

TOWN OF KIRKWOOD WORK SESSION

October 25, 2016

Present: Supervisor Gordon Kniffen
Councilman Robert Weingartner
Councilman Lewis Grubham
Councilwoman Linda Yonchuk
Councilman William Diffendorf, Jr.

Also Present: Oliver Blaise III, Attorney
Gayle Diffendorf, Town Clerk
Raymond Coolbaugh, Commissioner of Public Works
James Smith, Budget Officer
John Finch Jr., Chief Water Treatment Plant Operator
Marchie Diffendorf, Planning Board Chairman

1. Resolution scheduling Grievance Day for 2017 Water and Sewer Benefit Unit Assessment for November 1, 2016 at 6:00 PM, and directing notice hereof be sent by first class mail to all accounts receiving an increase in their assessment. (ONB)

(10/25/16 Special Town Board Meeting Agenda)

See Town Board Meeting minutes of 10/25/16.

2. Resolution scheduling a Public Hearing for November 1, 2016 at 6:05 PM on the Year 2017 Water and Sewer Rolls. (GEK)

(10/25/16 Special Town Board Meeting Agenda)

See Town Board Meeting minutes of 10/25/16 for discussion.

3. Resolution scheduling a Public Hearing for November 29, 2016 at 6:00 PM on the Year 2017 Fire Contracts.

(11/01/16 Town Board Meeting Agenda)

Resolution for 11/1/16.

4. Resolution scheduling a Public Hearing for November 29, 2016 at 6:05 PM regarding amendments to the Water Rates, An Ordinance Establishing Water Rates and Connection Charges for Water Districts of the Town of Kirkwood. (RFW/ONB)

(11/01/16 Town Board Meeting Agenda)

Resolution for 11/1/16.

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5. Discussion – Revisions to Guide for Unit Assessment in all Water and Sewer Districts. (ONB)

(11/01/16 Town Board Meeting Agenda)

Mr. Blaise explained there are a few tweaks that need to be made to the Unit Assessment Guide. He noted that before last year they condensed the guide from 5 to 6 pages down to 3 pages and made it much simpler. Section 1(e) should be changed to add Hotel/Motel with an assessment of 1.0 unit per room. That is consistent with the old system but this spells it out more directly. Under 2(b), regarding the proposal to assess vacant acreage for commercial, they want to make that the same calculation as 2(a), which is one acre or less, and 0.1 units for each additional 0.1 acre. In trying to use the old formula that was in place of calculating the units assessed to vacant commercial acreage, with the frontage footage and the depth is very complicated and very time consuming. They estimated this proposed change would be minimal but it would make it much easier to assess those properties. In regard to 6. Golf Course, they did a calculation of the golf course located in town and the 6.5 units for the restaurant. In looking at how that property is treated compared to other commercial properties in the town, it is not treated fairly. They want to make that 1 unit per 1,000 sq. ft., which would put it on equal footing with how other commercial building space is treated and make it more fair. This is for the clubhouse building only. Councilman Diffendorf questioned the language “The golf course will be required to have separate water meters for the restaurant and the grounds”, saying he doesn’t even recall having golf courses in the guide. Mr. Blaise said it was in the old version of the guide. Mr. Smith said they currently have separate meters. The theory was the water used to water the course doesn’t lead to flow that goes to BJC, so there is a separate meter for the building that does go to BJC. Councilman Diffendorf questioned if Town water is actually used to water the golf course. Mr. Smith said it is the treated water. There is also a typo change to be made to the Water and Sewer Flow Unit Chart in the Annual Usage Cubic feet meter range column: from 8.700 to 8,700.

Resolution for 11/1/16.

6. Audit of Claims.

(11/01/16 Town Board Meeting Agenda)

Resolution for 11/1/16.

7. Manufactured Homes Regulation - NYS

Mr. Blaise explained NYS passed a law late in 2015 that went into effect this year. According to the new law anywhere a stick built home or a modular home can be put in a residential zone, municipalities can no longer zone out or restrict manufactured homes. There is a legal distinction between mobile homes and manufactured homes. In 1975 or 1976 the state or federal government implemented regulations for traditional mobile homes to make them more standard and safe, etc. So anything post 1975 or 1976 is now called a manufactured home. In the generic sense it is a trailer or mobile home. You can no longer restrict them in an R district. Supervisor Kniffen said Chad is working on this to get all the details and this could obviously cause a change to the town’s zoning. Councilman Grubham questioned if that means a mobile

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home can now go anywhere in Kirkwood. Mr. Blaise said if someone wants to put a manufactured home, not in a park, but in an R-1 district, it has to meet all the same requirements that a stick built or a modular house would have to meet in terms of setbacks, driveway, on a foundation. He noted there is a little bit of play as to how foundation is defined. He said Conklin is looking at a law requiring permanent skirting so you can't see through the unit, they are looking at aesthetics. Councilman Grubham said that is actually required of any mobile home anyway if it is in a mobile home park. Mr. Blaise said the units at a traditional mobile home park are much closer together and unless you can put single family homes that close together than you couldn't do that with a manufactured home. The lot size requirements are the same for a manufactured home as they are for a stick built or modular home.

Supervisor Kniffen questioned if someone went to the ZBA and asked to build on less property than what is required, if this wouldn't be looked at differently because they are mobile homes and not standard homes. Possibly it could even be two trailers on a lot. Mr. Blaise said that couldn't happen. He said the reason why it is important that people would have to abide by all the other single family home requirements is to specifically prevent that. He added that he couldn't put two stick built single family homes on one lot so two manufactured homes cannot be put on one lot either. In response to Supervisor Kniffen, Mr. Blaise said if for some reason someone needs a variance or an interpretation since the Code Enforcement Officer is saying they can't do it, there has to be a reason given and the reason can't be because they don't like manufactured homes or even if it isn't exactly stated but it is obvious, the applicant could complain to the Dept. of State. Councilman Grubham said they still have to follow the five questions that have to be answered. He said the problem with this as he sees it, not just in our area, is someone may have built a really nice home someplace and then someone puts a trailer on the next property and their property value plummets. Marchie Diffendorf questioned if there isn't a distinction between a mobile home, trailer, or modular home. Mr. Blaise said stick built homes and modular homes are defined under the law as certain types of buildings but a manufactured home has it's own definition. Now you cannot legally treat them differently in terms of where they can be placed.