**Village of Coxsackie**

**Public Hearing Minutes**

**Local Law # 6 of 2017-To Amend Chapter 87 of the Village Code of the Village of Coxsackie**

**October 9, 2017**

The Public Hearing was called to order by Mayor Mark Evans at 6:45 p.m. Present were Trustee Stephen Hanse, Trustee Donald Daoust, Trustee Joseph Ellis and Trustee Dianne Ringwald.

Mayor Evans read the following prepared statement to the public: “Thank-you all for attending tonight. I am going to take a few minutes to lay the groundwork for tonight’s public hearing. Zoning has existed in the Village for a very long time and it is one the tools that exist to make sure that the Village retains its character and feel while also providing a guide for growth and development. The Village Planning Board is an independent body of the Village Board of Trustees and exists this way by law in the interest of acting independently and free from influence. When this body, whose charge it is to oversee the application of zoning and building codes to projects, sees a change needed to clarify a code or to assist in the maintenance of the character of the Village, it is their duty to act and bring forth these items to the Village Board for review. Ultimately it is the Village Board who has the authority to make changes. Over the last 2 years the planning board has been methodically working through updates and changes to the Village Code, agreed to and supported by the Village Board. This review has been conducted at nearly every Planning Board meeting with the assistance of a representative from Delaware Engineering who is an expert in zoning. Many areas of our zoning are outdated, ambiguous, contradictory or just plain confusing. If you have attended our meetings or looked at our minutes these public hearings have been held regularly to address those code updates. Most times we have no one show for the public hearing nor have any interest in the minutiae of this process. This code update process has been ongoing for some time and the Planning Board has reached the point to deal with an update on this section. This update for the code has come forward from the Planning Board and the Village Board must consider if it has merit and should be acted on. The Village Board has the authority to approve as is, make changes or reject entirely. A process exists for a proposed code change after it is received by the Village Board. It is reviewed by the Village Attorney, converted to a Local Law, consideration is given by the board for changes and decision to move to a public hearing. This is the point we are at now. A public hearing is just that, the legal opportunity for the public to be heard on the matter under consideration. After a public hearing the Village Board considers the input and makes a decision. With regard to Local Law # 6, we are here for a public hearing, no vote was or has been scheduled on this proposed Local Law at this time, we are here to listen. I will remind you all that the public hearing tonight is about Local Law # 6 and Local Law # 6 only. We as a board know many of you are here tonight to show support for or against the project proposed by United Mobile Homes or commonly referred to as UMH. The UMH project is not new, it was first proposed 12 years ago and has gone through several updates from the original proposal. The UMH project has existed on paper for all those years and while many barriers often exist to a project, the primary one with regard to the Village has been the sewer moratorium that we have been under since about 2005. If all goes as planned we will have approval from the DEC, go to bid and start construction in the spring on a $10 million upgrade with $6 million paid for by the NYS Corrections and $2.5 million in a grant we received last year. The goal of the project is three-fold by building a larger plant and piping, no further overflows into river, we gain needed sewer capacity and we remove the sewer moratorium removed. For tonight’s public hearing the ground rules are the following:

* Any and all persons will be afforded the opportunity to speak once.
* Each person wishing to speak will be afforded 5 minutes. When your time is up the clerk will raise her hand indicating this.
* Please address your comments to the members of the Village Board only.
* This is not a question and answer session; the Village Board will not answer questions.
* Village Board members may ask for clarification
* This is not a debate with other members of the public present.
* If you wish to speak you must sign in. When your name is called please come forward to the podium.
* The Village will accept written comment for 10 days after this hearing.
* TV cameras and recordings are allowed so long as they do not interfere with the proceedings, however if I feel that the TV cameras are causing undue emotion and people are playing to the cameras, we will pause and have the cameras removed.

I would remind everyone that we as Board members are residents just like most of you. We are your elected representatives charged with operating the Village as well as protecting its character and future. While we all are passionate about this, if we were not, we would not be here. The vision and future is not one person’s or a small group, to be dictated to the rest of us, it is a collective process that exists in government and through hearings like this. We are all adults here, please act accordingly and we look forward to hearing from all of you. First, Genevieve Trigg from our Village Counsel’s office will provide a brief run through of the local law and process. Thank-you.”

Genevieve Trigg, Attorney of Whiteman, Osterman & Hanna LLP, read the following prepared statement to the public: “The purpose of this local law is to repeal and replace Chapter 87 of the Village Code (manufactured and modular homes). It has been determined by the Village Board, with input from the Planning Board, that existing Chapter 87 is outdated and needs to be updated to make consistent with other procedures in the Zoning Code. In accordance with its authority under the Municipal Home Rule Law, the Village has worked diligently with the assistance of counsel to develop the proposed local law 6 of 2017. This new local law is intended to regulate the location, development and operation of mobile home parks in the Village and is applicable Village-wide. Among the major changes from existing Chapter 87 compared to the proposed local law, include, without limitation, the following:

* The proposed local law includes new definitions for “mobile homes”, “mobile home accessory buildings and structures”, “mobile home parks”, “mobile home sites”, among others and distinguishes a “modular home” which is defined under Ch. 155 of the Zoning Code.
* The definition of “mobile home parks” provides that all new mobile homes must be located in mobile home parks.
* The proposed local law eliminates the permit requirement found in existing Ch. 87 and rather provides that all new mobile home parks or modifications of existing mobile home parks shall require site plan approval of the Planning Board.
* Site plan approval shall be subject to Article X of Chapter 155 of the Zoning Code as well as the site development standards set forth in the proposed local law. Among the site development standards includes setback, landscaping and open space requirements.
* The proposed local law also provides construction requirements for streets, to make consistent with the design standards found in Article III of Chapter 132 – Subdivision of Lands and Article VIII of Ch. 129 related to private street maintenance.
* In addition, minimum area and density requirements are set forth for each mobile home site
* The proposed local law requires that a certificate of occupancy be obtained prior to permitting occupancy of a new mobile home park or a modification to an existing mobile home park. The local law also provides the right of inspection and enforcement by the Village Building Inspector.
* Finally, the proposed local law amends the definition section of the Zoning Code by deleting “manufactured home”, “manufactured home park” and “manufactured housing subdivision” to avoid inconsistencies. The definitions set forth in the new local law will apply to mobile home parks.
* The local law also amends the Schedule of Uses to replace the term “manufactured home park with “mobile home park”; again, for consistency purposes.

**Procedural Next steps:**

1. Proposed local law 6 of 2016 was introduced at the Village Board work session on Sept. 7, 2017
2. A public hearing was set for this evening to gather public input at the earliest possible time. Notice was published in the local newspaper
3. Following the public hearing this evening, the Village Board will continue to accept public comments for the next 30 days. The Board will consider all oral and written comments.
4. This local law will be referred to the Greene County Planning Dept. in accordance with GML Section 239-m.
5. *If no amendments* are to be made following the hearing and receipt of county’s comments, then the Board can adopt the local law following SEQR.
6. *If there are substantive comments and the local law is amended following the hearing*, it must be re-introduced and another public hearing set. At least 7 days (exclusive of Sundays) must pass before the local law can be adopted.
7. Complete SEQR – the Board will complete Part 2 of the EAF and make a determination of significance.
8. Once adopted by the Village Board, the local law will become effective immediately upon filing with the Secretary of State.”

Mayor Evans then opened the meeting for public comment.

David Engel, present on behalf of UMH, stated that UMH owns the only parcel in the Village of Coxsackie that is zoned MDR3, and that there are no other parcels in the community zoned for mobile home parks. He said that the Village’s proposed Local Law affects UMH directly and that he fears that the Village is spot zoning. He stated that UMH feels that there is a lot wrong with the proposal and that the 5 minutes that he is afforded to speak is not enough time. He asked the Board if he would be allowed to show a brief video.

Mayor Evans stated that only oral and written comment is being accepted at this time.

David Engel stated that UMH has been in business for 50 years, and that in the beginning they rehabilitated 20-25 mobile home parks. 30 years later they have over 100 communities across the U.S. and are a successful business. He said that the Village’s proposal is subject to SEQR and Type 1 action. He suggested that the Environmental Impact Statement be made available for public review and comment. He said that when UMH completed the SEQR process in 2009 it was determined that the project would have no environmental impact. Since 2009, the Village has developed the issue with their sewer infrastructure and moratorium. He said that the proposed minimum requirements of each mobile home site having exclusive use and occupancy of no less than 10,000 square feet is excessive.

Gregg Ursprung of Bergmann Associates, present on behalf of UMH, stated that he has reviewed the Village Zoning Code and UMH’s proposed manufactured home park is in the MDR3 zone. The Village’s proposed local law proposes to replace the code that will only affect UMH’s property. He said that the proposed site development standards such as a patio of stone, concrete or equivalent material of at least 160 square feet having to be installed by the operator at each mobile home site prior to locating any mobile home at the site is a problem since the size of the home is unknown ahead of time. He stated that the requirement of a minimum of twenty five percent (25%) of the total mobile home park area having to be reserved for recreational facilities available to all mobile home park residents, and perimeter landscaping not be included as part of the required recreational facility area is not fair. He said that the proposed minimum area and density requirements of each mobile home site having occupancy of no less than 10,000 square feet is excessive, since this is already an existing requirement for a subdivision. He stated that the proposed minimum requirements for lot coverage not exceeding 25 percent of the designated mobile home site is excessive as well, since the NYS DOH minimum is 5,000 square feet which is consistent with other municipalities. He said that the proposed minimum requirements stating that no mobile home stand shall be less than 30 feet wide or 85 feet long is unfair since the mobile homes would be smaller than this. The lot would have to be larger.

Stephanie Burch submitted a petition containing 60 signatures from residents in the community that want the proposed local law passed. She stated that the residents want to keep the Village lot sizes family friendly and houses commensurate with the current charming atmosphere that they now have. The residents that signed the petition want the Village character to remain as it is, and they do not want large growth. She said that infrastructure problems already exist, and taking on a large development could add to those problems. She stated that herself and fellow residents will continue to gather support against large developments like UMH coming into the Village. She said that she is aware of the differences between mobile and modular homes, and she feels that no matter the type of home UMH proposes, it does not make sense for a homeowner to never own the land it is on.

Deidre Meier stated that she is a 10-year resident of the Village and that she grew up in Cohoes. Cohoes used to be smaller like Coxsackie and has now since grown. She likes the aesthetics of Coxsackie and would hate to see it change. Keeping the minimum lot size larger it slows down the influx of people building in the Village. She said that a large development coming in will affect the tax base as well as a hit to the infrastructure she feels the Village is not prepared to handle.

Cynthia VanStone stated that she is a 40-year resident of the Village and she moved to lower Mansion Street in Coxsackie due to the small-town atmosphere and inexpensive housing. She said that back in New Jersey the large developments came in when there was an influx in job opportunities, but there are not many job opportunities in Coxsackie. She has seen the Village grow over the years, but when you add too many homes you have to be careful. She stated that she doesn’t feel the Village should bring more people in until the infrastructure is more stable. She said that with a large development coming in you will also need a larger Police Department which will increase taxes. She stated that she feels Coxsackie is one of the most beautiful places in upstate New York.

Laura Best-Macia stated that she is a 12 years resident of the Village and she has seen how Coxsackie has grown and blossomed over the years. She likes the small town feel and how local businesses are supported by the community. She said that she understands that back in the day the Village was practical in having housing next to each other in close proximity, but that her concern is with a large development coming in it will hurt the environment and surrounding nature. She hopes green space is taken into consideration and looks forward to the community working towards making the Village a better place to live.

Marty Mancini, present on behalf of UMH, submitted a video and literature to the Clerk’s Office. He stated that UMH has benefitted every community they have been in with no major complaints.

Brian Wallace stated that he is against the UMH project coming in. He is worried about changing the character of the community as well as an influx in school and property taxes if a large development comes in. He said that he doesn’t understand why a company like UMH would spend money on property in a village where the community does not want them. He stated that he hopes that the local law passes, and he hopes to gather community support against UMH.

Patricia Benzeno stated that it is her first time attending a Village meeting, but she has lived on Noble Street for 12 years. She said that the biggest reason she decided to become a homeowner in the Village is because of the small-time community feel. She stated that her property is bordered up to the UMH property, and she would hate to see buildings on top of each other. She enjoys seeing nature in her backyard and is worried that if a development goes in the animals will be misplaced. She is also concerned about water run-off, drainage and experiencing more water breaks due to aging infrastructure that may not be able to handle the excess hook ups. She said that she hopes that the proposed 161 homes by UMH are not allowed.

Mayor Evans stated that the Public Hearing will remain open for 30 days and written comment can be submitted to the Village Clerk.

Written comment was received by Hugh and Margaret Quigley, Patricia Bini and Patricia De Lucia and has been filed with the Village Clerk.

No further public comments were offered.

A motion to adjourn the Public Hearing was made by Trustee Daoust and seconded by Trustee Hanse. Trustee Hanse voted yes. Trustee Daoust voted yes. Trustee Ellis voted yes. Trustee Ringwald voted yes. The motion carried.

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Nikki Bereznak

Clerk