

Questions from the Public

Below is a list of questions we received before and shortly after the public Zoom meeting in which the draft Zoning law was discussed. These are the answer to those questions.

Town of Hector Draft Zoning Law Questions:

1. How is Hector protected from a repeat of the “La Bourgade” development?
 - A similar development would need to meet subdivision requirements (if designed as separate parcels for sale), buffer and lot line requirements, and would need to undergo an added layer of review under this Zoning Law. A future development of this style would need to meet setbacks and/or implement a buffer surrounding the property.
2. How is Hector protected from Telecommunications towers or Wind Turbines that are not compatible with our Scenic Byway designation or the rural character of our community? Why is there no maximum for the height of Wind Turbines?
 - Telecommunications towers are regulated by the FCC. Wind turbines are regulated by the State under Article 10. With State and Federal regulations in place, it is difficult or local communities to place added restrictions. This Zoning Law has done as much as possible in protecting the local community character, short of adopting a viewshed overlay district, which was discussed but we felt that those types of regulations were not something the majority of residents of the Town would be in favor of and was not supported at the public meetings or the comprehensive plan.
 - In regards to Scenic Byway designation, the Town has indicated the level of restrictions appropriate for this Zoning Law.
3. I own a vacant lot on Seneca Lake in Hector. The development was subdivided in 1946. The lot size is 50' of lake frontage by 313'. How is this zoning law going to affect me for future building of a residential structure? Would I be grandfathered in? If I am understanding this draft correctly, my lot does not meet the requirements of 75' and one acre, but does meet the 3500 sq ft requirement. If my lot meets the soil and water perc test, can I build a single-family structure on this lot with the required setbacks?
 - Your particular parcel would be considered undersized and pre-existing, non-conforming. Which there are special rules for. To answer your question of if you could build a single-family home that answer is, probably. Certainly, you would need a perc test and you would probably need an area variance in order to build, but this is why area variances exist, for special situations like this one.
 - The law for a pre-existing non-conforming lot would allow a side yard of 3', rear yard of 10' and front yard of 10'. You should be able to meet those requirements and build a house.
4. How are streams defined? Why are stream setbacks important?
 - Streams are defined by DEC and can be found on DEC website, that is how we determine a stream. Stream setbacks are important to ensure agricultural runoff and other pollutants do not pollute the Town, and the County's drinking water. All of these streams drain into Seneca Lake, which serves as the regions drinking water. It is important to keep this clean.

5. The Agricultural buffer yard of 25 feet seems excessive - LDR – my parcel is bounded on two sides by agricultural land – I don't want 25 feet of weeds at the boundary of my property. If I have to plant something in the 25 feet on my side also – I lose 25 ft of my yard. Currently we mow up to the boundary line and the farmer tills and maintains their side up to the boundary. In reading the next page I see landscaped with plantings of choice or shrubbery/or small trees of choice (or specific heights for specific uses. Overhanging trees for a farmer already limit their use of the fields; shrubbery needs to be maintained to be aesthetically pleasing. Farmers are hard pressed for time to tend animals and crops as it is; and as the adjoining land owner, I have enough of my own to take care of!
 - We will look this over and discuss further with the committee. Thank you for providing this example!
6. Page 23 – LDR - chart for setbacks is totally unfair to those of us with small lots in a rural setting. I own 2.5 acres bounded by a State Highway on the North and a Town Road on the west; and farm field on the east and south along with the north west corner ¼ acre belonging to the neighbor across the Town Road. Current State Code allows a 10-foot property separation from buildings. The chart shows 50 ft front, 50 ft. back and 20 feet on each side; taking that much off each side takes away a considerable amount of use of my property. Yet lake front is only 20 ft on each side (However, that's not feasible as the majority of them now have far less than that).
 - Setbacks in a rural zone are what keeps the rural character. 2.5 acres for a residential property even with these setbacks should still allow for most reasonable residential activities of a home. Understand that these setbacks are for the principal structure only. Accessory structures and uses are allowed to be much closer to the lot line. Accessory structures can be located as close as 5' to the lot line. Further, any existing primary structure would be grandfathered in.
7. On Page 23, I also question the statement for overhangs – six ft into any yard. That could cause a problem with a neighbor if that is taken literally. Building Code distance to closest property line requires that the overhang must not exceed the required separation from the property line.
 - We should probably clarify this language if it is confusing! It is 6' into your own yard.... meaning this 6' doesn't count against your front yard or side yard setback. The setback starts at the building line, not the canopy or awning.
8. In article 3 Section 2 G it mentions any use that is noxious or offensive. will this address the spreading of industrial manure in the town? If so, how will this be enforced?
 - Article 3 are general requirements for all things happening in the Town. When it comes to spreading of industrial manure, that is often protected by NYS Agricultural and Markets as an agricultural activity. But should the activity be something that is extreme and a deterrent to the Town, the Town Code Enforcement officer would work with NYS DEC (who is the regulatory agency for smell) and NYS Ag and Markets to come up with acceptable mitigation. It will be up to DEC and Ag and Markets to determine in the case of Agricultural activities, what is acceptable and what is not.
9. Under section 8.7 A it mentions signs in excess of 16 square feet requiring a building permit and comply with applicable regulations of the building code. are these rules already established and in effect in the building code?
 - No, they are not. Building code does not establish rules about acceptable sizes.

10. Under Signs 8.7 Section E 1. temporary signs. it mentions that signs in violation will be removed by the town police department, since we don't have one that seems like it should say highway department or county police?
 - Agreed. Thank you. We will make a change here.
11. In signs sections 8.7.E 3 there is a confusing bit. It says the duration of such signs shall not exceed thirty (90) days. I find the wording confusing. I believe it's saying that it could be up to 90 days with an allowance, but I think it could be a little clearer.
 - Will review and potentially revise.
12. On page 44 number 5 mentions pennants. I assume that means triangular signs on a ribbon or string that are attached to each other? Those will be disallowed?
 - Yes, that was the decision by the committee.
13. On page 49 at the bottom of B section 3 erosion and sediment control it says the recommended technical standards are detailed in ... as revised. And its blank, seems like the most recent edition's year should be listed.
 - Thank you, will review and potentially revise.
14. On Page 54 in the section on roof mounted solar it says it must be installed by a qualified solar installer. I would suggest being done to a standard. I don't agree that solar installation can't be done by an educated homeowner.
 - Will take to the committee for consideration and potential revision.
15. On Page 58 on decommissioning under section 5 C. it seems like there is a typo or missing word. the time required to.... energy system AND? any ancillary structures.
 - Will review and potentially revise.
16. On page 66 general requirements sections B2 it mentions a required setback reference chart. i think the page number should be referred to again or it should be inserted on this page again.
 - Will review and potentially revise.
17. On page 75 8.22 section C3 a governmental use is not restricted by the requirements of this section. what does this mean?
 - Mainly referring to emergency services. Basically, government is exempt from the sound law.
18. Page 76 section E 1 building materials are to be consistent with the surrounding architecture and colors are to be muted and in harmony with the surrounding architecture and landscape? WHY? I'm not in favor of this. How does one decide if something has conformed? Page 81 10.3 E says something similar. Same concern.
 - In the case of E1. – It allows the planning board to work with an applicant to come up with a design that is visually appealing for an adult use. Something that adult uses may not do when left to their own devices.
 - 10.3 refers to planned districts only, again it allows the planning board to ask questions and consider different colors or design than proposed by the developer while working on approval. If this isn't here, the planning board cannot advise, or request anything different on color or shape. In this section, this only applies to planned districts.

19. Page 91 Section 6 C mentions public health, safety and morals. How do we measure this? Who's morals?
 - You are right, lets remove.
20. On page 100 3A2 maybe unnecessary. Will we have blocks? as we have no areas that seem like they match those uses.
 - You are right, but the inclusion of the term “blocks” is standard for the formation of streets in all zoning laws. When building new developments, they are to follow these requirements for street design. Which are called “blocks”.
21. On page 101 under lot standards F5. What is a reverse frontage lot?
 - We will define “reverse frontage lot”. This refers to when the front of the house technically faces the rear of the property, which happens often on lake front houses.
22. On page 102 under lot standards F7 what is a radius corner?
 - Agreed, this is confusing and the radius corner isn’t necessary language here. We will present to the committee for removal.
23. In response to an email, the Town Supervisor said "You didn't get a response because the board is not involved in the process until we are presented an actual plan or final no plan." Is "no plan" an option? If so, did you discuss and/or vote on that option? Will you vote on that option?
 - STC was contracted to write a draft and work with a committee to do so. It has been the understanding of this committee and STC by both the Town Board and the Town Supervisor that the committee is to present a draft to the Town Board for consideration. This is the full intent of this committee.
24. Did you discuss the historically discriminatory nature of zoning and the difference between inclusionary and exclusionary zoning?
 - Discrimination was discussed and considered in every decision made by the planning commission. STC nor the planning commission believe that this zoning law is discriminatory and are confident that any court would agree. Zoning is active and use by most municipalities. Zoning has been held up time and time again as legal by the highest courts.
25. How does this plan benefit lower income people, which are the majority of our citizens?
 - This zoning law protects all residents regardless of their income. Reviewing the law and considering areas to improve and benefit lower income people, STC has proposed an addition to the Incentive Zoning section (Article 7, page 31). That creates a density bonus for developers that “Dedication of 20% of the constructed dwelling, to be marketed to and affordable to households with incomes at or below 80% of the area median income (AMI), as adjusted for family size.”
26. What are the specific measures that guard against income and racial discrimination?
 - Fair and equal zoning, adoption and enforcement across all three proposed zones.
27. How will we ensure that the plan is acceptable to the majority of our citizens without a vote? These meetings are a small sample of Hector.
 - By NYS law, zoning cannot be voted on. In a representative democracy, the Town of Hector Citizens have the right to vote in individuals (Town Board members) to represent them. The

Town Board members will be decided how to or not to apply this proposed zoning law. Citizens can always be heard through a vote for Town Board members. Also, the law can always change. This is a living document. Should it be adopted today, it can be rescinded later by a new board. That's how laws and representative democracy work.

28. What will the cost of implementation and enforcement be? How much have we already spent?
 - The Town paid STC a total of \$11,000 to work with the board for over a year and draft this plan. Cost of enforcement is yet to be determined. It would be recommended that the Town have one full time code officer to enforce this law.
29. Who or what is this plan trying to exclude? How does this plan do that? Is there a less complicated way to achieve those goals?
 - The overall goal of this proposed law is to maintain rural character and consistency in land development for the betterment of the current and future residents. Zoning is the only way to do this.
30. Who chooses the planning board and the zoning board of appeals? I am worried this system encourages cronyism.
 - Board members are appointed by Town Board members to a term of 5 or 7 years. Again, Representative democracy at work.
31. The planning board has discretion as to who gets approved and the speed at which that happens. How do we prevent abuse of power?
 - It must be done fairly between applications. There is a court system to challenge this if it becomes an issue. But the planning board is required to treat similar applications similarly and process similar applications at similar speeds.
32. STC recommends yearly updates. Please describe this process. I am concerned about the slow creep of regulation. Do zoning laws typically get more or less restrictive over time?
 - It is recommended that the zoning law be reviewed and necessary changes are made to meet what is happening in the Town. Laws do not typically become more or less restrictive over time, we have had the experience of both! They typically become a better fit for the Town overtime...whatever that may be.
33. There are incentives for doing certain things in a new development. Are there any to encourage low income housing?
 - PDR's and other incentive zoning would encourage low income housing. There is absolutely nothing that restricts low income housing or even tries to prevent it. In fact PDR's offer density bonuses and less restrictive zoning.... which is exactly the process we would expect low income housing to utilize.
34. Zoning does not apply to National Forest land. It is just as likely that Village of Burdett property will change as it is that National Forest land will change. I brought this up 2 years ago. Why does the map not reflect this?
 - It is not like the Village of Burdett. The Village of Burdett has a governing body that could implement their own set of land use codes. The National Forest is restricted but still under the auspice of the Town...the Town governs the National Forest with restrictions from the Federal

Government. Zoning must apply to the entire Town, if adopted, including the National Forest, even if there are other restrictions.

35. Is a high-resolution map available? It is difficult to see landmarks and determine where specific properties are on the map that is on the website, and impossible on the print version.
- Yes. Sorry about this. We can certainly make you a high-resolution map and email it to you, but due to this question we are designing an online GIS portal in which you should be able to zoom in and out on every parcel, this will be published on the Town of Hector website shortly!
36. Section 5.3 page 23 – Lakefront Property Height. Where is the height measured? Many houses are built on a slope with a walk-out basement/floor. If measured at that the walk-out level to the peak, the 25ft height limit seems overly restrictive. I submit that the measurement needs to be more clearly defined and measured from the main floor (higher ground level of a slope).
- The intent would be measured from main floor...but this is a great suggestion and will clarify and revise.
37. Section 11.5 Minor Sub Division page 88 - If a property owner has a large enough lot to sub-divide it and maintain the 1 acre minimums for each sub-lot, why is planning board approval required? As long as the owner meets the requirements in the law and follows the current process to legally sub-divide the lot, I don't believe the planning board should have a say on the decision a property owner makes.
- If a town adopts a subdivisions law, subdivisions by NYS law require a public hearing. This is the sole reason the planning board would be required to meet. That being said, if a subdivision meets the required law, the Planning Board would have to say yes to this subdivision after holding the public hearing. In this instance the planning board is not to evaluate whether or not a subdivision should be allowed, but whether or not all the requirements per the zoning law are met.
38. Section 8.18 Lots use for vehicle sales. There is a property on 414 between Burdett and Hector center that I will loosely describe as a vehicle sales lot where there are many Volvo cars (for example) where many of the vehicles haven't moved in years. I imagine this lot is grandfathered in? I contend that the business is better termed as an auto parts junkyard and an eyesore to the "scenic bi-way" vision the community desires. I am also concerned with leaking of harmful liquids (gas, oil, etc.) from these old vehicles into the soil and finding its way to the lake below. The zoning law should address non-conforming uses of commercial properties where a permanent structure isn't impacted however the owner of the property/business can "adjust" the "use" of the property to comply with the intent of these new zoning regulations.
- As described, I too would imagine this would be grandfathered in. That being said, DEC does regulate these types of businesses with leaking fluids.
- As for changes to the property. When an activity, use or building is grandfathered in, it is only grandfathered in until it changes. The non-conforming use law would require that ANY change to use of that site or increase in the intensity of use would require planning board review and to come into compliance.
39. why is it acceptable for agriculture allowed on lakefront? Neighbor has multiple Roosters attracting rodents, smell of feces. Also has multiple live traps throughout yard. These animals jump fence to

other back yards. Also the odor from animals is very unpleasant. We are close proximity to said neighbor. Would affect future sale of property. Feeds them compost as well.

- This isn't acceptable in any district. While agricultural activities are protected, this doesn't mean that animals are allowed to roam on other properties. What you have described appears to be a current violation of building code/property maintenance code as defined by NYS as well as potentially a violation according to DEC. We encourage you to work with your Town Code Enforcement officer to rectify these issues.

40. In looking for definitions – I find no definition of a Recreational Vehicle

- Agreed. This should be added. A definition for recreational vehicle will be added. Thanks.

41. Also – no definition of a stream – there are many areas where there is a diversion ditch or what appears to be a stream bed that only run water in high rain or snow runoff events that could be misidentified as a stream as there is no description of what a stream is.

- For consistency sake, Streams are always defined by DEC. When speaking about streams, stream buffers and setbacks, ONLY streams mapped and defined by DEC would be considered streams. This is not left up to the planning board or code enforcement officer to define. I think it is a good addition to add a Stream definition that says exactly this. Thank you.

42. I am very seriously considering turning an existing property into a short-term rental. Can I obtain prior approval to do this today, in advance of a zoning law being adopted, so that I can be considered grandfathered in, if it is adopted.

- Today, no zoning law is in effect in the Town of Hector. Property owners are entitled to do as they please, as long as NYS Building Code and other NYS regulations are met. Should you be interested in starting a short-term rental prior to any zoning law being adopted, we recommend you talk with the Town Code Enforcement Officer to ensure that all NYS regulations are met. Understand that receiving "prior approval" only is valid if you actually begin the activity, ie. Start renting short-term. You cannot receive "prior approval" for an activity you are not going to begin until after the law is adopted.