

DISTRIBUTION LIST

Richard Donovan, Mayor
Edmond Theobald, Trustee
Ronald Cronk, Trustee
William Brazill, Trustee
John Champagne, Trustee
Steven Primo, Attorney
Thomas Petterelli, DPW Superintendent
Janet Stanley, Justice
Richard J. Greene, Codes Enforcement Officer
Chief Pat Flannery
Town of Manlius
Village of Fayetteville
Donna DeSiato, Superintendent ESM School District
Manlius Historical Society
Minoa Library
John Regan

October 1, 2007

**PUBLIC HEARING
LOCAL LAW #9 FOR
2007**

Upon due notice to all members of the Village Board, a Public Hearing was held on Monday, October 1, 2007 at 6:45 p.m. at the Municipal Building, 240 N. Main Street, Minoa, NY. The purpose was to consider the enactment of Local Law #9 for 2007 for the Village of Minoa relating to the establishment of Chapter 66 of the Village of Minoa Municipal Code entitled "Fences" relative to the establishment of regulations for the installation and construction of fencing on real property located within the Village of Minoa.

PRESENT: Mayor Donovan
Trustee Cronk
Trustee Brazill
Trustee Champagne
Trustee Theobald
Attorney Primo
Clerk/Treasurer Snider

ALSO Thomas Petterelli, Mike Pede, and Pat Abbott

PRESENT:

**PROOF OF
PUBLICATION**

A motion was made by Trustee Brazill and seconded by Trustee Cronk agreeing to waive the reading of the Proof of Publication of Public Hearing. All in favor. Motion carried.

**PURPOSE OF PUBLIC
HEARING**

Mayor Donovan called the Public Hearing to order at 6:46 p.m. for Local Law #9 for 2007 for the Village of Minoa relating to the establishment of Chapter 66 of the Village of Minoa Municipal Code entitled "Fences" relative to the establishment of regulations for the installation and construction of fencing on real property located within the Village of Minoa. Mayor Donovan turned the Public Hearing over to Attorney Primo

for an overview of the proposed Local Law.

Attorney Primo said the proposed Local Law was distributed to the Board in August and had received an updated version of the proposed law from Richard Greene, Codes Enforcement Officer. Attorney Primo provided both versions for the Board to review.

Original Proposed Local Law #9 for 2007:

CHAPTER 66

Fences

§66-1. Title

This Chapter 66 shall be known as "Fences."

§§66-2. Regulations

- A. In any residential or mixed residential district, fencing may be installed at the outside perimeter of the property line a minimum of six inches there from and may be no more than 48 inches high in the front yard nor more than six feet high at the rear and side property lines. Fencing shall be uniform in design, of natural material or chain link, with the finished, or more aesthetically pleasing finished side facing adjoining properties. In the event of an issue or dispute regarding the foregoing, the Codes Enforcement Officer shall make the determination subject to the owners' right to appeal such determination to the Zoning Board of Appeals.
- B. At all street intersections there shall not be constructed any obstructions to sight lines of vehicular traffic.
- C. In other than residential districts, the placement thereof together with the restrictions imposed thereby for a proposed fence shall be determined by the Planning Board pursuant to Chapter 127 of the Village of Minoa Code.

Attorney Primo described Mr. Greene's proposed changes and additions as follows:

- D. Fencing of front yards shall be higher than four feet from grade, no more than 50% opaque, and not be more than 6 feet high at the rear and side property lines with the exception of tennis or recreation courts to extend to a height of 12 feet.

Note: The **front yard** is the yard between the street line and a line parallel to the street line intersecting the point on a structure closest thereto.

- E. No fencing or screening device including plantings shall impair exit vision from a street or driveway.
- F. On corner lots fencing or screening devices shall be between the height of 2 feet and 10 feet from grade for a distance of 20 feet from the property corner along both streets. Note: **Corner lots** have 2 front yards.
- G. No fence or screening device shall be installed or maintained in any drainage easement.
- H. In other than residential districts, the placement thereof together with the restrictions imposed thereby for a proposed fence shall be determined by the Planning Board pursuant to Chapter 127 of the Village of Minoa Code.

**COMMENTS FROM
THE VILLAGE
BOARD**

Trustee Champagne expressed concern that the 18 inches between the fences is not enough area to maintain the property, especially in a cul-de-sac area. Mayor Donovan said the space is fine if all of the neighbors are in agreement, but if they are not, it then becomes a civil matter.

Attorney Primo said if it is a maintenance issue and there is enough space, the owner of the fence is legally responsible to maintain the fence. He said the biggest concern is that the nice side of the fence faces the neighbor and that there is a maintenance area. Attorney Primo suggested that the Board should not go less than six (6) inches from the property line. He said typically the neighbor maintains the grass on their side of the fence.

Mayor Donovan asked what the Village's responsibility was if there was a dispute between neighbors? Attorney Primo said it would be a civil matter. Mayor Donovan said if there was a common fence and the neighbors decided on a common fence, if a new neighbor isn't happy it should not be the Village's responsibility to cite.

Attorney Primo said the Codes Enforcement Officer would not cite anyone in a common fence arrangement and would only step in during a new installation if a complaint was made. The Village would not step in regarding an old fence previously installed.

Trustee Champagne asked if previously installed fences would be grandfathered in and Attorney Primo said yes.

Attorney Primo said he agreed with Mr. Greene's recommendation that no fence shall block a drainage easement. He suggested that the Board review the recommendations and continue the Public Hearing at the next Board meeting.

PUBLIC COMMENTS Mayor Donovan asked if anyone from the public wished to speak either for or against the proposed Local Law.

Mike Pede of 88 Windebank Lane said that many fences are made of resin and are not natural, as specified by the proposed law.

**PUBLIC HEARING
TO BE CONTINUED** A motion was made by Trustee Theobald and seconded by Trustee Cronk to continue the Public Hearing on October 15, 2007 at 6:45 p.m. All in favor. Motion carried.

**PUBLIC HEARING
CLOSED** A motion was made by Trustee Theobald and seconded by Trustee Cronk to adjourn the Public Hearing for Local Law #9 for 2007 at 7:03 p.m. All in favor. Motion carried.

Respectfully submitted,

Suzanne M. Snider
Village Clerk/Treasurer