

TOWN OF CHATHAM, ZONING IMPLEMENTATION COMMITTEE
MINUTES OF THE NOVEMBER 19, 2014 MEETING

The meeting was called to order at 6:35 pm. Present were: Henry Swartz, Don Hegeman, Robert Walker, Dave Everett, Jeff Lick, and Donna Staron.

Discussion ensued regarding the advisability of seeking the appointment a new person to fill the vacancy created by a recent resignation. Don Hegeman stated that it is a bit late in the game, at this point the learning curve would be too great for someone to catch up especially since the Committee is nearing the end stages of the process. All members agreed.

The minutes of the previous meeting of November 5, 2014 were approved on a motion by Don Hegeman and seconded by Robert Walker.

The committee then resumed its review of the working document with an analysis of section 180-35 Water Recreation and Storage. Since the committee has previously addressed this issue in the use table and special use permit standards it was agreed that this section would be deleted as being redundant.

Next the committee reviewed Section 180-36 relating to mobile homes which referred back to Chapter 151 of the Town Code but which is not part of the zoning law. The committee agreed that based upon a review of both the zoning law and chapter 151 and the comprehensive plan it is clear that it is the wish of the town that the use of mobile homes outside of mobile home parks is not desired and should be terminated when as soon as any preexisting non-conforming mobile homes are unoccupied. Thus, the committee agreed that a review and update of Chapter 151 is necessary in order to have the new zoning law accurately reflect the comprehensive plan and the current issues of the town.

Dave Everett suggested that the committee review NYS Real Property Law §233 in the event that any requirements contained in that law would affect the manner in which the town regulates mobile home parks or mobile homes.¹

The committee also considered whether Chapter 151 authorized the code enforcement officer to regulate and possibly remove non-conforming mobile homes outside of mobile home parks. Upon review of the enforcement sections it appears that same is sufficient however the committee agreed that section 151-10 should include provision for a process for the town to remove mobile homes that are in violation on properties where the owners fail or refuse to remove them, together with a process for collecting the costs of such removal by adding same to the taxes of the subject matter property.

Don Hegeman suggested that during the review of the final draft relating to ECHO units that be made clear that mobile homes are not to be used for ECHO unit purposes.

¹ Section 233 of the real property law relates to the landlord/ tenant relationship between the mobile home and those who rent therein. None of the regulations contained in that section have any impact or relation to the manner in which the town might regulate mobile home parks. A copy of that section is attached to these minutes.

Section 151-8 was then reviewed, the committee agreed that the word “unoccupied” should be removed from the first sentence therein and that a new definition for the term occupied should be inserted into the law, utilizing an appropriate definition set forth in NYS law. A further provision that mobile homes which are not occupied for a period over one year must be removed, must be added to the law.

The committee next noted that mobile home parks are allowed with a special use permit in RL 2 and RL 3 zones only.

The mobile home chapter must also be re-worked to add a provision for new applications or expansion of existing mobile home parks to require that all such applications be referred to the planning board for site plan review. It should be further required that the CEO maintain significant impact and involvement during such application process.

It was also agreed that the word occupied must be deleted from the first sentence of Section 180-36 in order to provide that section with greater clarity.

Section 180-37 was next reviewed re: front yard storage. The committee agreed that this provision should remain and that Travel Trailer and RV should also be added to the list of items which are prohibited from being stored in the front of one’s home and should also include a prohibition of storage in the driveway thereof to the extent that same is in the front yard. Additionally the definition for Travel Trailer and RV (whether towed behind or motorized) should be included therein. The committee discussed whether a vehicle/ truck should be included in the list of prohibited items and agreed that those trucks/ vehicles/ construction or similar vehicles should be excluded, as quantified by gross vehicle weight or number of axels.

The next meetings of the committee are scheduled for December 3rd and December 17th at 6:30 at the town hall. On a motion by Henry Swartz and seconded by Jeff Lick the meeting was adjourned at 8:35pm.

Real Property

§ 223. Rights where property or lease is transferred. The grantee of leased real property, or of a reversion thereof, or of any rent, the devisee or assignee of the lessor of such a lease, or the heir or personal representative of either of them, has the same remedies, by entry, action or otherwise, for the nonperformance of any agreement contained in the assigned lease for the recovery of rent, for the doing of any waste, or for other cause of forfeiture as his grantor or lessor had, or would have had, if the reversion had remained in him. A lessee of real property, his assignee or personal representative, has the same remedy against the lessor, his grantee or assignee, or the representative of either, for the breach of an agreement contained in the lease, that the lessee might have had against his immediate lessor, except a covenant against incumbrances or relating to the title or possession of the premises leased. This section applies as well to a grant or lease in fee, reserving rent, as to a lease for life or for years; but not to a deed of conveyance in fee, made before the ninth day of April, eighteen hundred and five, or after the fourteenth day of April, eighteen hundred and sixty.