

PUBLIC HEARINGS

July 31, 2007

The Hamlin Town Board held public hearings in the Hamlin Town Hall located at 1658 Lake Rd., Hamlin, New York 14464. Supervisor Roach explained the location of the fire exits and defibrillator. The meeting was called to order 6 pm.

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

Also present: Attorney Ken Licht, J. P. Schepp from Chatfield Engineers, Planning Bd. Member Tom Jensen, Conservation Bd. Member Tom Breslawski, Evelyn Krekic, Virginia Moffett, Ed Dotson, Ron Hindmarch

PUBLIC HEARING ROOSEVELT HIGHWAY WATER DISTRICT NUMBER 2

J. P. Schepp gave the background of the creation of the proposed Roosevelt Highway Water District Number 2 as well as the description. The water line will probably be on the northside of the road and consist of approximately 4,100 ft. The construction costs are \$181,650.00, contingency \$18,165.00, legal and administrative costs \$18,165.00 and engineering costs \$19,981.50. Mutual benefit contribution from Monroe County Water Authority is \$115,061.84. Net cost to the water district is then \$122,899.66. Dwelling units are 15. Average cost for thirty years is \$503.00 plus MCWA meter charge of \$0.12 per day. Water rate from MCWA is \$2.50 per 1,000 gallons. Average usage is 80,000 bringing the annual costs to \$746.80. Costs do not include MCWA one time meter charge of \$210.00 or the cost of the water service from house to road right of way. The construction costs are based upon the work completed by the Hamlin Highway Department. Attorney Licht explained the process for approval and calculations by the Town Assessor. State Comptroller will need to give approval as we are over the allotted threshold. That is a lengthy process. Proof of publication was available. Floor was opened for public testimony. No comments were made. Public hearing was closed at 6:20 pm. Supervisor Roach stated that the Town Board Resolution to establish the District and then refer it onto the State for approval will be done at the August 13, 2007 Town Board Meeting. Ron Hindmarch thanked the board and Supervisor Roach returned the thanks to him for circulating the petition.

PUBLIC HEARING AMENDING 125-18 AND 125-50

Supervisor Roach opened the public hearing for a Local Law to amend Section 125-18(A)(3) of the Town of Hamlin Zoning Law of 1991 to permit shooting preserves and breeding of domestic game birds in the residential very low density zoning district in the Town of Hamlin.

Supervisor Roach read the law, Section 125-18(A)(3) of the Town of Hamlin Zoning Law of 1991 is hereby amended to add subparagraph “g” to provide as follows:

- (g) Shooting Preserve. A shooting preserve is permitted on contiguous lands containing 100 acres or more provided that the owner or lessee of the lands has secured a shooting preserve license from the New York State Department of Environmental Conservation pursuant to Section 11-1903 of the Environmental Conservation Law. In addition to all other requirements for special use permits set forth in Section 125-74(B) of the Zoning Law, the applicant must furnish a copy of said preserve license together with proof that such license is in good standing.

Section 125-50 (C) of the Town of Hamlin Zoning Law of 1991 entitled “Farm Animals, Required Enclosures and Fences”, is amended to add a new subparagraph (1)(a)(3) to provide as follows:

- (3) Domestic Game Birds on Shooting Preserve. On shooting preserves permitted by special use permit pursuant to the provisions of Section 125-18(A)(3)(g) of this zoning law, the number of domestic game birds permitted is not restricted by any restrictions on the amount of poultry allowed by subsections 125-50(C)(1)(a)(1) and 125-50(C)(1)(a)(2).

Town Clerk provided proof of publication. Supervisor Roach invited the public for their testimony, statements and comments and asked that they please state their name and address.

Attorney Ken Licht stated that having presented this, I notice a typo in (3) it should state Shooting “preserve” not “premises.”

Virginia Moffett of 1180 Walker Lake Ontario Rd. asked whether an area has been proposed at this time. Supervisor Roach stated that an applicant had come in and requested this use on 115 acres on the County Line Rd. (the far southwest of the town). With no further comments Supervisor Roach closed the public hearing at 6:30 pm.

**PUBLIC HEARING
AMENDING ZONING MAP
REZONING TAX ACCOUNT #022.02-2-20**

Supervisor Roach called this public hearing to order for the amending of the Town of Hamlin Zoning Map by rezoning Tax Account #22.02-2-20 from Residential Very Low (R-VL) to Residential – Low One Acre (R-L1). Town Clerk provided proof of publication.

To present the application is Don Carpenter, of DDS Engineers, which represents the applicant. The property is located on eastside of Walker Lake Ontario Rd. and southside of Brick Schoolhouse Rd. It has available Monroe County water and sewer. Some of the

frontage lots may be two acre but the maximum amount of lots if totally developed would be 66, with 120' frontage. The R-L1 zoning intends to satisfy a provision in the Master Plan with high density but still preserve other areas of town. The present zoning is R-VL, five-acre requirement.

Mrs. McNulty of 1000 Walker Lake Ontario stated the main reason we moved to Hamlin was rural area and the five acres of land required.

Mrs. McCulhane of 2222 Brick Schoolhouse Rd. would agree that moving here 25 years ago for the rural setting. Housing is at a slump she stated and that she didn't understand why our area is being rezoned. A lot of people want to get rich at the expense of others. It doesn't seem fair.

It was asked by Mr. McNulty if there was a hardship on this property and what is to say if you do it once you wouldn't have much choice on another piece of property.

Supervisor Roach stated the applicant has requested R-V1. The Master Plan over the years has indicated that development should be along the water and sewer lines. Obviously that is more effective to maintain our rural character and save farmland by encouraging development along the established water and sewer lines. To qualify for this rezoning, a minimum of 20 acres is required and must be located along established water and sewer lines. A minimum of 2,000 sq. foot homes are to be built in that zone. Supervisor Roach indicated that there is an impact on the tax base as the amount of assessment for agriculture land in comparison to land that is developed into individual residential lots is significant. This is to answer your question of why. It was asked by Mrs. McNulty are there other areas that have development and have been rezoned? Councilperson Rath stated the property located on Hamlin Parma Town Ln. Rd. did. There was a brief discussion with Mrs. McNulty on her water district bill and that this development would not be in her water district.

Virginia Moffett of 1180 Walker Lake Ontario Rd. stated we are the ones mostly impacted by this development and we would like to see it kept rural and farmed. I understand the concentration of placement of zoning and see that the building along the roadside. I would hope that would allow the farmers access to the backland to continue farming. Sewer Line runs along the creek. How are you going to get the houses on Brick Schoolhouse Rd. sewers? Will there be a pumping station or cut through the hill? The engineer for the project stated they would be bringing the sewers up on the eastside. Mrs. Moffett asked if there is a reputable builder or is a bond put up? Reading in the newspaper this week on the housing market the cost of a house for building supplies is \$225 per sq. ft. With these figures that is a \$400,000 house. Are they going to be built in the range? Brief discussion followed on the cost of building. J. P. Schepp stated that this would have to go to the Planning Board and that a Letter of Credit would be put up by the developer to assure the construction of the infrastructure. Mrs. Moffett stated she'd much rather much see farming, especially if they fall on hard times. Next, what about the buffer zones? J. P. Schepp stated buffer zoning is required when it is different than residential. It is something that the Planning Board can consider was stated by several

Councilpersons. She felt that it isn't going to fly. It is my understanding that there is a track within the town that they didn't complete and one comes out on Roosevelt Hgwy.

Mrs. McNulty asked if it goes to the Planning Board would we as residents have any say. The board members informed her that yes it would require another public hearing with Councilperson Rath stating many developments get changes as they go through the planning process. Councilperson Rose stated if development is they are done in phases, as most subdivisions are, and the first being on Brick Schoolhouse Rd., if the building doesn't take place, two thirds of the area could remain farming. Councilperson Rose elaborated on the one mentioned Roosevelt Highway and that Countryside Estates didn't get developed to Roosevelt. The one that bought the remaining land does maintain it.

Supervisor Roach stated he had received two letters and an e-mail, which he read for the record and are now on file. The first letter was from Walker Foertsch of 1026 Walker Lake Ontario Rd. The letter gave his proximity to the proposal and that he was opposed to any rezoning to a higher density development status. He felt that development would be detrimental to the current rural character of the area. There is no higher density development for miles around, except for a few homes scattered along the main roads in the area. A concern for traffic and utility support would be at the expense and detriment of the current area.

Second letter was from Evelyn Krekic of 1172 Walker Lake Ontario Rd. who was opposed to the rezoning for two reasons. The first being the housing market is very poor and the worry that the developer starting such a project and ultimately abandoning it because of "no buyers". Two such developments come to mind, Heritage Woods in Hamlin and Remington Woods on West Ave. in Town of Sweden. At that point, the land has been cleared with no trees or wildlife in sight and now becomes subject to flooding and/or vandalism. The other concern is the increase in traffic and the fact two motor vehicle accidents in the past several months.

Lastly, was a message from the Chairman of the Conservation David Walch. The Conservation Board discussed at their last meeting that the project itself does appear from their recollection to be similar to the initial proposal. The main difference was there is an entrance/exit on Brick Schoolhouse Rd. as well as on Walker Lake Ontario Rd. Also the entrance/exit on Walker Lake Ontario Rd. was moved further south away from the crest of the hill. There is still a concern that drivers proceed over that hill too fast and might still present a safety issue. One other concern is, it would be nice if the builder could see fit to preserve some of the land around the wetland or West Creek as green space and not build there. A number of lots actually encompass the creek and there will be no way to monitor the activities that will be occurring in the Conservation Overlay District. In our presentation to the Town Board we encourage the other Support Boards to protect wetlands within the town regardless of their classification. Protecting this wetland from encroachment would be one such example. In general terms, regarding the tax base, a development does not benefit the town or the residents but does the landowner and the developer. It is our hope that the Town Board can have some positive impact on the direction of future development and work with builder and developers to minimize any

potential environmental issues as well as any safety issues, and impact to surrounding neighbors while achieving some mutual desired outcomes.

Ed Dotson of 1164 Walker Lake Ontario Rd. stated this project would be in my back yard. I work for a utility company and I am in these tracks all the time and there are so many empty lots.

The Culhane's felt the people who are surveyed want to keep this rural why would you even think of this. Interestingly, Supervisor Roach stated, in doing the Master Plan the farmers themselves stated that they felt that having one-acre lots is the better way to keep Hamlin rural by doing it that way it actually preserves farmland. Supervisor Roach stated that if someone has a five-acre lot and the people maintain a half of an acre they actually loose four acres. We are actually clustering development and protecting the farmland. This is not in an Agriculture District even though it is committed. There are two more years completed of the eight-year commitment.

Virginia Moffett asked do we know where they would start. They would like to start at Brick Schoolhouse Rd. but the water and sewer is at the other end. Discussion was held with the engineer for the project. The owner of the property is not a farmer and the applicant for this has an option contingent on rezoning. The engineer stated that the developer would be willing to work with the town. The stream is a Class E.

Supervisor Roach thanked everyone for their comments and reminded those present that the next Town Board Meeting is August 13, 2007. Public hearing was closed at 6:55 pm.

Respectfully submitted,

Kathi A. Rickman, RMC/CMC
Hamlin Town Clerk