

**PUBLIC HEARING
ON
LOCAL LAW #2-1998
NOVEMBER 5, 1998**

The hearing started at 7:10 P.M. The meeting was held in the Community Church Basement so there would be enough room for everyone who came to the meeting. All Town Board Members were present.

VISITORS:

There were over 100 people for the hearing, some of whom never signed the sheets.

Jane Perry, Margaret & Nelson Sayward, Norma Goff, Robt. Ivy, Sue Evens, Dave Evans, Elaine Marin, Lois Sayward, Dorothy Bliss, Rita Fitzgerald, H. Guild, Margaret M. Bolster, Jackie Thomas, Helen Coste, Loretta Suprenant, Judy Teagles N.Y. Farm Bureau, Phoebe Sweatt, William M. Mc Caughn, Grace Mac Leod, Bernard Beebe, Mark Buckley, Harold Mac Dougal, Katherine Cross, Bob Hammerslag, Tom & Bea Carrick, John Whitney, David Lansing, Marsha Morse, Kim Murphy, Lauren H. Murphy, Joyce Sukel, Mark Wrisley, Ray Pecore, Bill Johnston, Wilda Carson, Louise Spring, Joan Mac Dougal, John Doyle, Ray Pecore Jr., Marshall Crowningshield, Mary Ann Walls, Donna Lou Sonnett, Scot Hurlburt, Shirley La Forest, Stanley Ambis, M. Ambis, Debra O'Neil, Tom O'Neil, J. Scheinin, M. Bedoin, Brad Beers, Carolyn Walker, Clair LaPine, Linda Joslyn, Bill Raus, Lewel Tuller, Stan Tuller, Sally Johnson, Bob Glennon, Pat Gardner, Ed Gardner, Raymond Rice, Robert Rice, Richard Sukel, Doug Peden, Teresa Tart, Ralph Martin, Karen Keene, Brian Pray, Steve Menard, Paul Stephens, Barry Hamilton, Lloyd James, Debbie Valentine, Gary Randorf, Jeff Burnel, Norma Soper, Carol Dickerson, Ruth Couchey Trish Walker, Jani Spurgeon, George Sayward, Steve Sayward, Mark Walker, & Bill Finucane.

Supervisor Drummond presented a plaque to Claire La Pine in recognition of her many years and dedicated service as a member of the Town's Planning Board.

Claire La Pine said when it states in the paper that the Planning Board never looked at the Ordinance after 1974, that is incorrect. There are books in the Town Hall to show that they did work on this, however she said it was never adopted by the Town Board.

Supervisor Drummond introduced our speakers for the night, Bill Johnston, who is the Essex County Planner, Attorney Bob Glennon, who drafted the Local Law the Town is working on, and Bill Finucane, who is the chairman of the Town Planning Board.

The Legal Notice that was in the Paper was read by the town Clerk:

Legal Notice

Notice of Public Hearing, Town of Essex, New York

Notice is hereby given that Resolution #2-98 for the Town of Essex, County of Essex, State of New York approved at a Regular Town Board Meeting held on October 8, 1998 provides for a Public Hearing to be held for the purpose of considering the enactment by such Town Board of the following proposed Local Law.

Town of Essex Local Law #2 of the year 1998.

SUMMARY OF PROPOSED LOCAL LAW #2 OF 1998

The proposed local law contains findings to the effect that the shoreline of the Essex hamlet and rural areas of the Town of Essex are experiencing development pressure, requiring a review of the Town's Ordinance Regulating Land Use and Development and a Moratorium upon certain land uses during that review.

The proposed Local Law would impose a Moratorium upon the creation of projects considered "Special Uses" in the Ordinance, and upon "Large Scale Agriculture Uses" and "Large Scale Agriculture Structures". The Moratorium area

Town of Essex Public Hearing Local Law #2

would consist of the shoreline area of the Essex hamlet, and those portions of the Town outside the hamlet. The Moratorium would last for one year, and could be extended by the Town Board.

"Large Scale Agriculture Uses" are defined as those which use land intensively by concentrating pigs, poultry, or other livestock, and which have the potential for non-point pollution, odor, or other noxious off-site effects. They are not the kind of agriculture uses now customarily found in the Town. "Large Scale Agriculture Structures" are those which exceed 15,000 feet of Interior space or 40 feet in height.

The Zoning Board of Appeals would have authority to interpret the local law, and the Zoning Officer would have responsibility to enforce it.

The local law would take effect and the Moratorium would begin, upon filing with the Secretary of State.

Public Hearing at the Town Office originally scheduled for October 22, has been re-scheduled for Thursday, November 5, 1998 at 7:00P.M.

Dated Oct. 19, 1998

Ethel Barnaby, Town Clerk

Town of Essex, New York

VN-10/21/98-1TC-08778

Bill Johnston: There have been a number of attempts to revise the Zoning Ordinance, but they were never enacted. The Special Permit section is weak, it needs upgrading. Funds have been awarded to start reviewing and revising the Zoning Ordinance. A Moratorium is like a time out, there are certain permits that cannot be obtained for a 6-12 month period. We thought this would give the committee time enough to review and revise the ordinance.

Bob Glennon: Attorney in private practice in Lake Placid explained that he was retained by the town. Special Uses are Mobile Home Courts, Planned Unit Developments, Resource Extraction-Mines and the like, Campgrounds, Automotive Services, and General Mechanic Services Establishments, & Retail Establishments.

Bill Finucane: I was elected Chairman of the Planning Board, everyone had resigned on the previous board. The Planning Board has town control over a lot of the future development. The Planning Board reviews all applications. One of the problems that has arisen is a Drug Treatment Facility that would fit in our Public use. One concern is parking. I personally believe that we should have a real standard in our zoning Ordinance, we have a new committee that will work on the problems. At this time if you do not pass the Moratorium, then I will not work with the committee to revise and review new Zoning regulations.

Donna Sonnet, Essex, N.Y.- Spoke against.

Barry Hamilton, Essex, N.Y.- Spoke against

Ray Rice, Reber, N.Y.- Pays taxes in Essex as a rental agreement, he is against the Moratorium.

George Sayward, Essex, N.Y.- Questioned about rules in the Ag. District. Since there is no Daytop anymore, what do we need the Moratorium for.

Bill Finucane said the town has no say in the Ag. District. There are no regulations. There is a concern about the roads in the town being torn up, who is going to repair these roads? You can do whatever you want in the Ag. District. There is a Zoning Permit process for Sandy Lewis for his barns, there has to be a 75ft. setback.

Patti Gardner, Essex, N.Y.- When did AG. District become part of Moratorium and Downtown Shoreline restrictions. It looks like you have things mixed together in the Moratorium.

Town of Essex Public Hearing Local Law #2

Bill Finucane-Suzanne Perley is the chairman of the Ad hoc Committee, Suzanne –It wasn't just shoreline, the special use permit covered the whole town, it's not just shoreline, we are trying to help the Marinas. Also the issue of Daytop, we were having people come to our Board Meetings and there were people asking for our help.

George Sayward-Asked Bill Finucane if Sandy Lewis had to go through a permit to build the barns, Bill said no.

Dave Lansing-said yes they did, they had to go through a zoning permit process. An application was filled out, the only thing he had to deal with is the setbacks.

Claire LaPine, Essex, N.Y.-Questioned about the Local Law #2, page 2, paragraph #3. Bob Glennon said we are not trying to stop the kind of farms that we have now, we don't want factory Farms, with Poultry and sheep. Claire asked if small farmers going to be judged same as large farmers? It would be considered as to how many numbers of cattle or animals you have. Bill Finucane-It was meant to be as the CAFO regulations that the D.E.C. is working on enacting.

Claire –Your map on Lake Shore takes in from Katherine Cross to the other side of Sandberg's, why not all of the Town that is on the lake. Bill Johnston- Special Use Permits would cover homes on shoreline. Bill Finucane-there is a Special Use permit for shoreline area outside of hamlet. Claire- you say a building cannot be higher than 40 ft. If someone wants to put up a silo, it is a building and they are usually higher than 40 ft.

Elaine Marin, RT22, Bouquet, N.Y.-Wants a permit to have an Antique Shop, it will take 60-90 days for the permit, by that time the Moratorium will be in effect and I won't be able to do anything for another year. I don't care about the Moratorium.

Robin Ulmer, Essex, N.Y.-asked if the moratorium would impact the quality of water? She spoke in favor of small businesses.

Karin Keene, Whallonsburg, N.Y.-Wanted to know exactly what is going on with the Sandy Lewis plan and Daytop.

J. Michael Naughton, Mr. Lewis's attorney, said we are here for the Moratorium, not for the Daytop issue.

Michael Bedoian, Whallonsburg, N.Y. The issue is one of scale, and uses that would have an impact on the Town of Essex.

Brad Beers Essex, N.Y. Spoke in favor of the Moratorium.

Bill Mc Laughlin, Chairman of the Essex Co. Farm Protection Board, explained the three Ag. Districts in the Town of Essex and the importance of farming. He spoke against the Moratorium.

Ed Gardner Essex, N.Y. Asked about the property tax exemption for Farming in the Town of Essex.

Anita Deming, Cornell Cooperative Extension, explained the Ag. District formation and said that towns cannot limit agriculture uses. She spoke in favor of Farming, and against the Moratorium as it is currently drafted.

Sally Johnson, Shelburne, VT, and Essex, N.Y. She said when she moved here 24 years ago she did not envision the large scale Farming that is on the horizon.

Stan Tuller, Essex, N.Y. , asked what the target date was to finish revising the ordinance. Spoke in favor of the business community.

Town of Essex Public Hearing Local Law #2

Susan Evans, Essex N.Y. , asked if any changes were made in the Local Law would there have to be another Hearing. Spoke in favor of the Moratorium.

Ben Christian, Essex, N.Y., asked why the Town Board and Planning Board feel that the Ag. District needs to be more restricted. Spoke against Moratorium.

Karen Keene, Whallonsburg, N.Y. asked about Daytop.

Sandy Lewis, Essex, N.Y. said that Daytop is a dead issue. The staff of Daytop does not wish to be here if the community doesn't want them. Spoke against Moratorium.

Skip Yocum, Essex, N.Y. asked if the review process could take place without the Moratorium.

Robin Ulmer, Essex, N.Y. she spoke in favor of small businesses and against the Moratorium.

Richard Sukel, Essex, N.Y. asked how the Ferry would be affected, and asked the Town to support the expansion of the Ferry.

Ray Pecor, LCT Transportation, he said the Ferry expansion would begin next year, and hoped that the Moratorium would not stop the expansion. He asked for the support of the town.

John Doyle, Essex, N.Y. raised the issue of the traffic from the Ferry.

Harold Mac Dougal, Whallonsburg, N.Y. said the town does need some sort of protection until the Zoning Ordinance is updated.

Bill Raus, Essex, N.Y. spoke as President of the Essex Co. Farm Bureau, and said the Farm Bureau is against the Moratorium.

Ted Cornell, Essex, N.Y. addressed the issue of quality of life in areas around the farms, and said that we should be working as good neighbors.

Bernard Beebe, Vice President of Essex Co. Farm Bureau, read a prepared statement on behalf of the Farm Bureau against the Moratorium.

Gary Randorf, Essex, N.Y. said that he was glad to hear about CAFO. He spoke in favor of the Moratorium.

John Parke, Essex, N.Y. said that most people were here as a reaction to Mr. Lewis.

Dave Danziesen, Essex, and Westport N.Y. urged the Town Board to be careful about the Moratorium. Spoke in support of Farming.

Helen Coste, Whallonsburg, N.Y. Spoke in favor of the Moratorium and said that we should be thinking about the Town as a whole.

Supervisor Drummond said he received the following letters of support for the Moratorium. Libby Collins, David and Margaret Reuther, Pat and Bob Burley, Happy Marsh, Ethel Bernard, and Steven Kellogg.

There being no other speakers the Supervisor closed the hearing at 9:40 P.M.

**PRELIMINARY BUDGET HEARING
NOVEMBER 5, 1998**

Meeting opened at 10:00 P.M.

The Legal Notice was read by the town Clerk

Meeting closed 10:02 P.M.

**Respectfully Yours
Ethel Barnaby
Town Clerk**