

**PUBLIC HEARING
LOCAL LAW REVISING PROCEDURE FOR
ESTABLISHMENT OF IN-LAW APARTMENTS
July 12, 2010**

The Hamlin Town Board held a public hearing on July 12, 2010 in the Hamlin Town Hall located at 1658 Lake Rd., Hamlin, New York to consider a local law revising the procedure regarding establishment of in-law apartments. The hearing was opened at 6:30 pm by Supervisor Terry.

Present: Councilperson Thomas Breslawski, Councilperson Goodrich, Councilperson Paul S. Rath, Councilperson David Rose, Supervisor Peter Terry.

Also present: Code Enforcement Officer Lee Nettin; Attorney Daniel Schum; and Planning Board Member Tom Jenson.

Supervisor Terry briefly explained the Public Hearing was to discuss a proposed local law to make amendments to sections of our Zoning Code.

The proposed changes are to add a subparagraph in §125-18(A)(3), §125-19(A)(3), §125-20(A)(3), §125-21(A)(3), §125-25(A)(3), and §125-26(A)(3) to include in-law apartments as a principal use permitted, subject to a special use permit approved by the Planning Board.

§125-49 “In-Law Apartments” is hereby repealed and replaced by §125-49 “Special Use Permits for In-Law Apartments”. This section contains the following subparagraphs:

§125-49. Special Use Permits for In-Law Apartments.

A. Procedure for obtaining Special Use Permit:

In addition to the requirements for the issuance of special use permits set forth in §125-74(B)(2) of this Chapter of the Code of the Town of Hamlin, no special use permit for an In-Law Apartment shall be issued unless the owner of the single-family dwelling in which an in-law apartment is located signs a notarized affidavit that states that the resident occupant of such apartment is a relative of said property owner and that the apartment shall never be advertised as rental property or offered for sale as a double or duplex.

B. Special Provisions Regarding Transferability and Termination:

1. A special use permit for an in-law apartment is not transferable to subsequent owners of the one-family dwelling in which the in-law apartment is located. Upon the sale or transfer of the one-family dwelling in which the in-law apartment is located, the special use permit granted for such in-law apartment shall become null and void. The subsequent owner may submit an application for a special use permit to the Planning Board.
2. The owner of the one-family dwelling in which an in-law apartment is located is required to sign and file with the Town within thirty (30) days of each anniversary of issuance of the special use permit an affidavit stating that the resident occupant of such apartment is a relative of said property owner, and which affidavit further

sets forth the name of said relative. In the event such affidavit is not submitted, the Building Inspector shall commence proceedings to revoke the special use permit.

3. The provisions of §125-74(B)(6) and §125-74(B)(7) relating to annual inspections and annual applications for extension of the permit shall not apply to special use permits for in-law apartments.

Finally, the following sections to the Zoning Law are to be repealed: §125-18(A)(2)(i), §125-19(A)(2)(j), §125-20(A)(2)(j), §125-21(A)(2)(n), §125-25(A)(2)(x), §125-26(A)(2)(ff).

Supervisor Terry asked if anyone wanted to speak for or against this change of Local Law. Tom Jensen stated: I feel that the SUP was eliminated for the purpose of making it easier for the residents, but the new law appears to be accommodating that to some degree.

APPROVAL TO CLOSE THE PUBLIC HEARING

Motion was made by Councilperson Rose, seconded by Councilperson Rath, to close the Public Hearing at 6:35 pm as all business was concluded.

Polled Votes: Councilperson Breslawski aye, Councilperson Goodrich aye, Councilperson Rath aye, Councilperson Rose aye, Supervisor Terry aye. Motion carried.

LOCAL LAW AMENDING CHAPTER 39 UNSAFE BUILDING LAW

Supervisor Terry opened the public hearing at 6:35 pm to consider a local law amending Chapter 39 of the Code of the Town of Hamlin, known as the “Unsafe Building Law of the Town of Hamlin”.

Supervisor Terry briefly explained the Public Hearing was to discuss a proposed local law to make amendments to sections of our Town Code.

Chapter 39 of the Code of the Town of Hamlin, known as the “Unsafe Building Law of the Town of Hamlin” is amended as follows:

§39-4 “Investigation and Report” is amended to provide as follows:

When in his own opinion or upon receipt of information that a building is or may become dangerous or unsafe to the general public; is open at doorways, windows, or foundation, making it accessible to and an object of attraction to minors under eighteen (18) years of age, as well as to vagrants and other trespassers; is or may become a place of rodent infestation; presents any other danger to the health, safety, morals and general welfare of the public; or is unfit for the purposes for which it may lawfully be used, the Building Inspector shall cause or make an inspection thereof and report in writing to the Town Board his findings and recommendations in regard to its repair or demolition and removal.

§39-11 “Emergency Provisions” is amended to provide as follows:

Where it reasonably appears to the Building Inspector or Fire Marshal that there is present a clear and imminent danger to the life, safety or health of any person

or property unless an unsafe building is immediately secured, the Building Inspector or Fire Marshal is authorized to immediately cause such unsafe building to be secured. Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property unless an unsafe building is immediately repaired or demolished, the Town Board may, by resolution, authorize the Building Inspector or Fire Marshal to immediately cause the repair or demolition of such unsafe building. The expenses to secure such building and the expenses to repair or demolish shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in §39-10 hereof.

Supervisor Terry asked if anyone wanted to speak for or against this change of Local Law. No one wished to speak.

APPROVAL TO CLOSE THE PUBLIC HEARING

Motion was made by Councilperson Goodrich, seconded by Councilperson Breslawski, to close the Public Hearing at 6:38 pm as all business was concluded.

Polled Votes: Councilperson Breslawski aye, Councilperson Goodrich aye, Councilperson Rath aye, Councilperson Rose aye, Supervisor Terry aye. Motion carried.

Respectfully submitted,

Kathi A. Rickman, MMC
Hamlin Town Clerk