

PUBLIC HEARING – PROPOSED L.L. No. 1 of 2009

Thursday, October 22, 2009 7:30 P.M.

Supervisor Gillman opened the Public Hearing – MORATORIUM ON ACCESSORY STRUCTURES at 7:37 p.m., and led the Pledge of Allegiance.

ROLL CALL

Councilman Gaesser	present
Councilman Joseph	present
Councilman Schuth	present
Councilwoman Szozda	present
Supervisor Gillman	present

Councilman Schuth read the published notification to the public of this hearing from the Hamlin Herald, the town's official newspaper.

Councilman Schuth read the Enactment and Authorization sections of the proposed law and gave the rationale of its necessity.

Planning Board Chair Gray reiterated the unique considerations which must be given to lakefront areas.

PUBLIC PARTICIPATION

Mrs. Fantuzzo, Norway Heights – questioned the impetus for this local law. Mr. Whithauser, Norway Heights, interrupted to explain that he felt this action is a direct result of his attempt to improve his property. He was stopped from continuing his driveway.

Councilman Gaesser said the town, through code enforcement, stepped in when it was observed that topsoil was being removed.

There was a discussion between the Board and Mr. Whithauser about the situation with his property.

Mr. Fantuzzo asked why a change in the town law is being considered, based on one particular case. He spoke in opposition to the enactment of this proposed moratorium.

Councilman Schuth responded that this law is not being considered based on one case. This situation did bring to light shortcomings in the current regulations. There are inadequacies in the current zoning regulations.

Mr. Newell, Norway Heights – spoke in favor of this moratorium.

Rob Malin, Norway Heights – expressed that people buy the “backlots” of beach property specifically for accessory structures, and does not see why accessory structures are being singled out. Lake view would not be obstructed, as this case is a back lot, not a lakefront lot. He spoke in opposition to this moratorium.

Councilman Joseph stated that the purpose of the proposed moratorium is to pause to address resident concerns which have been expressed, and to gather information and public input to direct zoning regulations.

Mr. Whitehair, Norway Heights – talked about the situation with Mr. Whithauser’s property. The removal of topsoil, and drainage are concerns to the neighboring property owners.

Councilman Schuth redirected the communication to the moratorium.

Mr. Clement, Norway Heights – asked if “accessory” buildings can be erected without a primary residence being there first, and suggested the wording of the proposed moratorium needs to specifically address this.

Mrs. Fantuzzo expressed that there was not enough notification of this public hearing, and to put this moratorium in place is redundant and blatantly discriminatory against waterfront land owners. She is opposed to this moratorium.

Councilman Schuth said the notice was within the legal timeframe. Attorney Leone said that because this is a first public hearing on this, and no action is to be taken immediately, the Board was prudent in calling this hearing as a first step.

Councilman Schuth stated that the current regulations are outdated, and the rules need to be updated for consistency.

Mr. Whithauser – has plans to build a house on his property in the future. The structure on the other side of the road will hide unsightly personal property.

Councilman Joseph stated the moratorium is being proposed to address a long-standing problem. Input from all sides is appreciated.

Keith Germano, Norway Heights – expressed concern about the 60-foot setbacks affecting current vistas. The lakefront “feel” must be protected.

Pam Rowles, Zoning Board Chair – said this moratorium will allow time for research and information gathering to increase the specificity of the regulations so that decisions are easier for the residents and the town. There are recent issues that have pointed up the need for further clarification in the regulations, and a temporary moratorium would give the boards time to review and update those regulations.

Councilman Joseph read e-mails from residents he received regarding this moratorium, none of which were specifically for or against the proposed law.

Supervisor Gillman closed the Public Hearing at 8:42 p.m.

Respectfully Submitted,

Amy K. Richardson