

## **Hamlin Public Hearing Meeting December 10, 2012**

The Hamlin Town Board held a Public Hearing in the Hamlin Town Hall located at 1658 Lake Road, Hamlin, New York. The meeting was called to order at 6 pm by Supervisor Breslawski.

Present: Councilperson Martin Maier, Councilperson David Rose, and Supervisor Thomas Breslawski  
Excused: Councilperson Jason Baxter and Councilperson Craig Goodrich

Also present: Attorney Ken Licht; Highway Superintendent Steve Baase; Building Inspector Chad Fabry; Conservation Board Member Ed Evans; and Town Historian Bob Kruger. Residents: Corey Baxter, Kevin Baxter, Walter Fisher, Joey Hofschneider, Karen Hofschneider, Cindy Lutwiller, Kevin Noon, Rob Peown, Shelly Peown, Sandra Smith, Sue Trowbridge, and Kellie Unger

Supervisor Breslawski briefly explained the Public Hearing was to consider a local law amending Section 520-32 of the Zoning Law of the Town of Hamlin to permit Neighborhood Produce Stands in all Zoning Districts.

*Section 520-32 of the Code of the town of Hamlin is hereby revised to provide as follows:*

*Section 1:*

A. *Temporary or permanent roadside stands are permitted as accessory structures in the R-VL, R-L and R-M zoning districts subject to the following restrictions:*

1. *Roadside stands of temporary construction must be erected at least 15 feet from any street line or property line. Temporary roadside stands may be erected and maintained between April 1 and November 30 of each year and shall be removed on or before November 30 of the same year. One such structure shall be permitted per lot. Such structure shall not exceed the overall dimensions of 20 feet by 20 feet.*
2. *Roadside stands of permanent construction must comply with all of the setback provisions and restrictions prescribed for principal structures for the district in which the stand is located. One such structure shall be permitted per lot. Such structure shall not exceed the overall dimensions of 30 feet by 30 feet.*
3. *An off-street parking area consisting of at least 2,000 square feet with safe ingress and egress to public street or highways must be provided in conjunction with any permanent roadside stand. At least 600 square feet of off-street parking area shall be required for temporary roadside stands. Roadside stands must not cause undue or unsafe traffic conditions. [Amended 2-10-1997 by L.L. No. 1-1997]*
4. *Roadside stands must be owned and operated by the owner or residents of the premises on which the roadside stand is located. Only produce products and campfire wood may be sold at roadside stands. [Amended 2-10-1997 by L.L. No. 1997; 1-8-2007 by L.L. No. 3-2007]*

B. *A neighborhood produce stand is a portable structure which does not exceed 10 feet in length and 5 feet in depth, or a table or tables which do not exceed a total of 50 square feet of area. A neighborhood produce stand is permitted in any zoning district subject to the following restrictions:*

1. *Only produce products may be sold at neighborhood produce stands.*
2. *Neighborhood produce stands may not be located within the right of way of any street and must be set back a minimum of 10 feet from the edge of an improved road surface.*

3. *Only one neighborhood produce stand is permitted on a lot.*
4. *No signs advertising the roadside produce stand are permitted except for a non-illuminated sign attached to the stand.*
5. *Off-street parking sufficient for two vehicles must be provided in conjunction with any neighborhood produce stand.*
6. *Neighborhood produce stands may not be operated after sunset or before sunrise.*
7. *A neighborhood produce stand may be maintained only between April 1 and November 30 of each year. On or before November 30 any neighborhood produce stand must be dismantled or removed to a location behind the principal structure on the premises.*

### **PUBLIC QUESTIONS:**

**Cindy Lutwiller, 5756 West Wautoma Beach** – I am here today to tell you how important it is for you, the Board, to consider changing the vegetable stand zoning law. Those of us who reside on the lakeshore should not be considered any different than any other Town of Hamlin residents. We have our roads plowed and maintained by Hamlin crews, as does everyone else. We pay Town of Hamlin property taxes, as does everyone else. We were welcomed to the Town of Hamlin Town Hall during Hurricane Sandy should the storm have gotten any worse than it did, and had a Town of Hamlin waterfront liaison to keep you informed of any issues. Fortunately we did not need that. Equally the Town of Hamlin road crew kept an eye on the rest of the town. We abide by the Planning Board laws, as does everyone else. We vote for all the Town of Hamlin candidates, as does everyone else, and I believe that some laws are too old and should be considered for change.

**Joe Hoffsneider, 5697 West Wautoma Beach** – I am here to tell you that the vegetable stand should be allowed down there and the law should be rewritten because it is good for the neighborhood; it brings neighbors together, and it gives everyone fresh vegetables.

**Karen Hoffsneider, 5697 West Wautoma Beach** – You should reconsider having the zoning changed for all farm stands down along the beach front. It has been a great asset to the neighbors. Joe has caused no harm in running the stand down there. We are here to support the children, to help them grow, to teach them right from wrong. It's been a long journey since August and I believe Joe has learned a lot from this. He is a fine young man and I think the zoning should be reconsidered. He is doing nothing wrong down there. He is selling fresh vegetables; he's not out causing trouble like a lot of our teenagers are. Let's support the teens that are doing something good for the community.

**Supervisor Breslawski read a letter sent by:**

**John P. Nitsche and Mary Lou Nitsche, 7130 Tucker Lane** – We are in receipt of your letter dated October 10, 2012 in regards to roadside stands. We have reviewed the current law and the proposed law §520-32, 1-B. We are in favor of the proposed revision to the existing law which will include §520-32, 1-B. We believe the revised law will not have a negative impact on the Town of Hamlin, nor its residents. Rather, we feel the new law will foster an environment of entrepreneurship while at the same time provide products and services appreciated and valued by the Hamlin community. Thank you for taking the time to reply to our inquiry.

**Building Inspector Chad Fabry read a letter sent by:**

**Elizabeth Hoelperl, 5789 West Wautoma Beach** - I thoroughly appreciate the personal convenience and the educational opportunity that Joey's farm-stand on West Wautoma Beach provided the community this summer. I would like the town law to change to allow that operation.

**Kevin Baxter, 280 North Hamlin Road** – This has been a long road since August, and I have to thank Chad for being so understanding about how Joey, Cory and I felt the day that we got the citation. Chad said something to me that day that stuck with me since. Chad and I talked for a few minutes and he said, "I want to work with you the best we can. The best way to do that is being with level heads and we will take this step by step." I just want to thank him for his help to guide, direct and be an influence by helping us to go through the right procedures and through the proper channels. I do believe as human beings work together and talk things out, most of the time a resolution can be made that makes everyone happy. At this time I would just like to say thank you to Chad and thanks to all of you up there.

**PUBLIC HEARING CLOSED**

**Resolution # 319** Motion was made by Councilperson Maier, seconded by Councilperson Rose, requesting Town Board resolution to close the Public Hearing at 6:11 PM as all business was concluded.

Polled Votes: Councilperson Maier aye, Councilperson Rose aye, Supervisor Breslawski aye. Motion carried.

**ADJOURNMENT**

Meeting was adjourned at 6:11 PM as all business has been concluded.

Respectfully submitted,

Kathi A. Rickman, MMC  
Hamlin Town Clerk