contract null and void if rezoning was not approved. When asked about the lot size, he further explained the one half acre requirement. They would have to come to the Planning Board if the zoning was to take place. Lori Moses stated the lot size I feel is a huge issue.

Jon Secon on Walker Lake Ontario Rd. is on the eastside of the crest. We all moved here to the rural area, farm country. The egg farm across the road was sold with seven lots of ten acres each and it looks nice. Over the years we have found that the requirement of five acres has been good and I don't think anyone is unhappy with that. It is what we have come to expect. If the farmer wants to sell his land and the requirement is five acres then that is fine. I will fight this all the way.

Linda Menear of 1108 Walker Lake Ontario Rd. mentioned she is scared to cross the street to get her mail and to pull out of her driveway. She mentioned she has a two year old and she fears exiting her driveway. I bought the house two years ago and I bought it because it was two acres. I could have bought elsewhere in town if I wanted a smaller lot. I am also concerned for the drainage with mention of water problems. I don't want a lot of houses behind me. I bought there also because of the school district. I will fight this tooth and nail.

J. Clifford stated most of the issues have been covered and I am more or less against this development in this area.

Janet Turpin of 2180 Brick Schoolhouse Rd. mentioned having a horse farm and the concern for the children who could possibly be killed on the road.

Supervisor Roach mentioned once again anyone who would like to submit comments that they can do so. He then asked Attorney Licht to talk about the procedures and any time restraints on the board.

Attorney Licht explained that Town Law sets down specific time lines for the Planning and Zoning Bd. to render decisions on public hearings. They don't do that for legislature action for the Town Board. So there is no prescribed time in which the town must render their decision following this public hearing but that it must be rendered at an official Town Board Meeting. A decision can't be rendered until a final determination under SEQR as this rezoning is a Type 1 under SEQR. That is still under process. Supervisor Roach stated the next Town Board meeting is scheduled for this coming Monday night. He then asked for a motion to close the public hearing at 8:06 pm.

RESOLUTION TO CLOSE PUBLIC HEARING FOR L.L. #1-2006

Resolution #108 A motion was made by Councilperson Marchetti, seconded by Councilperson Rath to close the public hearing for L.L. #1-2006 request for rezoning from RVL to RM of 81 acres on Tax Account 022.020-02-20. Members polled, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Todd aye and Town Supervisor Roach aye. Motion carried.

PUBLIC HEARING OPENED FOR LOCAL LAW #2-2006

Supervisor Roach opened the public hearing at 8:10pm to consider L. L. #2-2006. Legal description, "A Local Law amending the Town of Hamlin Zoning Law of 1991 to require new certificates of occupancy upon changes of ownership of any multi-family building on a single lot. A complete legal description was attached to the agenda. Supervisor Roach read Resolution #81 advertising the public hearing. Town Clerk indicated the affidavit of publication of the official notice.

Supervisor Roach stated it was brought to his attention when an individual recently purchased a duplex. He challenged the requirement to obtain a Certificate of Occupancy indicating that it was not required unless it was a conversion of a single family dwelling. It is intended that all multi-dwelling occupancy; upon a change of ownership, a new Certificate of Occupancy be obtained. In our zoning regulation there is a sentence following in Section D that appears it should have been separate. It is in my opinion an administrative change however it would have to be done by Local Law. The proposal is 148.1 which is on the back page and a paragraph to be added. That is the reasoning for this local law. Supervisor Roach asked for any comments. Bldg. Inspector Dick Bauman stated that it needs to be done as it is not clear for property owners. It is very vague the way it is written now.

Nancy Jennejahn of 1251 Walker Lake Ontario Rd. mentioned the Rose Circle duplex's. She and her husband, who was taking care of them, had found out there were two banks that had ownership and the difficulty in getting in for inspections. She also mentioned the use of kerosene heaters and the problems that took place if one side was using one and a possible fire. Having an inspection is a good idea.

Attorney Licht stated the same comments apply for passing this Local Law as was previously mentioned.

RESOLUTION TO CLOSE PUBLIC HEARING FOR L. L. #2-2006

Resolution #109 A motion was made by Councilperson Rath, seconded by Councilperson Marchetti to close the public hearing at 8:20 pm for L.L. #2-2006 amending Chapter 125-48. Members polled, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Todd aye, and Town Supervisor Roach aye. Motion carried.

Respectfully submitted,

Kathi A. Rickman, RMC/CMC
Hamlin Town Clerk