

**Hamlin Public Hearing
March 11, 2013**

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 6:30 PM by Supervisor Breslawski.

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

Also present: Attorney Ken Licht; Highway Superintendent Steve Baase; and Building Inspector Chad Fabry. Residents: Linda Day and Patricia Lochner.

PUBLIC HEARING RE: LIMITING THE NUMBER OF DOGS IN HOUSE TRAILER PARKS

Supervisor Breslawski briefly explained the Public Hearing was to consider a local law amending Section 520-41 of the Zoning Law of the Town of Hamlin Limiting the Number of Dogs in House Trailer Parks in the Town of Hamlin.

*LOCAL LAW _____ 2013
AMENDING REGULATIONS LIMITING NUMBER OF DOGS
IN HOUSE TRAILER PARKS
IN THE TOWN OF HAMLIN*

Section 1: Subparagraph A of Section 520-41 of the Town of Hamlin Zoning Law of 1991 is hereby replaced by the following:

- A. *No dwelling unit in a residential building containing a single dwelling unit shall be used to harbor more than three adult dogs six months or older or more than two pups for longer than six months without a harboring of dogs accessory permit issued by the Town Clerk; all dogs must be personally owned and licensed by a resident of the dwelling unit. No dwelling unit in a duplex, apartment house or other residential building containing more than one dwelling unit, or located in a trailer park as defined in Section 454-5 of the Code of the Town of Hamlin shall be used to harbor more than one adult dog six months or older or more than two pups for longer than six months without a harboring of dogs accessory permit issued by the Town Clerk; the adult dog must be personally owned and licensed by a resident of the dwelling unit.*

Section 2: Section 454-15 of Article IV (General Regulations for Trailer Parks and Tourist Camps) of the "Tourist Camp, Trailer, House Trailer and House-Trailer Park Ordinance of the Town of Hamlin, Monroe County, New York" is hereby revised to add Subparagraph M to provide as follows:

- M. *No trailer or other dwelling unit in a house-trailer park shall be used to harbor more than one adult dog six months or older or more than two pups for longer than six months without a harboring of dogs accessory permit issued by the Town Clerk; the adult dog must be personally owned and licensed by a resident of such trailer or other dwelling unit.*

PUBLIC QUESTIONS:

Linda Day, 427 Sandybrook Drive – She voiced her opposition to this amendment. She stated that the trailer park has very explicit rules regarding the harboring of pets. The people in the park are very cognoscente of these rules and the rules are enforced. She feels that it is unfair of the Town of Hamlin to determine that they should be limited to one dog. She has two dogs and would like to know how the Town plans to handle situations where someone already owns more than one dog.

Supervisor Breslawski stated that any dogs currently owned would be grandfathered in. No one would be forced to get rid of dogs that they currently have if this were to pass. Based on Ms. Day's comments, he recommended that it be tabled for additional research. We will get a copy of the parks code and compare them to what we have and will talk to the Dog Control Officer and see where we may go from there.

PUBLIC HEARING CLOSED

Resolution # 126 Motion was made by Councilperson Baxter, seconded by Councilperson Goodrich, requesting Town Board resolution to close the Public Hearing regarding a local law Limiting the Number of Dogs in House Trailer Parks in the Town of Hamlin at 6:40 PM as all business was concluded. Polled Votes: Councilperson Baxter aye, Councilperson Goodrich aye, Councilperson Maier aye, Supervisor Breslawski aye. Motion carried.

PUBLIC HEARING RE: IN-LAW APARTMENTS

Supervisor Breslawski briefly explained the Public Hearing was to consider a local law amending Section 520-9 of the Zoning Law of the Town of Hamlin Repealing All Provisions of the Hamlin Zoning Law Regarding In-Law Apartments and Providing For Single Apartments In Single Family Dwellings as a Use Permitted By Special Use Permits in Certain Zoning Districts.

*LOCAL LAW _____ OF 2013
REPEALING ALL PROVISIONS OF THE HAMLIN ZONING LAW
REGARDING IN LAW APARTMENTS AND PROVIDING FOR
SINGLE APARTMENTS IN SINGLE FAMILY DWELLINGS
AS A USE PERMITTED BY SPECIAL USE PERMITS IN
CERTAIN ZONING DISTRICTS.*

Section 1. Section 520-9 of the Town of Hamlin Zoning Law of 1991 (“Word Usage and Definitions”) is hereby amended to repeal the definition of “In-Law Apartment”.

Section 2. Section 520-9 of the Town of Hamlin Zoning Law of 1991 (“Word Usage and Definitions”) is hereby amended to add the following definition of “Single Apartment in a Single Family Dwelling”:

SINGLE APARTMENT IN A SINGLE FAMILY DWELLING.

An apartment within a single family dwelling in which the owner or owners of the premises reside on the premises and are the primary occupants of the dwelling, and in which all utilities are shared with a single electrical meter, single gas meter and single water meter, and which meets the further requirements set forth in Section 520-40 herein. A single apartment in a single family dwelling is allowed in certain zoning districts with a special use permit issued by the Planning Board.

Section 3. Paragraph (f) of subparagraph (A)(3) of Section 520-11 of the Town of Hamlin Zoning Law of 1991, which provides that in-law apartments are permitted with a special use permit in the R-VL District, is repealed and replaced as follows:

f. Single apartment in a single family dwelling.

Section 4. Paragraph (c) of subparagraph (A)(3) of Section 520-12 of the Town of Hamlin Zoning Law of 1991, which provides that in-law apartments are permitted with a special use permit in the R-L District, is repealed and replaced as follows:

c. Single apartment in a single family dwelling.

Section 5. Section 520-13 of the Town of Hamlin Zoning Law of 1991 is amended to add subparagraph C(1.1) to permit a single apartment in a single family dwelling as a permitted use subject to the issuance of a special use permit.

520-13(C) permitted uses.

(1.1) Principal use permitted subject to a special use permit:

(a) single apartment in a single family dwelling.

Section 6. Paragraph (c) of subparagraph (A)(3) of Section 520-14 of the Town of Hamlin Zoning Law of 1991, which provides that in-law apartments are permitted with a special use permit in the R-M District, is repealed and replaced as follows:

c. Single apartment in a single family dwelling.

Section 7. Paragraph (a) of subparagraph (A)(3) of Section 520-15 of the Town of Hamlin Zoning Law of 1991, which provides that in-law apartments are permitted with a special use permit in the R-H District, is repealed and replaced as follows:

a. Single apartment in a single family dwelling.

Section 8. Paragraph (a) of subparagraph (A)(3) of Section 520-18 of the Town of Hamlin Zoning Law of 1991, which provides that in-law apartments are permitted with a special use permit in the C-NB District, is repealed and replaced as follows:

a. Single apartment in a single family dwelling.

Section 9. Paragraph (a) of subparagraph (A)(3) of Section 520-19 of the Town of Hamlin Zoning Law of 1991, which provides that in-law apartments are permitted with a special use permit in the C-GB District, is repealed and replaced as follows:

a. Single apartment in a single family dwelling.

Section 10: Section 520-40 (“Special Use permits for In-Law Apartments”) of the Town of Hamlin Zoning Law of 1991 is repealed and replaced with the following:

520-40.

SPECIAL USE PERMITS FOR SINGLE APARTMENTS IN SINGLE FAMILY DWELLING.

A. PROCEDURE FOR OBTAINING SPECIAL USE PERMIT:

The owner or owners of a single family dwelling located in zoning districts where a single apartment in a single family dwelling is permitted with a special use permit may apply to the Planning Board for a special use permit for a single apartment within that dwelling. In addition to the requirements for the issuance of special use permits set forth in Section 520-67(B) of this Chapter, the Planning Board shall not issue a special use permit for a single apartment in a single family dwelling unless it makes a determination that all of the following criteria are satisfied:

- 1. The exterior of the dwelling in which the single apartment is proposed appears as a single family dwelling. For example, the dwelling must have a single house number and no more than one garage (which may be designed, however, for two or more cars), and there may be no external staircase or double door.*
- 2. The owner of the premises must reside on-premises and be a primary occupant of the dwelling.*
- 3. All utility services must be shared by the apartment occupant and owner-occupant of the dwelling. There must be single electric, gas and water meters.*
- 4. Interior rooms must be available and accessible to both the apartment occupant and owner-occupant of the main dwelling.*
- 5. The apartment must be designed and constructed so that the apartment can be discontinued and the dwelling reverts to single family use without structural alteration.*
- 6. Adequate off street parking is available for use by residents of the apartment via the same driveway access for the single family dwelling.*

B. CONDITIONS AND RESTRICTIONS:

Any special use permit issued by the Planning Board shall contain all the conditions set forth in 520-40(A) herein and the additional condition that the permit shall be revoked in the event any sign or advertisement is placed or posted on the premises announcing "space for rent", "apartment for rent" or any similar message.

C. SPECIAL PROVISION REGARDING TRANSFERABILITY AND TERMINATION:

A special use permit for a single apartment in a single family dwelling is not transferable to subsequent owners of the single family dwelling in which the apartment is located. Upon sale and transfer of the single family dwelling in which the single family apartment is located, the special use permit granted for such apartment shall become null and void. The subsequent owner may submit an application for a special use permit to the Planning Board.

Section 11: Upon the effective date of this local law all special use permits for in-law apartments which have heretofore been issued by the Planning Board shall be deemed to be special use permits for single apartments in single family dwellings. The requirement for the owners of single family dwellings in which an in-law apartment is located furnish annual applications stating that the occupant of the apartment is a relative of the property owner shall no longer be applicable.

PUBLIC QUESTIONS:

There were no comments or questions.

PUBLIC HEARING CLOSED

Resolution # 127 Motion was made by Councilperson Maier, seconded by Councilperson Baxter, requesting Town Board resolution to close the Public Hearing regarding In-Law Apartments at 6:42 PM as all business was concluded.

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

ADJOURNMENT

Meeting was adjourned at 6:42 PM as all business had been concluded.

Respectfully submitted,

Kathi A. Rickman, MMC
Hamlin Town Clerk