

**PUBLIC HEARING ON A PROPOSAL TO ELIMINATE THE 10 FOOT RESTRICTION AGAINST FENCING AND OBSTRUCTIONS IN THE NORTHCREST VILLAGE PLANNED DEVELOPMENT DISTRICT**

On September 5, 2023, at 7:05 P.M. in the Wood memorial Room at Town Hall, the Town Board will consider a proposal to eliminate a rather unique zoning restriction which, if enforced, prevents fencing, shrubbery, or landscaping obstructions to the sides and rear of town home units within the Tallowwood neighborhood, (The North Crest Village Zoning District)

Tallowwood is a special zoning district, called a “Planned Development District,” and when it was initiated in 1980, a provision preventing fencing or similar obstructions extending out from the sides or along the back of the units was put into the zoning regulations, to enhance first responder access to the rear of the Townhomes.

Over the ensuing 40+ years, most homeowners have not followed the restriction, and there are a great many homes in the neighborhood currently in violation of the provision. From time to time, the code enforcement office received complaints on a specific violation and would be compelled to advise a homeowner that a particular fence should be removed. This caused significant concern, since most homes in the neighborhood are actually in violation of the restriction.

Local Fire Company leadership has advised that the restriction is not necessary to ensure health and safety in the event of an emergency, and the current fencing in the neighborhood has never been an issue for Emergency Service Personnel. Therefore, the restriction seems obsolete, and not something that the current homeowners and residents of the neighborhood wish to comply with.

The proposal for Tuesday night, then, is to match the Town code with the realities of the situation. It should not require any real change to the neighborhood, but rather merely match up the code with the actual buildout of the neighborhood by residents over the last 40+ years.

Neighborhood regulations regarding these matters would match those in other neighborhoods not governed by an HOA that may have specific restrictions. In addition, many of the homes in the Tallowwood Subdivision may have deed restrictions or covenants that run with the land which empower the affected homeowners to enforce similar or broader provisions, through civil actions, and the code amendments being discussed would not eliminate those deeded rights. The

code changes merely affect the zoning regulations which are to be enforced by the Town.