

PUBLIC HEARING to consider amendments to the Village Code

PRESENT:

Richard B. Hatheway, Mayor

Aprile S. Mack, Deputy Clerk/Treasurer

Sandra F. Brennan, Deputy Mayor

Eric Osganian, Police Chief

Margaret E. Duff, Trustee

Robert Wilcox, Trustee

PUBLIC PRESENT:

Becky McKeown, Genesee Sun

Kristin Zielinski (SUNY Genesee student)

Maria Volpe-McDermott (SUNY Genesee Student)

1. HEARING OPENED:

Mayor Hatheway opened the public hearing at 5:15pm, asking Deputy Mayor Brennan for a brief description of the proposed changes. Deputy Mayor Brennan stated that the appropriate notification had been published. She explained that the proposed changes stemmed from Village officials' concerns about shortcomings, discrepancies or omissions in the Code the Board adopted in 2009. She noted that new chapters have been added to include some items that were not in the 2009 version.

Specific proposed changes include:

Chapter 33, Alcoholic Beverages, Section 33-5; Chapter 77, Noise, Section 77-5; Chapter 90, Public Property, Damage To, Section 90-3; and Chapter 105, Sidewalks Section 105-12, minimum fine charges were added for those found guilty of an offense of these chapters. Trustee Wilcox asked if these types of fines also have surcharges. Chief Osganian stated that these are violations against local ordinances, not state laws, therefore no surcharges are added.

Chapter 77, Noise Section 77-4, the word "and" is being removed and being replaced with the word "or" per a recommendation from Police Chief Osganian with agreement from Village Attorney Reynolds. Chief Osganian explained that as the Police Department or plaintiff in a case, the word "and" caused the defendant to be found not guilty because he/she was not guilty of all items as listed in this section. Adding the word "or" will allow the defendant to be charged with at least one of the items listed in this section.

Chapter 105, Streets and Sidewalks. A new section has been added to this chapter requiring sidewalk permits in the MU-1 Zoning District so that business owners/property owners wishing to display items for sale and/or use tables on the sidewalk are leaving a minimum of 36" wide handicap accessible path at all times. No fee will be required for the permit but the permit will be issued for up to one year or less as requested.

Chapter 113, Swimming Pools has been eliminated per the Code Enforcement Officers request as the updated NYS Uniform Fire Prevention and Building Code handles it.

Chapter 123, Vehicles and Traffic. In Section 123-1, Definitions, the definition of a FRONT YARD has been added. In Section 123-29, Residential Off Street Parking the definition of FRONT YARD is used to ensure that front yards are not turned into driveways/parking areas.

Chapter 130, Zoning and Subdivision of Land. In Section 130-5, Definitions a new definition is added for DECK and PORCH. The definition for ACCESSORY DWELLING UNIT

has been changed completely. In Section 130-34, Mixed Use District – 1 Dimensions are proposed for awnings. In Section 130-36, Mixed Use District – 2 Green Ash trees are being removed from the list of allowable tree species. Dimensions of awnings are also proposed for this section.

Section 130-42, Access Management Overlay District (AM). There were never any specific lands given for which the Access Management Overlay District could be applied. Therefore, specific areas of the Village where the Access Management Overlay District could apply have been added.

Section 130-44, Permissible structures within minimum required side or rear setbacks. Subsection A has been reworded to match that of the bulk and use tables. Decks and porches shall not exceed into required setbacks have been eliminated from Subsection C. Subsection D has become Subsection E. Subsection D is not entirely new and refers to porches being treated as an integral part of the principle structure and lists specific details about porches.

Section 130-56, Fire Escapes has been completely reworded and is now titled Projections into yards.

Section 130-61, Accessory dwelling units has been reworded and the owner must live in the principal structure and if the accessory dwelling unit is unoccupied for a period of longer than twelve months, it shall cease to be a lawful accessory dwelling unit.

Section 130-66, Bed-and-breakfasts : G has been completely reworded and is titled Special events. This section allows Bed-and-breakfasts within the Village to apply to the Planning Board to obtain an event permit to hold functions such as weddings or baby/bridal showers. The number of maximum people allowed at an event will be based upon the size of the parcel the event will be held on. Parking requirements also must be met.

Section 130-69, Nonconforming Lots only included a section for nonconforming residential lots, but now a section for nonconforming commercial lots has been added.

Section 130-81, Off-Street parking and loading standards by usage has been changed as follows: **New language is in bold and underlined.** (Old language is in bold and in parentheses.)

USE	Minimum Spacing
Residential Care Facility	<u>0.5 (0.3)</u> per resident
Residential	
Attached or row dwelling with no individual unit garage	<u>1 (1.5)</u> per unit
Attached or row dwelling with one bay garage (per unit) 1	(0.5) per unit
Mixed-use structure	<u>2 (1)</u> per unit plus 1.5 per 1,000 square feet of retail and/or office
<u>Special Events</u>	<u>Per Section 130-66 G.</u>

Section 130-88, Permitted signs in all districts, Subsection F pertaining to election signs has been completely reworded to include when the signs may go up, when they have to come down by and how big they can be.

Section 130-90, Sign Regulations for C-1, CI-1, and WMU Districts and portions of MU-2 District, Subsection E. Directional Signs has been reworded to include maximum overall size and maximum size of the trademark/logo on the sign. It was noted that directional signs in the Route 20A area seem to be getting bigger and bigger.

Section 130-91, Sign Regulations for MU-1 District and portions of MU-2 District, Subsection F, Temporary signs, including advertising and promotional banners (4) Banners for charitable events has been changed to allow a banner to be no longer than 30 feet, instead of being no longer than 50 feet in length. Subsection F (5) has been changed to F (6) and subsection F (6) has been changed to F (7). Subsection F (5) is completely new to include provisions for signs for public events.

Section 130-93, Procedures for sign permit; (sign site plan); fees: Subsections A (4), A (5), A (6) and A (7) have been added which includes Planning Board approval for signs, issuance of sign permits by the Code Enforcement Office, certificate of compliances for signs and lack of compliance with a sign permit. Subsection B. regarding sign site plans has been eliminated and Subsection C. regarding fees has now been labeled Subsection B.

The Bulk and Use Tables have been modified where appropriate to state that swimming pool setbacks shall be measured from the water's edge. The Bulk and Use tables have also been modified where appropriate removing any ranges. From the Code Enforcement Officers experience it has come to their attention that the ranges are not useful.

A new chapter (yet to be numbered) has been added titled Public Litter Receptacles. This chapter was proposed by Jason Frazier, Village Streets Superintendent and Eric Osganian, Chief of Police. The purpose of this chapter is to eliminate household trash from being deposited into Village owned receptacles.

Another new chapter (yet to be numbered) has been added titled Parks. This chapter clearly states which parks are owned by the Village, the times the parks are open and that all Village parks are carry-in/carry-out.

The last new chapter that has been added (not yet numbered) is titled Outdoor Food Vendors. This chapter controls mobile food vendors. Mobile food vendors must obtain a permit and abide by restrictions such as they will only be allowed to park in parallel parking spots.

The Board commended the committee which was comprised of Deputy Mayor Sandra Brennan, Code Enforcement Officers Ron Maxwell and Dean O'Keefe, Planning Board Chair David Woods, Police Chief Eric Osganian, Village Streets Superintendent Jason Frazier, Water/Wastewater Treatment Plant Operator Steve McTarnaghan, Deputy Clerk/Treasurer/Planning Board Secretary Aprile Mack and Zoning Board Member Tom Wilson.

The County Planning Board will be reviewing the proposed Code changes at their next meeting on Thursday, October 11, 2012.

2. MEETING CLOSE:

Hearing no further discussion, Trustee Duff moved to close the public hearing and Trustee Wilcox seconded the motion. The vote was as follows: Deputy Mayor Brennan-Aye, Trustee Duff-Aye, Trustee Wilcox-Aye, and Mayor Hatheway-Aye. The motion passed and the hearing was closed at 6:34pm.

Aprile S. Mack, Deputy Clerk/Treasurer