

Public Hearing for Local Law 3-2020
Tuesday, October 13, 2020 @ 7:00 p.m. at the Wales Community Center, 12345 Big Tree Road,
Wales Center, NY.

ROLL CALL:

Present Supervisor Rickey Venditti
Councilman Donald Butcher Absent
Councilman Dan Driver
Councilman Kyle Barry
Councilman Gerald Klinck

Also Present: Ronald Bennett Town Attorney, GHD Engineering, (10)
Residents whose names are on file.

This Public Hearing is for the Town of Wales Residents to provide their input to the Town Board in regards Local Law Intro. 3-2020 to amend Section 200-9 of the Zoning Code of the Town of Wales for compliance with required permits prior to building, site development or other activities relating to the use, occupation of property and the improvement thereof.

The Notice of Public Hearing was read by Town Clerk Melinda Eaton Supervisor Rickey Venditti explained the reason for the amendment for Section 200-9 of the Zoning Code. There was an error pointed out by an attorney for a resident that the code was missing the word “not”. The new local law will read: Building site development for activities related to the use occupancy of property and the improvement thereof is not permitted until the issuance of all required permits have been filed and approved. Including but not limited to building permits, Special Use Permits, and permits subject to development of property.

Resident’s input to the Town Board

Charles Ritter, attorney for 13014 Big Tree Road. The way the change is written would appear to be ambiguous in the following respect. If a business owner for example were to plan to expand their business and apply for a building permit to add square footage to increase the size of the parking lot to allow for more parking to add characteristic or nature of their business; because all uses of the town require a special use permit, so you have to apply for that. To not simply amend an existing special use permit. This as worded provision is at least ambiguous, if not prohibitive of all existing uses. For example, if a property owner were to do what I just described and come to the town and apply for permission to do any of those things, all their existing uses would be suspended by the way this law is written. Because it expressly said no, only building a site development but all activities in the use or occupation of properties are not permitted until all the permits are issued. As it is worded, I would just respectfully suggest the board would consider clarifying that all preexisting authorized uses can continue or something to that effect. I could see where that could create a problem for someone who already has a special use permit. Even if it was just a resident and they wanted to apply for a building permit to make an addition on to your house and it was subject to a hearing or concern. Conceivable the way it was written could suspend the property owner’s rights to not use their house or if it was a rental, to suspend their ability to rent to the existing occupants. Those are my comments, thank you.

Supervisor Rickey Venditti responded that there already would be a building permits, special use permits issued for those uses. This is something we will have to speak to our town attorney. If there already would be special use permits and building permits already issued for those uses.

Mike Lina-13491 Schang Road-my concern is that it sounds very restrictive. I can’t do any site development without getting special approval like planting grass. It just sounds a bit ambiguous. How restrictive is it going to be?

Supervisor Rickey Venditti responded I would not consider planting grass site development.

Pam Lina-13491 Schang Road-I agree with the people who just spoke. I do not understand the rules and would like to understand them more.

MOTION#__By Councilman Daniel Driver and second by
Councilman Kyle Barry adjourn the meeting at 7:09 p.m. **CARRIED**
Submitted by Melinda Eaton, Town Clerk

