

PRESENT: Mayor Malchoff Davis, Trustee Norm Youmans, Trustee Debbie Kite, DPW Superintendent Doug Riggs, Clyde Lewis, Joseph Carr, Jennifer Leahy

ABSENT: Trustee Kevin Gribbon, Trustee Joseph Domachowske

CALLED TO ORDER: by Mayor Davis at 7:00 pm with the Pledge of Allegiance.

OPEN PUBLIC HEARING: Mayor opened public Hearing in regards to the proposed Local Law No. 3 of 2008, a local law imposing a six-month Moratorium on Manufactured Housing in the Village of Cleveland. Mayor read law as follows:

#### SECTION 1 - TITLE

This Local Law shall be referred to as the "Local Law Imposing a Six-Month Moratorium on Manufactured Housing".

#### SECTION 2 - DEFINITIONS

For purposes of this Local Law, "manufactured housing" shall include application for a building permit to place or relocate a manufactured home in the Village of Cleveland. Nothing herein shall prevent an existing manufactured home in the Village of Cleveland from being relocated to another site in the Village or to replace an existing manufactured home with another manufactured home where presently permitted pursuant to the local laws of the Village of Cleveland.

For purposes of this Local Law, "manufactured housing shall include a detached, single family dwelling unit with any or all of the following characteristics:

1. Manufactured as a relocatable dwelling unit intended for year around occupancy and for installation on a site without a basement or a permanent foundation.
2. Designed to be transported, in one or more sections, which is at least eight feet in width and 32 feet in length, after manufacture, which is built on a permanent chassis and connected to utilities after placement on a mobile home stand.
3. Designed to be installed as a complete single-wide or double-wide unit with only incidental unpacking and assembling operations.
4. Designed and manufactured as the type of unit which would require, after January 15, 1974, a seal as provided for in the U.S. Department of Housing and Urban Development (HUD) Manufactured Mobile Home Construction and Safety Standards.
5. A mobile home shall be construed to remain a mobile home subject to all regulations applying thereto, whether or not wheels, axles, hitches, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. This definition shall not be construed to include factory manufactured homes known as "modular homes" bearing an insignia issued by the New York State Residential Code and New York State Building Code.

6.

#### SECTION 3 - PURPOSE AND INTENT

Pursuant to the Municipal Home Rule Law of the State of New York and the statutory powers vested in the Village of Cleveland to regulate and control land use and to protect the health, safety and welfare of its residents, the Village Board of the Village of Cleveland hereby declares a six-month

moratorium on any and all manufactured housing in the Village of Cleveland.

The Village Board of the Village of Cleveland hereby determines that during the past two (2) years, and more particularly within the last twelve (12) months, the character of the Village of Cleveland has changed as a result of a number of factors including, but not limited to, manufactured housing. The Village Board further determines that the level of recent development and location of manufactured housing within the Village of Cleveland has caused additional demands upon natural resources and the public services of the Village of Cleveland, and for these reasons, the Village Board finds that consideration must be given to reviewing the placement of manufactured housing in the Village of Cleveland, in order to control residential development in the Village of Cleveland. The Village Board further determines that an appropriate period of time is need during which a detailed and common sense review can be conducted of the future development of the Village of Cleveland and the level of manufactured housing that the natural resources and public services can accommodate. The Village Board, therefore, finds it necessary to adopt a reasonable interim local law to govern manufactured housing during the time that the Village of Cleveland is reviewing its manufactured housing regulations. This action is necessary to protect the natural resources of the Village of Cleveland and public services and facilities of the Village of Cleveland, and the public health, safety and welfare of the residents of the Village of Cleveland which could, in many instances, result in the placement of manufactured housing which would nullify any real possibility of implementing the conclusions that arise from the Town's review of its manufactured housing provisions.

#### SECTION 4 - SCOPE OF CONTROLS

A. During the effective period of this Local Law:

1. The Village Board of the Village of Cleveland shall not grant any approvals that would have as the result the commencement of any placement of manufactured housing within the Village of Cleveland.
2. The Village Planning Board shall not grant any preliminary or final approval to a subdivision plat, site plan, special use permit or other permit that would have as a result the placement of manufactured housing in the Village.
3. The Village Zoning Board of Appeals shall not grant any variance or other permit for any use that would result in the placement of any manufactured housing in the Village.
4. The Building Inspector/Code Enforcement Officer of the Village shall not issue any permit that would result in the placement of any manufactured housing in the Village.
- 5.

#### SECTION 5 - NO CONSIDERATION OF NEW APPLICATIONS

No applications for the placement of manufactured housing affected by this Local Law or for approvals for a site plan, subdivision, variance, special use permit or other permits related to manufactured housing shall be considered by any board, officer or agency of the Village while the moratorium imposed by this Local Law is in effect.

#### SECTION 6 - TERM

The moratorium imposed by this Local Law shall be in effect for a period of six months from the effective date of this Local Law.

#### SECTION 7 - PENALTIES

Any person, firm or corporation that shall violate this Local Law shall be subject to injunctive relief in favor of the Village.

## SECTION 8 - VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

## SECTION 9 - HARDSHIP

A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Village Board of the Village of Cleveland in writing for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.

B. Procedure. Upon submission of a written application to the Village Clerk by the property owner seeking a variation of this Local Law, the Village Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days written notice in the official newspaper of the Village. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Village Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variation from the strict requirement of this Local Law. If the Village Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Village Board shall vary the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

## SECTION 10 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

### Board and Public Comments:

Mayor Davis: Our current Land Use Ordinance doesn't protect residents against second hand manufactured housing. State Law requires a HUD sticker at the time of manufacture but there are no requirements for inspection once they are used.

Trustee Youmans: Manufactured housing actually depreciates over time rather than gain value as does stick built homes.

Mayor: There is a 6 month time frame to change the law to possibly require manufactured homes to be placed in certain areas and requiring a thorough inspection with strict requirements.

Joe Carr: Asked about increasing lot size requirements.

CLOSE PUBLIC HEARING & OPEN Regular Meeting: Mayor made motion, second by Trustee Kite, all in favor.

RESOLUTION: Mayor Davis made the motion to approve "Local Law # 3 of 2008 to Impose a Six-Month Moratorium on Manufactured Housing", second by Trustee Youmans, all in favor.

VILLAGE HALL UPDATE: Today was the closing on the new Village Hall with Rural Development, \$200,000 loan and a \$50,000 grant will be received. The grant was calculated at 15% of total amount

of building cost which included volunteer and Village labor. The loan will be paid off in 12 years, about \$20,000 per year.

The next VILLAGE BOARD MEETING on Oct 6<sup>th</sup> will be held at the new Village Hall. The November meeting will be on Thursday November 6<sup>th</sup> instead of the 4<sup>th</sup>.

TRUSTEE GRIBBON's letter: Mayor Davis read letters received from Trustee Gribbon, one dated Sept 21, 2008 and one dated April 26, 2008 with his hand written signature crossed out. The September letter expressed how he felt his integrity has been compromised at the September Board meeting after Mayor Davis requested that if anyone sees Trustee Gribbon to please ask him to start attending meetings even if he doesn't agree with the board, as reported by someone that had attended the meeting. Board members were accused of commenting that he was collecting Taxpayer money and not representing the Taxpayer. He stated that only after these comments were corrected at the next meeting and official minutes received reflecting such, would he then revise the April letter (not received by the Village previously) that stated he would be resigning as Village Trustee effective May 1, 2008.

Letters from the Village regarding Mr. Gribbon's status as Trustee were rejected and returned unopened.

Mayor recalled that several people including residents made comments regarding this matter. Mayor stated that if any Board member made a comment regarding Trustee Gribbon's integrity - they apologize.

A general Statement from the Board was made:

There was some misunderstanding at the last Board meeting – several people in audience made comments. Mr. Gribbon did previously serve the Village for several years and we owe him thanks for doing that, but by not attending meetings he has put the Village in some jeopardy. As a Board we would appreciate Mr. Gribbon making his status, as Trustee, known to all of us and asks that he please resubmit his original letter, signed.

BURNING IN VILLAGE: Trustee Youmans has a problem with people burning in the Village, especially at night.

JOE CARR: Is interested in having a Village wide trash pick-up. The Board asked Joe to make some phone calls to see if a discount rate would be charged. Would need to have a public hearing and get bids. Residents would be charged through Village Taxes or possibly billed along with the water/sewer quarterly.

This will be discussed further at a later date.

CEMETERY UPDATE: Mayor complimented Trustee Domachowski on his research efforts on the Cemetery on North Street. Volunteers are needed to be on the Cemetery Committee.

MEMORIAL PARK Rules & Regs: Mayor reiterated from last meeting the need to formalize some rules and regulations for the Memorial Park on North Street.

ONEIDA STREET: Each deed specifically defines they own 50' of road. The Village can't plow it the way it is. When Roy Reehil was Mayor the Board adopted a road profile similar to the one that

Central Square adopted stating the road must meet certain requirements. This problem can not be resolved quickly.

ZONING: Mayor asked that the Board start doing some research on Zoning in the village. Zoning will replace the Land Use Law.

WATER EXTENSION: Mayor spoke with Dave Miller at the USDA regarding money's available for water systems. There are several grants and low interest loans out there for water expansion. A new petition needs to be started and submitted to the Town to get this done.

LAKEVIEW PARK: future possibilities at Lakeview Park needs to be discussed.

MEETING ADJOURNED: Mayor Davis made motion to adjourn, second by Trustee Kite, all in favor, motion carried.

Recorded and Submitted by Phyllis Sweeten, Clerk-Treasurer 9/29/08.