

July 16 2015

The Town Board of the Town of Corinth held a public meeting on July 16, 2015 at 4:30PM at the Town Hall.

Present: Richard Lucia, Supervisor
Charles Brown, Councilman
Edward Byrnes, Councilman
Jeffrey Collura, Councilman
Joshua Halliday, Councilman
Leon Hickok, Code Enforcement Officer
Rose Farr, Town Clerk

Excused: Shawn Eggleston, Highway Superintendent

Public: James Martin, L A Group

After roll call, the pledge of allegiance and prayer the following business was conducted:

LAND USE

James Martin of LA Group gave the board a brief summary of the status of amending the Land Use Ordinance.

Mr. Martin stated that at the Informational Meeting that was held very few people attended. He said he did have concerns from David Eggleston regarding his property being changed from R3 to Commercial and Louise Reed wanted the time for a violation to be taken care of to more than twenty days. He said the Supervisor told him that the Town Board had some comments

Supervisor Lucia said he felt that everything should be put together and have another informational meeting which would be overly publicized. Mr. Martin suggested waiting until after Labor Day.

Supervisor

Supervisor Lucia told Mr. Martin about citizens coming before the board regarding use of ATVs within 500 feet of another residence. He told Mr. Martin that the property that was involved was densely populated and the lots were only approximately 50 feet in width. Supervisor Lucia asked if this should have been done by Local Law or if it could be handled with the revision of the Land Use Ordinance. Councilman Byrnes told Mr. Martin that the people are on their own property but are still within the 500 foot limit so they cannot ride on their own property. Councilman Byrnes said perhaps we could check with other surrounding communities and see what they are doing. Mr. Martin said he research the matter and give the board some suggestions to the board. Councilman Byrnes said that the board wanted to accommodate the people that have the ATV but also wanted the neighbors to have a peaceful environment.

Town Board

Councilman Byrnes said he had concerns about where it says “mobile home parks must go through the Planned Development District Process and can only be located in R-2 (Mixed Residential). He said that earlier on it said mobile home parks go to site plan review and there is no place in Site Plan Review that includes Mobile Home Parks. He asked if this was consistent with the Comprehensive Plan that was passed that they did not want any mobile home parks. Supervisor Lucia said he thought mobile home parks were restricted but it did not eliminate them completely.

Councilman Byrnes told the board that at first they had his property zoned Industrial and then it was changed to Commercial. He said he didn’t know if that was right because the mobile home park only takes up about 15 acres including his rentals.

Councilman Byrnes read from the Comprehensive Plan as follows: “Existing manufactured home communities are allowed as of right through site plan review. The placement of a new manufactured home community must go through the Planned Development District process and may be located only in Mixed Residential (R-2) District.....” He told Mr. Martin that according to what he sees manufactured homes are not permitted in R-2. Mr. Martin said he thought that the board had restored that. After looking Mr. Martin said manufactured homes are allowed and manufactured home communities are not but could be brought in as a Planned Development District. Councilman Byrnes said that they would have to follow the Planned Development District process and would only be allowed in R-2 (Mixed Residential).

Supervisor Lucia said he was looking at the revision of June 2011 and on page 4 it says Mixed Residential (R-2) “ It is the purpose of this zoning district to accommodate single family dwellings including modular homes.” He said he has a foot note that says mobile homes and manufactured homes were back in. Councilman Byrnes said that his copy dated June 2014 has it crossed out 2008 and says March 21, 2014. Mr. Martin said he was looking at the Final Draft Zoning Revision that went out in March 2015 and it says “including Modular Homes” it does not same mobile homes. Mr. Martin said in the use table of the revision it lists Manufactured Homes as a permitted use. Town Clerk Farr said she has one dated April 2015 and the table shows manufactured homes as a permitted use.

Councilman Byrnes asked if it listed manufactured homes as permitted and Mr. Martin told him it listed manufactured homes but not manufactured home communities. Mr. Martin said he thought what the committee was trying to do was to keep manufactured home communities with the Planned Development District process because this would be trying to plan out the whole site for the whole use. Mr. Martin gave the board an example of this. Councilman Byrnes said he did not have the current copy and was only referring to what he had. Councilman Byrnes said in the revision he had it says 9.8 Manufactured Home Communities are only permitted in Mixed Residential (R-2) Districts.

Councilman Byrnes said Manufactured Home Communities does not show in the chart of permitted uses. Mr. Martin asked if the board wanted it added to the permitted uses.

Councilman Byrnes told the board that the problem he has is the law is not consistent. Code Enforcement Officer Hickok said it should be added to the permitted use under Special Use Permit.

Councilman Collura asked Code Enforcement Officer Hickok if there were any manufactured homes brought into any lots that didn't already have one on it. Code Enforcement Officer Hickok said that it has been happening because this is all some people can afford.

Councilman Byrnes told the board the reasons for doing this was Global Foundries was coming and the Town was supposed to feel the growth due to this. He asked if the Town has seen it and he was told they have not.

Councilman Byrnes said that there were concerns that he had voiced before. He said one being South Corinth Hamlet. He said South Corinth Hamlet is described as follows: "It is the purpose of this zoning district to recognize the hamlet of South Corinth for its unique heritage as a compact and distinct gateway area. Due to the area's proximity to Route 9N, and the concentration of smaller parcels with buildings evoking qualities of historic architectural character, the hamlet is ideally suited to provide neighborhood-scale goods and services at this key entry point into the Town. Therefore, a mix of land uses in a concentrated pattern of appropriately sized, architecturally compliant buildings is reflected in the permitted uses and associated density requirements of the district." Councilman Byrnes told the board that he found nowhere in the Land Use where the guidelines for "architecturally compliant buildings" is defined. Jim Martin said that there are none and this is the only place this phrase is used. He asked if the board wished this phrase stricken. Councilman Byrnes said he just didn't understand why South Corinth was changed this way. Mr. Martin explained that this meant it is near the gateway to the Town or Route 9N and there are uniquely architecturally buildings in that area. Supervisor Lucia suggested to strike that last sentence if the board was uncomfortably with it.

Councilman Byrnes asked the difference of the buildings in the South Corinth Hamlet as opposed to the buildings in the Village of Corinth. Supervisor Lucia said there is the same design all over. Councilman Collura said that the board may not want the area to comply architecturally. Mr. Martin asked if the board wished to have all reference to architect taken out. Councilman Byrnes asked if anyone had a copy of what the old description of South Corinth Hamlet was. Code Enforcement Officer Hickok told the board that they have gone away from the architectural design already since there is a housing development on Route 9N in South Corinth Hamlet.

Mr. Martin said that the way it reads in the newest revision is as follows: "It is the purpose of this land use district to recognize the hamlet of South Corinth as a distinct social and cultural place with mixed land uses at a higher density than found in the surrounding countryside. Manufactured homes, mobile homes and other single family dwelling units are allowed in this district." Councilman Byrnes said so to get mobile homes out of there it has been changed to they must be architecturally compliant. He said that this was one of his major concerns since

September 2011. He said this is saying if a person does not have enough money to build a house in South Corinth they are not permitted to purchase a mobile home and place it in South Corinth. He said that is social engineering. Councilman Byrnes said one of the previous councilman was that you are not going to get people with more money moving into this area if that is not changed. Councilman Byrnes said he is not worried about people moving into the area he is worried about the people that are now in the area and what they can afford.

Councilman Collura asked Councilman Byrnes if he would like it to stay the way it is without any changes. Councilman Byrnes said he was speaking for himself. He said that this is his concern.

Councilman Collura said he thought this is what this meeting is for so the board members could make their concerns known regarding the revisions of this proposed ordinance. He said maybe the board should make preliminary decisions with each one as they go so that they don't just keep kicking the revisions around.

Councilman Collura suggest that the board take the matter of mobile homes and make a decision on that. He asked if the concerns were just with South Corinth Hamlet or with other areas of the Town. Councilman Byrnes said that they were only allowed in R-2. Councilman Collura told him that the board did not have to change anything if they did not want to. Councilman Collura said that if the board felt that the revisions did not meet what they thought should be allowed in the Town they did not have to pass any revisions and 2008 could remain in effect unchanged.

Supervisor Lucia said that the thought if a person was proud of their home they would take care of it whether it be a mobile home or a house. Code Enforcement Officer Hickok said that at the present New York State has no authority over mobile homes and we have no building code for mobile homes. He said that the Town has to go under HUD and HUD has strict rules now on mobile homes.

Jim Martin told the board that this change came from the survey that was sent out at the time of the Comprehensive Plan. He said that was what was used by the committee to do the revision on mobile homes. Mr. Martin said that this was a huge topic of the committee with lengthy discussions.

Councilman Byrnes asked that if the Town Board felt something needed to be changed then it needed to be done before the next public informational meeting. Supervisor Lucia said that before this was put up to the public the first time it should have included the Town Board's input.

Councilman Byrnes said his problems are:

- Doesn't see where architecturally guidelines should be used in South Corinth Hamlet
- Need to change the description of South Corinth Hamlet
- Would like to see South Corinth Hamlet description put back to the way it was

- No eliminating mobile homes in South Corinth Hamlet

Councilman Collura asked if Councilman Byrnes had any other changes he wanted. Jim Martin reminded the board that there was a whole district eliminated in the revisions. He said that then it came down to where mobile homes would be allowed. He said they mapped where all mobile homes were in the Town and overlaid that with the R-2 District so they could be accommodating to the present mobile home owners. Jim Martin said it encompassed most of the mobile homes in R-2 so that they would be conforming uses. He said there were a few places in the Town that mobile homes now exist and if the revisions were passed they would be non-conforming but this was a feeling of the committee based on the Comprehensive Plan. Mr. Martin told the board that even if it was non-conforming and for some reason the mobile home needed to be replaced it could be done within a specified time frame.

Councilman Byrnes said that Corinth is a poor community and if the present revisions were to be passed it would eliminate something that is affordable to some of our residents. Councilman Byrnes said someone might want to live in a mobile home until they could afford to build a house. He said he did not feel that the Town was doing a service to the community to eliminate mobile homes.

Councilman Byrnes said that the board is not here to advise people on how to spend their money. He said that the board is not here to tell citizens if they should live in a mobile home or a house. He said it is not the Town Board's job.

Councilman Collura said he thinks that the board is leaning on not doing a lot regarding manufactured homes. Councilman Byrnes said he would like to leave manufactured homes the way it was. Jim Martin said that this was done in 2008 and in the fall of 2008 there was a recession and the world changed.

Jim Martin told the board that the only thing he would hate to throw out is the work that was done on the zoning map and a lot of clean-up work done. He said he could see restoring the mobile home part of the ordinance but did not think the R-3 district should be restored. He said he would suggest that if the Town Board wanted to restore it in the R-1 and the RR.

Code Enforcement Officer Hickok said that in RR there needed to be 5 acres for either a house or a mobile home. Councilman Collura said right now it is 3 acres not 5 acres.

Councilman Collura said that if the Town Board agrees to increase the minimum lot size then that should come with a decrease in assessment because now that property is less valuable to the larger landowner. Councilman Collura said it would go to affordability. Councilman Collura said that a 3 acre lot is a big chunk of land. He said that he is not seeing a big boom of building permits in the Town of Corinth. Councilman Collura said he was not sure about the increase of 3 acres to 5 acres. He said right now Rural Residential is only 2 acres.

Councilman Collura asked Jim Martin about the line adjustments that were done. Mr. Martin said they did if the lot was split into two separate zones. Supervisor Lucia said that if this was going to lower our assessments what is it going to do to the tax rate. Councilman Collura said that is why he is not in favor of increasing the lot sizes. Supervisor Lucia said that if the board went with increasing the lot sizes it would eventually mean higher taxes.

Councilman Collura told Jim Martin that he thought the board was leaning to not increasing the lot sizes. Jim Martin asked if the board wanted to go back to the original or go back to 3 acres. Councilman Byrnes asked what the purpose of going from 2 acres to 3 acres is. Councilman Collura said to decrease density. Jim Martin said that he understood it was people liked the rural quality of the town. Councilman Byrnes said that this could be done on where you placed your home on the lot. Jim Martin said minimum lot width would also do that. He said a 2 acre lot would have to have a minimum lot width of 200 feet. Councilman Byrnes said that the minimum lot width has just made it more expensive to buy when this could be done by regulating what is done along the frontage. Jim Martin said from a technician's standpoint he felt that 5 acres was extreme. He said he thought 3 acres would suffice for rural character.

Councilman Collura said he didn't think there was any need to alter what the Town has at the present time. Jim Martin asked if Councilman Collura wanted to carry the lot sizes as they are today. Councilman Collura said that would be what he would like to see. He said he wanted the changes that have been done regarding split lots to go to the higher density not the lower density.

Jim Martin said the way he is hearing this is the board wants the original lot sizes brought back and placing manufactured homes in all districts. He said that manufactured homes are not allowed in R-1. Councilman Collura said to leave that the way it is because it doesn't seem to create a hardship at the present time. Jim Martin said that if you add manufactured homes in RR and R-2 it would capture a large amount of the present manufactured homes.

Councilman Collura said he understood the property size around the lakes was going to be governed by the APA. Jim Martin said low intensity was expanded around the lakes. Councilman Collura asked how many acres low intensity was. Jim Martin said low intensity is 3.1 acres.

Supervisor asked if there was any problem with the lot sizes as they are now for the 100 feet between the well and the septic. Jim Martin said they could fit okay.

Jim Martin told the board that if they restored the lot sizes it would help in the RR district.

Councilman Collura spoke about David Barass's concerns about the time frame and having to go back through the Planning Board. Councilman Collura asked if this should be dealt with in zoning or if it should be dealt with in the code. It was decided that this matter had to be changed in through changing the Code.

The Board discussed the definition appendix in the Land Use Ordinance. Especially Senior Housing.

Also discussed were solar panels and outdoor wood boilers. It was decided that Solar is not a part of zoning but should be standalone sections in the Town Code. It was also decided that this is a matter that should be looked into. Code Enforcement Officer Hickok said that these are DEC regulated.

The board also discussed outdoor wood boilers and it was decided they not be a part of zoning for now. However, further consideration for inclusion as part of land use or as a standalone regulation may be made in the coming months or as needed in at a future meeting.

Councilman Byrnes asked Jim Martin to go over the changes that they asked for today. Jim Martin gave the following list:

- Restore manufactured homes as a permitted use and manufactured home communities as a use allowed by site plan review in the South Corinth Hamlet and Rural Residential Districts;
- For Rural Residential district bring back the minimum lot size from the existing land use code;
- The “purpose” of the South Corinth Hamlet District is to be revised back to the current purpose as stated in the existing land use code;
- Review the map to make sure that the currently split zoned lots were revised to remove splits on the proposed zoning map, exclusive of physical constraints (wetlands, steep slopes, etc.) are zoned towards the less restrictive district rather than the more restrictive;
- The zoning district for a lot owned by David Eggleston is changed from R3 to Commercial;
- 2014 Revisions show 4 types of Planned Development District – change this to one Planned Development District which supports all land uses;
- An area along Morgans Way should be changed from Industrial to R2 due to a comment received from the Planning Board

Jim Martin is to research existing codes among surrounding communities as to how they are regulating ATV use. Such as noise level, time of operation and methods of enforcement.

Jim Martin said that also he was previously asked to do the following:

- The R-3 District was eliminated;

- Permitted uses, site plan use and special permit use were revised and organized;
- Rural Residential District was removed from property completely in the APA and replaced with Natural Resource Management District.

Jim Martin will make changes and get copies of the new revised ordinance and maps to the clerk to be distributed to the board.

Town Board

Councilmen Brown, Collura and Halliday

Nothing

Councilman Byrnes

Councilman Byrnes suggested that the board establish a new personnel committee to deal with procedures and policies.

Supervisor

Supervisor Lucia told the board that he received notice from the County that there is money available for trails. He suggested this would be a good venture for Reservoir Property for the Village and Town to jointly apply for. He suggested that Councilman Collura and Village Trustee Halliday set a meeting up to discuss this matter.

Supervisor Lucia said he also was told about Hudson Valley Green Way Trail have a grant for development of trails. He said this is a matching funds grant.

Supervisor Lucia told Councilman Byrnes that they needed to schedule a meeting with Mayor Morreale and Craig Falkenbury soon to revamp the Youth Commission.

Supervisor Lucia told the board that there is a Special Board Meeting scheduled with the attorney, Warren County, and Ed Ellis from the railroad concerning a railroad announcement on Tuesday at 10AM if any member could attend.

RESOLUTION #197

ADJOURN TO EXECUTIVE SESSION

On a motion by Councilman Byrnes and seconded by Councilman Brown the following resolution was

ADOPTED Ayes 5 Lucia, Brown, Byrnes, Collura and Halliday
 Nays 0

RESOLVED that at 6:10 PM the Town Board adjourn to Executive Session on Personnel with no decision to be made.

Respectfully submitted,

Rose E. Farr, RMC
Town Clerk