

Public Hearing
Liberty Town Board
July 16, 2012
6:50 p.m.

At a Public Hearing of the Liberty Town Board held on August 16, 2012 at 6:50 pm at 108 Somewhere In Time Lane, Parksville, New York, to hear oral and written comments from concerned citizens with regard to Introductory Local Law #2 of the year 2012, entitled "A Local Law to Amend the Zoning Law to Authorize the Planning Board to Waive Site Plan Review Requirements", which Local Law amends Section 147-28 of Article VIII of the Code of the Town of Liberty to authorize the Planning Board the right to waive site plan review requirements as contemplated by Section 274-a, Subdivision 5, of the New York State Town Law, in the event that any such requirements are found not to be essential for the public health, safety or general welfare or are found to be inappropriate to a particular site plan. The following board members were present:

Supervisor Charlie Barbuti
Councilperson Chris Austin
Councilperson Thomas Hasbrouck
Councilperson Dean Farrand
Councilperson Maurice Gerry

Recording Secretary: Town Clerk Laurie Dutcher

Also present:

Town Attorney Kenneth Klein
Finance Director Earl Bertsch
Deputy Town Clerk Sara Sprague
Budget Accounting Coordinator Cheryl Gerow
Timothy Kelly
Anne Hart
Jon Sutherland
Justine Sutherland
Justin Sutherland
Sean Zigmund
Tom Caltabellota
Wes Illing
Jodi Lieberman
Doug Yaun

Supervisor Barbuti called the Public Hearing to order at 6:50 p.m.

The following letter was received from Fritz Mayer:

Dear Town Board:

Local Law Number Two, called "A Local Law to Amend the Zoning Law to Authorize the Planning Board to Waive Site Plan Review Requirements" would give the Planning Board the authority to wave site plan review, which means it would also give the Planning Board authority to avoid public hearings on projects that the public might object to.

This could happen with nonconforming uses such as summer camps, gas stations or many other uses in residential neighborhoods.

New buildings up to 750 square feet could be constructed in neighborhoods where the uses no longer fit in with the surrounding uses. A new building could be constructed with no input from the public, which is now required. A 750 square foot building is large enough to accommodate a kitchen, living room, bath and bedroom.

Because the Planning Board does not require that the full scope of any project must be presented, and allows for segmentation of projects, a new 750 square foot building could be built every year, with no input from the public. This, clearly, could have a negative impact on property values of homes in residential neighborhoods.

It is never a good move to limit input from the public, especially in cases where property values could be impacted. This law should not be passed.

Sincerely,

Fritz Mayer

Ann Hart read the following aloud:

While I understand some of the underlying reasons behind this proposed local law, I have two major concerns.

The first is that it does not prohibit nonconforming uses from applying for or receiving a waiver. The proposed law would give the Planning Board the authority to waive all the requirements except the state mandated environmental quality review requirements. This means that the Planning Board could choose to waive the Public Hearing requirement which is a part of the section. The Public Hearing is the only chance that neighboring property owners can publicly voice their views on the effect of a project in their neighborhood.

A special use is one step removed from a permitted use, requiring a higher level of scrutiny. A nonconforming use is a use which is no longer allowed in that zoning district. It should bear an even higher level of scrutiny, especially with regard to the effect any changes would have on the surrounding area. A waiver of any of the requirements in this section should not be an option for nonconforming use.

My second concern is that because the Planning Board will have to list in detail why they are waiving site plan review for each project, they will have to be very careful to be extremely

consistent in their waivers and the reasoning for them. If they aren't, the Town could be open to lawsuits. While they are hard working and careful, they are human beings like the rest of us. It's my belief that the more black and white a law is, the easier it is to defend it. Everyone knows what to expect.

Thank you,

Ann Hart

Wes Illing

Stated that he was happy the Planning Board was making the decisions because of the well qualified people sitting on the Board. He also said that the simplest forms of laws are the easiest to enforce.

No one else wished to be heard.

ADJOURN

On a motion by Councilperson Thomas Hasbrouck, seconded by Dean Farrand the Town Board closed the public hearing at 7:00 p.m.