

PUBLIC HEARING  
125-23 R-L-1 One Acre District  
June 4, 2007

The Town of Hamlin held a public hearing in the Hamlin Town Hall located at 1658 Lake Rd., Hamlin, NY 14464.

Present: Supervisor Dennis Roach, Councilperson Michael Marchetti, Councilperson Paul Rath and Councilperson David Rose.

Also present: Planning Board member Tom Jensen, Zoning Board member Ed Haight, Conservation Board member Tom Breslawski, Residents Paul Lapinski and Linda DeRue, Henry Hermanowski.

The public hearing was called to order at 6 pm for Local Law to amend Chapter 125 of the Code of the Town of Hamlin by adding new Section 125-23 R-L1, entitled Residential/Low Density One Acre District.

Supervisor Roach presented a slide presentation explaining the proposed change to the zoning. Currently there are the following residential districts, R-VL (5 acre), R-L (2 acre), R-M (.5 acre), R-H (.4 acre) and SC (Overall density not to exceed 6 dwelling units per acre, single family or duplexes and 10 dwelling units per acre, multi-family).

The proposal is an addition to the Town of Hamlin Zoning Code as recommended by the Zoning Workshop Committee. This would create a residential/low density one-acre district. The land must be located within a zoning district which now requires a minimum 5-acre (R-VL) or 2 acre (R-L) lot size. The land must also be located along current existing water and sewer facilities.

The intent and purpose is to comply with the 2007 Comprehensive Master Plan to preserve the rural character of the town. It is also to promote the continued agricultural use of land by focusing development along existing water and sewer lines. It will also concentrate residential development in a manner, which will preserve open space and least infringe on agricultural operations. Another intent is to discourage "strip" or "bowling alley" lots in the rural areas.

The dimensional requirements provides for a minimum lot size of one acre and lot width of one-hundred twenty feet. Front set back requirement is seventy feet with side and rear fifteen feet. If there is a corner lot the side yard set back is thirty feet. Two-thousand square feet is the minimum unit size. Buildings located on the lots can be two story or forty feet, whichever is higher. Any accessory structure allows for 25 feet in height except that according to 125-44 and 125-45 that gives the height requirements for windmills and antennas.

The permitted used by right is single-family dwellings, parks, playgrounds. Permitted accessory units are such things as decks, gazebos, shed for storage of equipment of materials used for maintenance of property, private garages and carports, swimming pools, fencing. There are additional regulations such as landscaping and buffering. Only one dwelling unit is allowed per lot.

This district can be created by the Town Board in an area which pre-exists as either R-VL or R-L. It can also be created by an owner of land containing 20 or more contiguous acres who petitions the Town Board and provides proof of ownership, a survey of land with a metes and bounds description, proof that the land is served by public water and sanitary sewer. The Town Board would then determine whether or not to consider the request and if determination to proceed the Town Board then would follow the procedure for rezoning as set forth in Town Law. Once the rezoning has been completed the Planning Board must review and approve the site plan and subdivision plat.

Supervisor Roach read the entire proposed law and the Town Clerk provided proof of publication prior to opening for public comments.

Henry Hermanowski of Brick Schoolhouse Rd. asked who brought this up and questioned whether this could be rezoned if water and sewer is near by? He stated he is worried about no matter what you have now you could have rezoned. We could have one half acre lots all over town.

Tom Jensen stated I think he is concerned for areas that don't have sewer and water, that they could get sewer and water in the future and rezoned for one half acre lots. Supervisor Roach explained the petitioning for sewer and water districts. Councilperson Rose stated the rules that are with the code. Mr. Hermanowski mentioned once again the splitting up of the town. Supervisor Roach stated the minimum amount of acreage to come in is twenty acres.

Ed Haight mentioned the splits that are five acres. Someone builds a house and the backland goes to weeds and is not being maintained. It will only be where water and sewer is being maintained. Tom Jensen mentioned farmers developing the lots in the front and still being able to farm the backland.

Paul Lapinski stated that you have included windmills and what impact would this have on wind turbines. Supervisor Roach stated he does not see any relationship to wind turbines. Windmills are currently allowed in our zoning code not to exceed fifty feet in height as accessory use.

Councilperson Rath mentioned the housing tracks and location of the sewer and water lines. Councilperson Rose stated if the wind turbines are proposed to us we will have to plot out the same as this law the metes and bounds. Councilperson Rath stated to Mr. Lapinski that I believe you feel we are not protecting our rural character yet we are making that statement in the purpose of the law. Supervisor Roach stated that one of the

goals to create development was along the water and sewer lines as stated in the 1996 Comprehensive Plan.

Ed Haight stated the Zoning Bd. had two or three subdivisions that would have had to come to the board for variances. Supervisor Roach stated the restrictions that have taken five acres of farmland instead of taking out one acre. Tom Breslawski mentioned if ten people moved into town and wanted to build a home they would each take five acres out. He also mentioned the minimum house size and the size of a structure increased to 2,000 sq. ft. Supervisor Roach explained his conversation with the Assessor on twenty acres of an undeveloped lot is assessed at ten to twelve thousand dollars compared to a one acre developed lot with no structures being twelve thousand. Linda DeRue asked who set the five acre? She was told it was the 1991 rezoning done by the town.

With no further questions, public hearing was closed at 6:30 pm by Supervisor Roach.

Respectfully submitted,

Kathi A. Rickman, RMC/CMC  
Hamlin Town Clerk