

**MINUTES  
OF  
THE TOWN OF RENNELAERVILLE TOWN BOARD  
PUBLIC HEARING  
PROPOSED ZONING LAW  
AUGUST 18, 2015  
7:00 PM**

The Town Board of the Town of Rensselaerville held a Public Hearing on the 18<sup>th</sup> day of August 2015 at 7:00 in the evening at the Rensselaerville Town Hall, 87 Barger Road, Medusa, NY. The meeting was convened by Supervisor Lounsbury and the roll was called with the following results:

**PRESENT WERE:** Attorney Tom Fallati  
Supervisor Valerie Lounsbury  
Councilman Robert Bolte  
Councilwoman Margaret Sedlmeir  
Councilman Gerald Wood  
Councilwoman Marion Cooke  
Town Clerk Victoria H. Kraker

Also present were Planning Board Chairman Richard Amedure, Zoning Board of Appeals Chairman John Mormile, Code Enforcement Officer/Building Inspector Mark Overbaugh, and seventeen interested citizens.

The purpose of the Public Hearing was to hear public comments on the proposed Zoning Law.

Supervisor Lounsbury turned the meeting over to Attorney Tom Fallati.

Attorney Fallati stated that this latest draft version of the Zoning Law is a result of a lot of time, effort, and input from various people in the Town. It represents a complete re-write of existing Zoning Law and although it retains some of the same structure, it integrates some other sections and puts them back into logical order as things get amended over time.

Attorney Fallati would like to embrace the Hearing in sections as follows: Articles 1 through 4 and Article 13 together; Articles 5 through 8 and Article 10 together; and finally Articles 9 through 11 together.

A motion was made by Councilwoman Sedlmeir to open the Public Hearing at 7:07 PM; 2<sup>nd</sup> by Supervisor Lounsbury.

*Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)*

JEANNETTE RICE

Mrs. Rice suggested that page 1, section 4 be clarified and that it would have been helpful if those laws were listed and posted on the Town's website.

On page 3, section 5, Mrs. Rice questioned if 'nonconforming heavy industry leases' was something that was added. Attorney Fallati stated that after review of the draft of the heavy industry law, there was a concern about enforceability and he felt that it purported to override existing leases.

Page 92, letter 'B': A Bed and Breakfasts is the type of business that people want in this Town and it fits well with the Comprehensive Plan. She would like to see the occupancy per room restored to the original 2.5 guests/room. Lowering the number of guests per room from 2.5 to 2 cuts the potential income for B&B owners by 20%.

Page 33 "Convenience Store" is a new category for the non-residential uses. The Comprehensive Plan would like to see such business located in the hamlet districts. This document proposes a Special Permit in all zones except for the Crystal Lake region. Mrs. Rice feels that it should only be by Special Permit in the hamlet zone. By allowing Convenience Stores in the other districts, it is contrary to the Comprehensive Plan and also to the definitions of each zone. She would like it changed so that a Convenience Store is non-residential use only in the hamlet district and only by Special Use Permit and 'X'd' in all the other zones.

Under "Definitions" on page 12, "Height of Telecommunications Tower or Structure", Mrs. Rice wished to share some information concerning this. The proposed Communications Tower, according to the builder, is 180 feet. According to current zoning and this definition, the tower is 192'. Located at 177 feet, is the mounting base for a 15 foot antennae. According to this definition it would bring the proposed tower to 192 feet. Also, once any tower is constructed the owners can increase the height by 20 feet (or 10%) without obtaining further authority from the Town.

Mrs. Rice questioned what a 'gas substation' was under "Definitions" on page 9, "Essential Facilities". Discussion ensued until a satisfactory explanation was reached.

DWIGHT T. COOKE AND MICHAEL & LORI OVERMERE signed in to speak, but declined comment at this time.

BARRY KUHAR

Barry Kuhar was concerned with the use of outdoor furnaces being limited to certain months of the year as it was in the original Zoning Law. The Board as well as Planning Board Chairman, Richard Amedure and Code Enforcement Officer/Building Inspector Overbaugh have concurred that the use of outdoor furnaces was not included in this new draft at all.

Mr. Kuhar also inquired if the proposed Zoning Law was in line with the Comprehensive Plan. He noted that at Planning Board training it is taught that the Comprehensive Plan is the rule of the Town and Zoning must mirror that. Supervisor Lounsbury stated that everyone that worked on the Zoning Law tried very hard to keep the Comprehensive Plan in mind. Mr. Kuhar's concern was to head off any law suits.

RICHARD AMEDURE

Planning Board Chairman, Richard Amedure, wished to thank the Board, John Mormile, Mark Overbaugh, Jeannette Rice and the many people before that, for their hard work and dedication over the course of the past several years and for bringing this across the finish line.

ATTORNEY FALLATI

Attorney Fallati noted a typographical error on page 120, Section 11, subsection C.

He also reassured everyone that all highlighting and cross-referencing would be double checked.

A motion was made by Councilman Wood to close the Public Hearing at 7:25 PM; 2<sup>nd</sup> by Councilman Bolte.

*Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)*

A motion was made by Councilman Bolte to adjourn the meeting at 7:26 PM; 2<sup>nd</sup> by Councilwoman Sedlmeir.

*Motion carried: Ayes (5) Lounsbury, Bolte, Sedlmeir, Wood, and Cooke; Nays (0)*

**RESPECTFULLY SUBMITTED;**

Victoria H. Kraker  
Town Clerk