

Property Assessments and Lake District Zoning- Part 2 chapter #27

Don Cook discussed last year's assessment study by Richard Tinsdale, director of economic development at the April 1990 meeting. It did not compare recreational property versus farm. It addressed residential property versus agricultural and industrial. It verified residential property value was increasing and agricultural/industrial decreasing.

Doug heard rumors that another assessment of cottages had been done. Bob Bowles stated the town of Castile board approved a complete re-evaluation for 1993 due to dropping equalization rate as recommended by NYS.

The Wyoming County Board of Supervisors proposed establishment of a County Assessing Department. The issue must go to a public referendum and would be decided during the general election in November. If this would pass, the towns would dissolve their Assessing Department, but would retain their Assessment Review Board. Annual costs for either system are about the same, approximately \$300,000. Supervisors believed better efficiency and uniformity would result through proposed consolidation.

The July 1993 Annual meeting contained a discussion that the members questioned the legality of the 1993 property revaluation and the Secretary read correspondence sent by Bob Stevens with a legal opinion he received. The opinion stated that the process was not legal and not likely to win in court. Mr. Stevens then stood and announced another legal opinion he received that looked more favorably on class action litigation.

Members argued that the SLA should have been more involved in the process and suggested using funds to retain an attorney. Officers reported actions of the SLA on behalf of the lake property owners, including; clerical help to Mr. Stevens, reports (assessments roll, property sales, instructions to grieve assessments) which the SLA obtain and made available for members, board attendance at the Castile-Perry reassessment meetings and grievance hearings, and news articles in the SLA newsletter and the Perry herald.

Vice President Kirkgasser said assessments were an individual determination and further work would not be in accordance with the Mission, By-laws, manpower, or budget of the association. Members were still dissatisfied, citing the SLA assessment committee of years ago and members' willingness to expend SLA funds to re-establish it.

To bring the discussion to a close, Margaret Kirkgasser motioned to establish an assessment committee. The measure passed with a majority vote. There were several absences due to members leaving prior to the vote. Three volunteers, Durwood Lacey, Jean Augustino, and Bob Stevens stepped forward as the new Assessment Committee. Kirkgasser then motioned that the committee include 5 more volunteers and report to the September Board meeting and if not, the committee be dropped. With a vote of 23 opposed and 3 in favor the motion was defeated.

Bob Bowles stated at the October 1993 SLA meeting an update on the County-wide Assessing proposal to be decided November 2, 1993. Four of the 16 towns in Wyoming County used the 1930 assessment data and one town used 1980 data. The county's \$58 million budget used NYS Equalization and Assessment formula to decide each town's share of the county budget. Castile was high at 10% because it had the most current property values. Once other towns were updated, Castile's share should drop. If the county-wide proposition passed, NYS Real property Office would be replaced by a new assessing department. Joe Elias spoke on the resent Perry central School district budget vote; members of his family were turned away by election inspectors. Francis reported the same issue from his tract. Elaine had no problem but is registered in Wyoming County. To establish residency here, you must register in the County.

It was noted at the May 1999 meeting of the SLA, that there was a grievance form that had to be completed prior and would be available at the Assessing Offices in Castile, Perry, and the County. There would be a signup sheet to

sign when you go the office for the grievance process, and then you would have to wait a turn. The thought of the day was: Basis – why was your assessment increased; comparative properties (called comps) by which your assessment was compared and revalued with the increase – an assessor had to prove why a value was raised versus the “my property is worth this” thinking.

Future projects he would propose were construction of a siltation pond above Koziel’s, dredging of the inlet and outlet, installation of a flume with a flow meter to prove to the DEC that there was an adequate supply of water past the Sewer Treatment Plant so that waste water could be diluted without drawing thousands of gallons of treated water from the system. This would be a two-year project.

Dan Mance was asked to discuss properties on Euclid Avenue that were unsightly and unsafe and process what he had gone through for the past few years to get something done about the situation. Dan and neighbors had been to all the local authorities with little action on their part. Margaret felt that local elected officials had to be held accountable and that the SLCOA was concerned about disreputable properties in the watershed which may mean putting pressure to bear on the various Boards.

Supervisor Bowles announced that as of 9/1/1992, NYS required the county to have a mandatory recycling law. Over a year ago, Wyoming County Looked into a countywide disposal system and recently received 10 requests for proposals from 3 private WNY haulers. The county was negotiating with them to contract for curbside service which should be in place by January of 1993, at a cheaper rate than the drop-off center in Perry, which charged \$2.50 per bag. The county plan would be a pay-per-bag user fee plus a small per-parcel surcharge on the tax bill.

The county had negotiated a new garbage contract with half year fees at approx. \$67, for seasonal residents. The new program had eliminated the tag system and allowed up to 5 bags per week plus one bulky item (appliance/furniture) item. The cost for a year around resident would be approx. \$134.

Zoning Administrator Eric Parker outlined updates to the zoning codes. A special Lake District was established to address the smaller lot sizes and setbacks on the lake. Those residences in the town of Castile were subject to the new laws. The village of Perry lakeside homes would be included once the village passed the land use law. Mr. Parker informed the SLA that permits were required for: fences, including hedgerows, porches, decks, breakwalls, pools, sheds, alterations for electric, plumbing, heating systems and all new structures, even those considered temporary. Subdivisions were any changes in property lines and required Planning Board approval. Copies of the law & Lake District boundary lines were available in the Zoning Office and village and town clerk’s offices.

Tim Dills, a Shearman Road resident, had proposed building a fast-food boaters restaurant on his property. He had 100 foot lake frontage. The building would have a 20-person limit and dockage for 7-9 boats; car/truck traffic would not be allowed, it would be for walk-up/boaters only. It was then recommended that Tim work with Zoning Administrator Eric Parker as the Castile-Perry Area Planning Board lacked information to decide the case.

Other information was stated about the Country Club restaurant would now be open to the public. Kevin Bohn would run it and it was to be called The Lakeshore Restaurant, by the Country Club. It would be open to the public May 15, 1995, seven days a week, three meals a day, with dockage for boating patrons or parking lot for cars.

Crestview Tract (Locust Lane) development was delayed until the sewer pump-extension and drainage issues were resolved. The Corral purchased the lot at the corner of Chapman Road from which fuel tanks and contaminated soil were excavated. The SCS was ready to proceed with the drainage remediation at the Mueller property but needed the Town of Castile to sign the O & M agreement.

The Planning Board had an issue to resolve that was brought before the board at the August 1998 meeting. A cottager wanted to raze their cottage and erect a new one with a 36 foot height, (34 foot height from the ground was the regulation). The variance request was denied but opened up something the SLA had to think about. Don questioned why applicants needed a variance if it was on a private drive. Rich said courts have shown you were not entitled to a lake view but it was a tradition around Silver Lake.

In September 1999 the 3 municipalities that were in the planning board was reorganizing. The disbandment of the joint planning board was official. Rich was on the Village of Castile Planning Board and also the Town of Castile Planning Board. Gary Thompson was the new town of Castile Zoning Officer. Dennis Halstead was the new Zoning Officer for the Village of Perry. Keith Washburn was the new Zoning Officer for the Village of Castile.

Club Road neighbors planned to file an article 78 proceeding against the Town of Castile because the planning board gave conditional approval to Dana freeman condo permit. The SLA lost their lake representatives on the Town of Castile Board (Don Manning, Peter Adrian) as well as Supervisor Bob Bowles, their seats were replaced by two Ag. Reps and a bank loan officer who has a village business (he was a former planning board member).