

Minutes of the Public Hearing held on May 19, 2009, 7:00 pm held in the Constantia Town Hall.

Present: Andrew Kelsey – Supervisor
Daniel Buck, Richard Colesante, John Metzger and Frank Tomaino
– Council Members
Clare Haynes – Town Clerk
Warren Bader – Town Attorney

Others Present: Wayne Woolridge – Highway Superintendant
Nancy Butler – Supervisor’s Clerk
Chuck Gilkey – Planning Board Chair
Ken Macari – Board of Appeals Chair
Michael Marr – Water Committee Chair
Judge Steven Pelon

OPENING:

At 7:13 pm Mr. Kelsey opened the public hearing on the proposed changes to the Land Development Law and the Outdoor Storage Law.

BOARD:

Mr. Kelsey asked the board if there were any questions, there were none.

PUBLIC:

Mr. Kelsey then opened the meeting to the public.

Brenda Ko of Constantia wanted to let the board know that she is in favor and would encourage the board to support the revisions to the Outdoor Storage Law.

Ken Macari of Constantia would like to support the proposed changes, he feels that the changes will help the code enforcement officer in clarifying his job.

PROPOSED CHANGES:

Proposed changes for the Outdoor Storage Law:

Amendment

Article 2 (Definitions) of the Outdoor Storage on Private Property Law (Local Law No. 1 of 1988) is hereby amended by deleting the definition of the term “Junk Vehicle” and inserting the following Definitions:

CODE ENFORCEMENT OFFICER - an individual designated by the Town to represent them in particular matters pertaining to this law.

JUNK - the outdoor storage or deposit of the following:

- a. Two or more junked vehicles;
 - b. One or more abandoned mobile homes;
 - c. One or more abandoned recreational vehicles;
- d. One or more inoperable or unseaworthy boats, whether propelled by motor, sail or any other means;
- e. Two or more inoperable or abandoned appliances including, but not limited to:
 - i. washers, dryers, dishwashers, stoves, refrigerators, freezers and televisions;
 - ii. waste paper, rages, scrap metal or discarded materials; and
 - iii. toxic chemicals and radioactive materials at levels that could be injurious to humans, animals and

biological life, exempting NYS licensed applicators; and

- f. Two or more abandoned or irreparably damaged pieces of indoor furniture including, but not limited to, sofas, lounge chairs, mattresses, bed frames, desks, tables,
- g. chairs and chests of drawers; and
- h. Any combination of the above.

JUNK VEHICLE - any motor vehicle whether automobile, bus, trailer, truck, tractor, mobile home, motorcycle, motor bicycle, mini bicycle, ATV or snowmobile, or any other contraption originally intended for travel on the public highways, or any motorboat, rowboat or sailboat which:

Is unlicensed, unregistered and/or uninspected, old, wrecked, stored, discarded, abandoned or dismantled or partly dismantled, or is not in any condition for legal

- a. use upon the public highway or waterways; or
- b. Is being held or used for the purpose of resale, reclamation, storage or disposal of parts; or
- c. Is in such condition as to cost more to repair and place in operating condition than its reasonable market value at the time before such repair.

With respect to any motor vehicle not required to be registered, licensed and/or inspected or any motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than one year and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a "Junk Vehicle".

The use of the term in the singular herein is intended, where applicable, to include the plural.

Proposed changes to the Land Development Law as follows:

Section 1. Definitions Amendment.

Article 2 (Definitions) of the Town of Constantia Land Development Law is hereby amended by deleting the definitions of "Mobile Home", "Mobile Home Lot" and "Mobile Home Park" and inserting the following Definitions:

MANUFACTURED HOME: Manufactured housing built on a chassis bearing a seal issued by the Federal Department of Housing and Urban Development. A manufactured home shall be construed to remain a manufactured home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A manufactured home shall not be construed to be a travel trailer or other form of recreational vehicle.

MANUFACTURED HOME, DOUBLE-WIDE: Manufactured housing built on a chassis bearing a seal issued by the Federal Department of Housing and Urban Development. A double-wide manufactured home is manufactured in two or more sections off-site and transported individually to the placement site and assembled there.

MANUFACTURED HOME, SINGLE-WIDE: Manufactured housing built on a chassis bearing a seal issued by the Federal

Department of Housing and Urban Development and which is sixteen (16) feet or less in width.

MANUFACTURED HOME PARK: Any lot under single ownership on which three or more manufactured homes are located regardless of whether or not rent is charged for such lot accommodations.

MANUFACTURED HOUSING: A building designed for long-term residential use having the following characteristics: (1) constructed or produced in a factory for transportation to a site for installation and use when connected to required utilities; (2) either an independent, individual building or a module for combination with other elements to form a building on the site.

Section 2. Amendment to Section 440.

Section 440 of Article 4 of the Town of Constantia Land Development Law is hereby deleted in its entirety and the following is inserted in its place instead:

Section 440. Manufactured Housing

1. The following requirement shall apply to any manufactured home, whether it is located on an individual lot or on a site within a manufactured home park.
2. Manufactured Home Skirting
 - a. Each manufactured home shall be provided with a skirt to screen space between the manufactured home and the ground.
 - b. Such skirts shall be of permanent material and provide a finished exterior appearance.
 - c. The material used shall be fire-resistant.
3. Manufactured Home Stands
 - a. Each manufactured home site shall be provided with a stand which will give a firm base and adequate support for the manufactured home.
 - b. Such stand shall have a dimension approximating the width and length of the manufactured home and any expansions or extensions thereto.
 - c. Well-anchored tie downs shall be provided per manufacturer's directions.
 - d. Stands shall be either:
 - (1) Ten (10) inches of compact gravel; or
 - (2) A full concrete slab at least six (6) inches thick; or
 - (3) Six (6) inches of compacted gravel, with a reinforced concrete runner on each side of the stand to provide support. Such runner shall be a minimum of 4 feet wide, 65 feet long and 6 inches thick.

The stand area shall be graded to ensure adequate drainage but, in no event, shall the grade variance

- a. exceed six (6) inches from one end of the stand to the other.
- b. Each manufactured home shall be adequately anchored to ensure against uplift or overturning.

2. A manufactured home being set up in the Town of Constantia (either inside or outside a manufactured home park) shall bear a HUD label, which certifies that the home is in compliance with all applicable federal construction and safety standards.
 - a. The home shall not have been modified structurally without certification.
 - b. Every manufactured home shall bear a date plate (affixed in the manufacturing facility) bearing not less than the following standards:
 - (1) The statement: “This mobile home (manufactured home) is designed to comply with the federal mobile home (manufactured home) construction and safety standards in force at the time of manufacture.”
 - (2) Reference to the structural zone and wind zone for which the home is designed.

Section 3. Amendment to Section 515.

Subsection 1 of Section 515 of Article 5 of the Town of Constantia Land Development Law is hereby deleted in its entirety and the following is inserted in its place instead: 1. construction of one or two-family dwellings, single-wide manufactured homes, double-wide manufactured homes, modular homes, u-type hunting and fishing cabins on five (5) acres of land or more, and ordinary accessory structures and related land-use activities.

Section 4. Amendment to Section 940.

Section 940 of Article 9 of the Land Development Law is hereby deleted in its entirety and the following is inserted in its place instead:

Section 940. Division of Existing Conforming and Non-conforming Undersized Lots.

1. A conforming lot may be subdivided if the lots created are conforming. If any lot created is non-conforming, it can only be created and sold to the owner of the adjacent property and must be merged with that property.
2. A lot of non-conforming lot frontage or lot area may be subdivided if each and every subdivision of such lot is purchased by the owner(s) of the adjoining lots to increase the lot frontage or lot area of said owner’s lot(s).

Section 5. Amendment to Section 1032.

Section 1032 of Article 10 of the Town of Constantia Land Development Law is hereby deleted in its entirety and the following is inserted in its place instead:

Section 1032. Building Permit Exceptions.

No building permit shall be required for work in any of the following categories:

1. Construction or installation of one-story, detached structures associated with one or two-family dwellings or multiple single-family dwellings (townhouses), which

are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);

2. Installation of swings and other playground equipment associated with a one or two-family dwelling or multiple single-family dwellings (townhouses);
3. Installation of swimming pools associated with a one or two-family dwelling or multiple single-family dwellings (townhouses), where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
4. Installation of fences which are not part of an enclosure surrounding a swimming pool;
5. Construction of retaining walls unless such walls support a surcharge or Impound Class I, II or IIIA liquids;
6. Construction of temporary motion picture, television and theater stage sets and scenery;
7. Installation of window awnings supported by an exterior wall of a one or two-family dwelling or multiple single-family dwellings (townhouses);
8. Installation of partitions or movable cases less than 5' 9" in height;
9. Painting, wallpapering, tiling, carpeting or other similar finish work;
10. Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
11. Replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications;
12. Repairs provided that such repairs do not involve (I) the removal or cutting away of a load-bearing wall, partition or portion thereof, or of any structural beam or load-bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of removal from service of all or part of a fire protection system for any period of time; and
13. Non-structural agriculture and forest management uses.

CLOSE:

At 7:28pm a motion was made by Mr. Colesante to close the public hearing on the proposed changes to the Outdoor Storage Law and the Land Development Law, seconded by Mr. Metzger.

Carried: Tomaino – Yes Buck – Yes Colesante – Yes Metzger – Yes Kelsey - Yes