

TOWN OF LODI
Public Hearing & Special Board Meeting Minutes
May 5, 2015

PRESENT: COUNCILMAN CHANCE VAN CLEEF, SUPERVISOR E. LEE DAVIDSON, COUNCILMAN LUCAS LATINI, COUNCILMAN BRAD JENNINGS, TOWN CLERK NANCY JONES. LATE ARRIVAL: COUNCILMAN RICHARD MAC CHEYNE at 7:19

Supervisor Davidson opened the public hearing on Local Law 1 of 2015 entitled, "Town of Lodi Mobile Home/Travel Trailer Moratorium" to order at 7:14 p.m.

COUNCILMAN LATINI MADE MOTION, SECONDED BY COUNCILMAN JENNINGS to accept the night's agenda as presented. Councilman Van Cleef, Supervisor Davidson, Councilman, Latini, and Councilman Jennings and all voting aye.

Supervisor Davidson asked if anyone from the public had any questions on the Local Law. A town resident spoke up asking for the moratorium to be explained. Councilman Latini explained that there is a concern with what he described as "uncontrolled development", clusters of more than four trailers on certain properties within the town. He continued explaining that it is uncertain what is going on with septic systems on these properties and furthermore that continued expansion could have a negative impact on the community. Councilman Latini continued explaining that this moratorium would allow the town to form a committee of people from the Town. The committee would have six months to study the areas of concerns such as the health and safety of the community and the financial affect on property values located near the properties with multiple mobile homes and/or travel trailers on them. During the six months study there would be no expansion of a mobile home park or trailer camp allowed. A businessman and summer resident from the town stood up and asked several questions of the board. He owns a campground in the town and he feels that more than anyone he will be most impacted by this Moratorium. He said he is complying with all Seneca County Health Department regulations. He feels that if there are health and safety concerns that the board should seek information from the County Health Department and those landowners that are not complying should be held accountable individually rather than everybody as a blanket. He also asked who would serve on the committee and if any official bodies would be on the committee. Supervisor Davidson explained it would be made up of interested residents of the Town of Lodi. Councilman Latini welcomed the campground owner to serve on the committee, if interested. The campground owner is greatly concerned about the six months that he would not be able to move new people in to the sites that are currently empty. Councilman Latini informed him that there is a provision in the moratorium where a landowner can petition the board for a waiver if he wants to take out a mobile home and replace it with a camper. Town Clerk Jones voiced concerns over the 6 month moratorium section 5 (a.) in which "...no mobile home or travel trailer shall be parked, placed, located or occupied within the town of Lodi... as this would affect the local event Pickin" in the Pasture and anyone else having short term campers of relatives or friends that are visiting. Councilman Van Cleef also voiced concern over not being able to have relatives bring campers for a family reunion on his property. COUNCILMAN LATINI MADE MOTION, SECONDED BY COUNCILMAN JENNINGS to close the public hearing at 8:20 pm and open the special meeting to handle any other business as needed. Councilman Van Cleef, Councilman Mac Cheyne, Supervisor Davidson, Councilman, Latini, and Councilman Jennings and all voting aye.

All rose for the Pledge of Allegiance, followed by a moment of silence.

The Town Board discussed the following resolution:

TOWN OF LODI
RESOLUTION: 2015-5-01
RESOLUTION INTRODUCING LOCAL LAW # 1 OF 2015
A LOCAL LAW ENTITLED: "TOWN OF LODI MOBILE HOME/TRAVEL TRAILER MORATORIUM"

WHEREAS, The Town of Lodi is presently experiencing an increase in growth and property development, including the placement, or proposed placement, of mobile homes within the Town, and

WHEREAS, The Town of Lodi does not currently have a zoning ordinance that provides regulation of the placement and use of mobile homes and travel trailers in the Town, and

WHEREAS, The undeveloped property of the Town of Lodi is the Town's most valuable resource and the Town Board has determined that this resource may be in jeopardy if a local law is not adopted at this time,

NOW, therefore, be it

RESOLVED, That Local Law 1 of 2015 entitled "TOWN OF LODI MOBILE HOME/TRAVEL TRAILER MORATORIUM" and the same is hereby introduced before the Town Board of The Town of Lodi, New York, to read in substantially the following form:

Section 1: Title.

The title of this local law shall be "Town of Lodi Mobile Home/Travel Trailer Moratorium", and may be cited as Town of Lodi Local Law #1 of 2015.

Section 2: Authority.

This local law is enacted pursuant to the authority of Municipal Home Rule Law Section 10(1)(i), which authorizes a Town to adopt a local law not inconsistent with the provisions of the Constitution or not inconsistent with any general law relating to its property, affairs or government.

Section 3: Legislative Findings.

The Town of Lodi is presently experiencing an increase in growth and property development, including the placement, or proposed placement, of mobile homes within the Town. The Town of Lodi does not currently have a zoning ordinance that provides regulation of the placement and use of mobile homes and travel trailers in the Town; however it is the determination of the Town Board, after careful consideration, that there may be a need to adopt a local law to address the needs of the Town with respect to the regulation of mobile homes and travel trailer development within the Town. The undeveloped property of the Town of Lodi is the Town's most valuable resource and the Town Board has determined that this resource may be in jeopardy if a local law is not adopted at this time. The Town Board intends to establish a Mobile Home/Travel Trailer Committee to thoroughly investigate mobile home/travel trailer regulation for the Town of Lodi and make recommendations to the Town Board regarding the enactment of a local law. The Town Board anticipates that a six (6) month period is necessary for the Committee to complete a study of mobile home and travel trailer development within the Town. The Town Board hereby finds that, pending the completion of any necessary surveys, studies, meetings, hearings and other actions incident to the proper consideration of the adoption of a local law significant development may occur which may be inconsistent with the ultimate recommendations of the Committee. The Town Board further finds that significant development in the Town prior to completion of the Committee's work may substantially reduce the effectiveness of any local law which the Board may adopt and interfere with the ability of the Town Board to properly plan for growth and development and the ability of the Town Board to afford adequate facilities for the distribution of public services, comfort, convenience, public health and safety, and the general welfare of the citizenry of the Town. The Town Board further finds that a six (6) month moratorium on the placement or expansion of mobile homes and travel trailers on property in the Town of Lodi, before the recommendations of the Committee can be received, reviewed and implemented by the Town Board, would serve to promote and protect the public health, safety and general welfare of the citizenry of the Town.

Section 4: Purpose.

The purpose of this local law is to protect the public health, safety and welfare by enacting a temporary moratorium upon the placement or expansion of mobile homes and travel trailers on property within the Town of Lodi and the issuance of permits for the creation or expansion of mobile home parks and travel trailer camps in the Town of Lodi.

Section 5: Moratorium.

Scope. For a period of six (6) months from the effective date of this local law, no Mobile Home or Travel Trailer shall be parked, placed, located or occupied within the Town of Lodi and no Mobile Home Park or Trailer Camp shall be developed, expanded, approved, occupied or operated within the Town of Lodi, except as expressly provided herein. During this temporary moratorium, no applications for the issuance of permits or approvals shall

be accepted; no plans for the development or expansion of Mobile Home Parks or Trailer Camps shall be reviewed; and no permits or approvals to construct or place Mobile Home Parks, Trailer Camps, Mobile Homes or Travel Trailers shall be issued.

Exceptions. The foregoing restriction shall not apply to the following:

The maintenance or repair of existing Mobile Homes, Travel Trailers, Mobile Home Parks or Trailer Camps lawfully located in the Town of Lodi on the date of enactment of this local law; and

The development or expansion of any Mobile Home Park or Trailer Camp which, as of the date of enactment of this local law, has a complete application pending before any Planning Board of the Town of Lodi or County of Seneca for review, and which is subsequently approved by the Planning Boards.

Definitions. As used in this local law, the terms Mobile Home, Travel Trailer, Mobile Home Park and Trailer Camp shall have the following meanings:

A Mobile Home is any structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling (with or without a permanent foundation) when connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

A Mobile Home Park is any parcel of land whereon two (2) or more Mobile Homes are parked or located or which is planned or improved for the placement of two (2) or more Mobile Homes and which is held open to the public for the parking or placement of Mobile Homes.

A Travel Trailer is any vehicle designed or used or intended to be used for temporary living quarters for travel, recreational or vacation purposes.

A Trailer Camp is any parcel of land whereon two (2) or more Travel Trailers are parked or located, or which is planned and improved for the placement of two (2) or more Travel Trailers and which is held open to the public for the parking or placement of Travel Trailers.

Section 6: Appeal Provisions.

The Town Board shall have the power to vary or modify the application of any provisions of this local law upon its determination, in its absolute legislative discretion, after hearing, that this local law would impose extraordinary hardship upon a landowner or developer, and that a variance from the provisions of the law would not adversely affect the health, safety and general welfare of the Town. Any requests for an exception or variance shall be filed with the Town Clerk, or her designee, and shall include a fee of One Hundred Dollars (\$100.00) for the processing of such application and security, in such form as may be designated by the Town Attorney, for the payment of the actual costs incurred by the Town for engineering, legal or other similar services rendered in connection with the consideration of the variance request, which costs shall be reimbursed to the Town by the applicant.

Section 7: Penalties.

Any person, partnership, association, trust, joint venture, corporation, limited liability company or other entity which violates any provision of this local law shall be guilty of an offense against this law and subject to either: a fine not exceeding Three Hundred Fifty Dollars (\$350.00) or imprisonment for a period not to exceed six months, or both, for a conviction of a first offense; for a conviction of a second offense both of which were committed within a period of five (5) years, punishable by a fine not less than Three Hundred Fifty Dollars (\$350.00) nor more than Seven Hundred Dollars (\$700.00) or imprisonment for a period not to exceed six (6) months or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of (5) years, punishable by a fine not less than Seven Hundred Dollars (\$700.00) nor more than One Thousand Dollars (\$1,000.00) or imprisonment for a period not to exceed six (6) months, or both; or

a civil penalty not exceeding Three Hundred Fifty Dollars (\$350.00) for a first offense; for a conviction of a second offense, both of which were committed within a period of five (5) years, a civil penalty of not less than Three Hundred Fifty Dollars (\$350.00) nor more than Seven Hundred Dollars (\$700.00); and upon a conviction for a third or subsequent offense all of which were committed within a period of five (5) years, punishable by a civil penalty not less than Seven Hundred Dollars (\$700.00) nor more than One Thousand Dollars (\$1,000.00);

Each week's continued violation shall constitute a separate additional violation, for which separate and additional fines and punishment or civil penalties may be imposed and recovered.

In the event that the penalty sought is within the monetary jurisdiction of the justice court, as established in Article 18 of the Uniform Justice Court Act, such action to recover such penalty may, as shall be determined by the attorney representing the Town, be commenced as a small claim pursuant to the provisions of Article 18 of the Uniform Justice Court Act.

The imposition of the penalties herein prescribed shall not preclude the Town from instituting an appropriate action or proceeding for an injunction to prevent an unlawful maintenance or use, or to restrain, correct or abate a violation, or to prevent the occupancy of any Mobile Home or Travel Trailer placed or occupied in violation of this local law.

Section 8: Severability.

If any term or provision of this local law, or the application thereof to any person or circumstance, shall to any extent be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this local law, or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this local law shall be valid and be enforced to the fullest extent permitted by law.

Section 9: Effect of Other Laws.

All ordinances and local laws in conflict with the provisions of this local law are hereby suspended and superseded during the duration of this local law, to the extent necessary to give this local law full force and effect. Upon the expiration of this local law, however, any ordinances or local laws so suspended and superseded by virtue of the provisions of this Section 8 shall again be deemed to be in full force and effect in accordance with their terms unless expressly modified, suspended or repealed by the terms of another ordinance or local law hereafter adopted.

Section 10: Effective Date and Duration.

This local law shall take effect upon adoption and filing with the Secretary of State, as provided in Section 27(3) of the Municipal Home Rule Law, and shall remain in force and effect for a period of six (6) months from its effective date.

NO MOTION WAS MADE TO ADOPT RESOLUTION: 2015-5-01, a Resolution Introducing Local Law # 1 of 2015, a Local Law Entitled: "Town Of Lodi Mobile Home/Travel Trailer Moratorium".

Town Clerk Jones informed the board that the new owners of the Fox & The Grapes Bed & Breakfast sent certified copy of their Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a Local Municipality that they have applied for an on premise liqueur license. She further explained that the owners were asking the Town Board to waive the 30 notice period so their application can be submitted immediately to the State Liquor Authority. Town Clerk Jones explained that if they were to waive the notice period a letter could be sent from the Town Board saying that they received the notice about the application and waive the notice requirement. COUNCILMAN LATINI MADE MOTION, SECONDED BY COUNCILMAN JENNINGS to waive the 30 day notice for the Fox & The Grapes Bed & Breakfast. Councilman Van Cleef, Councilman Mac Cheyne, Supervisor Davidson, Councilman, Latini, and Councilman Jennings and all voting aye. Town Clerk Jones will draft the letter for Supervisor Davidson to sign.

Supervisor Davidson reminded the Town Board that last year Dr. John Halfman, Professor at Hobart & William Smith Colleges talked with them last year about his findings and concerns for Seneca Lake. He informed the Board that Steve Churchill, Town Supervisor of Seneca Falls would like to come to the next Town Board Meeting and speak again on his concerns with the proposed LP gas storage on Seneca Lake.

Supervisor Davidson informed the town board that Town of Covert Councilman Chuck Bosman would like to come speak to the Board on May 14, 2015 about Sales Tax Revenues from the new casino.

HEARING NO FURTHER BUSINESS, COUNCILMAN VAN CLEEF MADE MOTION SECONDED BY COUNCILMAN MAC CHEYNE to adjourn the meeting at 8:52 p.m. Councilman Van Cleef, Councilman Mac Cheyne, Supervisor Davidson, Councilman Latini, and Councilman Jennings and all voting aye.

Respectfully Submitted,
Nancy Jones, Lodi Town Clerk
Dated: May 5, 2015