

The May 10th, 2022 Town of Tioga Board Meeting was brought to order at 7:05pm. Present were Councilman Robert Strong, Councilman Paul Welch, Councilman Gerald Hyatt, Councilman Drew Griffin, with Supervisor Lewis Zorn presiding.

Also present were Town Historian Anne Stout, REAP Rep Pat Hansen and Highway Superintendent Russell Story.

Councilman Strong made the motion to accept the April 2022 Town Board minutes as presented, Councilman Griffin seconded, carried.

Councilman Strong made the motion to accept the April 2022 Planning Board minutes as presented, Councilman Hyatt seconded, carried.

Councilman Griffin made the motion to accept the April reports as given, Councilman Hyatt seconded, carried.

Update from Highway Superintendent Story:

- CHIP'S line needs to be increased by \$100,000.00 due to increased state aid. Should be receiving an additional \$50,200.00 from POP also.
- People are leaving garbage at Ransom Park.
- 49% of the fuel line for the 2022 budget year has been used as of the end of April. Estimating we will need to increase the fuel line by around \$30,000.00 by the end of the year.
- Old #97 is at Burr Truck and needs to have the turbo replaced for at an estimate of \$5,400.00.
- Burr Truck will have a quote for a new Volvo truck in June. The quote will not vary more than 3% - 4% from the time of quote to delivery which would be in 2023.

Councilman Griffin made the motion to amend the fiscal budget to increase the CHIP's budget line from \$420,000.00 to \$520,000.00, due to increased state aid, Councilman Hyatt seconded, carried.

Roll Call Vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

RESOLUTION #9-2022

BUDGET AMENDMENT TO INCREASE CHIP'S BUDGET LINE FOR FISCAL YEAR 2022

WHEREAS, on November 9th, 2021 the Town of Tioga adopted the budget for the fiscal year ending December 31, 2022 and

WHEREAS, the Town Council seeks to amend the approved budget for the fiscal year ending December 31st, 2022 for CHIP's budget line from \$420,000.00 to \$520,000.00 due to increased state aid.

NOW THEREFORE, BE IT RESOLVED that the Town of Tioga hereby adopts the amended budget to the 2021 fiscal year approved budget for the increase of CHIP’s budget line in the amount of \$100,000.00 due to increased state aid.

Update from Town Historian Anne Stout:

- Gathering local Town of Tioga stories of history within the Town and recipes from past Pumpkin Festivals to create a booklet to sell to help fund a potential restart of the Pumpkin Festival.
- Added contact information to the Town website for anyone to reach for interest in helping restart the festival.

Update from REAP Rep Pat Hansen:

- We received the energy audit for the Town Hall from Jim Wiser at Tioga Opportunities and Mr. Wiser stated he would be happy to attend June’s Board meeting to review the findings report.

Supervisor Zorn requested Jim Wiser attend June’s Town Board meeting if he is available.

Park Caretaker duties for the rentals each day shall be:

1. Unlock and clean the kitchen prior to the event if rented.
2. Unlock and clean bathrooms prior to each event.
3. Keep all pavilions blown out for weekly activities.
4. Inspect and lock up the park after each event.

Councilman Hyatt made the motion to adopt amended Local Law 2022-#4, Regulation of Mobile Home Parks, Councilman Strong seconded, carried.

Roll Call Vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

TOWN OF TIOGA LOCAL LAW NO. 2022-#4
A LOCAL LAW FOR THE REGULATION OF MOBILE HOME PARKS

Be it enacted by the Town Board of the Town of Tioga as follows:

SECTION 1 – TITLE

This local law shall be known as the “Mobile Home Park Local Law of the Town of Tioga”.

SECTION 2 – PURPOSE

The purpose of this local law is to promote the health, safety, morals and general welfare of the community including the protection and preservation of the property of the Town of Tioga, and of its inhabitants by establishing specific requirements and regulations being enacted in anticipation of the adoption of a comprehensive zoning ordinance for the Town of Tioga.

SECTION 3 – DEFINITIONS

For the purposes of this Local Law, the following terms, words and phrases shall have the meaning ascribed to them in this section.

Mobile Home – A mobile home is any portable vehicle which is designed to be transported on its own wheels or those of another vehicle; which is used, designed to be used and capable of being used as a detached single family residence; and which is intended to be occupied as permanent living quarters containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities and plumbing and electrical connections for attachment to outside systems. The mobile home perimeter shall include all additions thereto except open canopies.

Mobile Home Lot – A mobile home lot is a designated site of specific total land area which is located within a mobile home park for the accommodation of one mobile home and its occupants.

Mobile Home Park- A mobile home park is any parcel of land that is planned and improved for the placement of more than two mobile homes which are used as dwellings and for occupancy of more than ninety (90) consecutive days.

Mobile Home Stand- A mobile home stand is a durable surface located on a mobile home lot which is used for placement and capable of supporting a mobile home.

Travel Trailer – A travel trailer is any portable vehicle not larger than 8' x 35' which is designed to be transported on its own wheels; which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes; and which may or may not include one or all of the accommodations and facilities included in a mobile home.

Watercourse- Any natural or man-made stream, river, creek, ditch channel, canal, conduit, culvert, drainageway, gully, ravine or wash, in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks, and any area adjacent thereto subject to inundation by reason of overflow, flood, or storm water.

SECTION 4 - LICENSES REQUIRED FOR MOBILE HOME PARKS

Any person, partnership, association, joint venture or corporation being the owner or occupant of any land within the Town of Tioga shall not use or allow the use of such land for a mobile home park unless a license has been obtained as herein provided:

4.1 – Issuance of Initial License:

The Town Clerk of the Town of Tioga shall issue a license to be effective from the day of issuance and including December 31st of that same year.

This license may not be issued until the Town Clerk has received the following:

- A. A written application from the applicant (on the form provided by the Town).
- B. Application fee: Set yearly by the Town Board.
- C. Approval of the application by the New York State Department of Health District Office.
- D. Approval by the Town Code Enforcement Officer and Planning Board.
- E. A resolution from the Town Board approving issuance of the license. The license shall not be transferable or assignable.

4.2 – Supplemental License:

Any person holding a license for a mobile home park and desiring to add additional lots to such park shall file an application for the supplemental license.

The application for such supplemental license must be accompanied by three complete sets of plans and specifications as required by Section “6” of this Local Law.

When approved in accordance with the procedures established and upon the receipt of the required application and permit fee, the Town Clerk shall issue a supplemental license which will be effective from the date of issuance to and including December 31st of the same year and thereafter run concurrent with and become a part of the initial license.

4.3 – License Renewal:

An application for the renewal of any mobile home park license which was issued in accordance with the provisions of this Local Law, must be filed with the Town Clerk on or before December 1st preceding the expiration of the license.

The renewal license shall not be accompanied by a plan of the park unless changes have been made to it, nor is it necessary that the application be accompanied by a copy of the lease that has been entered into subsequent to the time of filing the previous application.

Upon approval of the Code Enforcement Officer and by resolution of the Town Board, the Town Clerk shall issue a renewal license to be effective upon the expiration of the previous permit and continue in force for a period of one year.

The required fee is due with the application for the renewal license. Issuance of a renewal license shall be subject to the continued compliance with the requirements of this Local Law.

Such renewal license shall not be transferrable or assignable.

4.4 – License Fees:

The applicant shall pay the Town Clerk annual fee, set yearly by the Board, which is then multiplied by the number of lots authorized by the permit.

The fee for a supplemental permit shall be computed and determined in the same manner as the initial permit.

SECTION 5 – APPLICATION PROCEDURE

The application and related information shall be filed with the Town Clerk, in triplicate.

The Town Clerk shall transmit one copy of the application to the Town Enforcement Officer. The Town Clerk shall refer one copy of the application to the Planning Board for review and report prior to the final action by the Town Board, in accordance with the provisions of Section 274 of the Town Law.

The Enforcement Officer shall check the applications for compliance with the minimum requirements as established by the rules and regulations of the New York State Department of Health and the Sanitary Code of the State of New York. Within thirty (30) days of the day of filing the application with the Town Clerk, the Enforcement Officer shall submit the written findings to the Town Board, together with his recommendation as to whether the application satisfies or does not meet the minimum health and sanitary standards.

Upon receipt of the application from the Town Clerk, the Planning Board shall review the general arrangements of the mobile home park. This shall include a review of: location and width of streets and parking areas; the location, size and arrangement of lots; the location of entrances and exits; and the location, type and extent of landscaping and screening materials. The Planning Board shall transmit the application back to the Town Board, together with its written findings, within forty-five (45) days of the receipt of the application. Failure by the Planning Board to act within forty-five (45) days of receipt of the application shall be considered that the Planning Board has no comments on the application.

The Town Board shall review the findings of the Enforcement Officer and the Planning Board, and by resolution indicate the approval or disapproval of the application, within sixty (60) days of the date of filing the application with the Town Clerk. The application shall be returned to the Town Clerk, and the applicant notified in writing by the Town Clerk of the decision rendered, within five (5) days of the date of such decision.

SECTION 6 – APPLICATION DATA

Each application shall be accompanied by three complete sets of plans prepared by a licensed professional engineer. The plans shall be drawn to a scale of 20, 40 or 50 feet to one (1) inch; shall include the date, north point and scale, and shall furnish the following information:

6.1 – Legal Data

- A. The name and address of the applicant, or the name and address of each partner or or principal if applicant is a partnership or joint venture; or the name and address of each officer and director if the applicant is an association or corporation.
- B. The location and description of the land that is proposed to be used as a mobile home park.
- C. The number of lots to be provided in such park.
- D. A copy of standard lease, park regulations and operating policies.

6.2 – Physical Features

- A. Contours at five (5) foot intervals, and land areas in excess of 10% grade.
- B. Location of water courses, marshes, and areas subject to flooding.
- C. Wooded areas.
- D. Soil types in all parts of the proposed site and results of soil tests at locations determined by the Town Planning Board and the County of Tioga.

6.3 – Existing Development

- A. A location map which shows all land within five hundred (500) feet of the proposed mobile home park and all structures located on such lands.
- B. The location, names and widths of all adjacent streets.
- C. The location of all water lines and utilities within and adjacent to the proposed site.

6.4 – Proposed Development

- A. The location and width of all entrances, exits, streets, walkways and parking areas and easements.
- B. The location, size and arrangement of each lot in the park.
- C. The methods and plan for electric lighting, including street lighting.
- D. The location and plan of all proposed structures and improvements.
- E. Proposed grading and plans for landscaping.
- F. Proposed storm water drainage.

- G. Proposed utilities.
- H. Existing zoning.

SECTION 7 – REQUIREMENTS FOR MOBILE HOME PARKS

7.1 – Site

The park shall be located in areas where grades and soil conditions are suitable for use as mobile home sites.

The park shall be located on a well-drained site which is properly graded to insure rapid Drainage and be free at all times from stagnant pools of water.

The park shall be free from heavy or dense growth of brush and woods.

The park shall be at least five (5) acres in size, with two hundred (200) feet frontage on public road.

7.2 – Mobile Home Lot

Each mobile home park shall be marked off into lots. Each mobile home lot shall have a total area of not less than six thousand (6,000) square feet except as provided in Section 7 herein.

7.3 – Mobile Home

No mobile home in a mobile home park shall be parked or otherwise located nearer than a distance of:

- A. At least a mean distance of thirty (30) feet from another mobile home in any direction.
- B. At least fifty (50) feet from the park property line.
- C. At least one hundred (100) feet from the right-of-way line in public streets or highway. Except where adequately screened by natural vegetation or topography, this setback may be reduced to fifty (50) feet.
- D. At least twenty (20) feet from the nearest edge of any roadway located within the park.

Only one mobile home shall be permitted to occupy any one mobile home lot.

Any mobile home in excess of eighteen (18) feet in width and for more than 50% of its entire length must occupy two (2) mobile home lots as defined above.

Each mobile home must be provided, within sixty (60) days of utilities hookups, with perimeter skirting to hide all wheels, chassis and other related accessories under the home.

- E. There shall be no improvements or construction within twenty-five (25) feet of any watercourse.

7.4 – Mobile Home Stand

Each mobile home lot shall have a mobile home stand which will provide for the practical placement on and removal from the lot of both the mobile home and its related accessory structures, and the retention of the home on the lot in a stable condition.

The stand shall consist of lateral runners or longitudinal runners or pillars of 8” concrete to fit the dimensions of the anticipated mobile homes and their related accessory structures or appendages.

The stand shall be constructed of an appropriate non-porous material which is durable and adequate for the support of the maximum anticipated loads.

The stand shall be suitably graded to permit rapid surface draining.

7.5.1 – Accessibility

Each mobile home park shall be directly accessible from an existing public highway or street.

Where a mobile home park has more than twenty-five (25) mobile home lots, two (2) points of entry and exit shall be provided, but in no instance shall the number of entry and exit points exceed four (4).

- A. Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the park, and to minimize friction with the free movement of traffic on a public highway or street.
- B. All entrances and exits shall be at right angles to the existing public highway or street.
- C. All entrances and exits shall be free of any material which would impede the visibility of the driver on a public highway or street.
- D. All entrances and exits shall be of sufficient width to facilitate the turning movement of vehicles with mobile homes attached.

7.5.2 - Accessibility

Each park shall have improved streets to provide for the convenient access to all mobile home lots and other important facilities with the park. Streets shall be improved with a minimum of twelve (12) inch gravel base, and a topping of an all-weather dustless material.

- A. The street system shall be so designed to permit the safe and convenient vehicular circulation within the park.

- B. Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety.
- C. All streets shall intersect at an angle between 80° and 90°.
- D. All streets shall have a minimum cartway width of twenty-four (24) feet.
- E. Except in cases of emergency, no parking shall be allowed on such streets.

All weather, dustless driveways shall be provided for each mobile home lot. This driveway shall have a minimum width of ten (10) feet.

7.6 – Parking

Two (2) off-street parking spaces shall be provided for each mobile home lot. The parking spaces shall be surfaced with an all-weather dustless material. Each parking space shall have a minimum width of ten (10) feet and a minimum length of twenty (20) feet. This requirement is satisfied if there are two (2) off-street parking spaces available in the driveway area.

Additional off-street parking spaces shall be provided at strategic and convenient locations.

- A. There shall be one (1) such parking space for each two (2) mobile home lots within the park.
- B. Such parking shall be provided in spaces at least ten (10) feet by twenty (20) feet, and shall provide an additional one hundred and fifty (150) square feet for adequate maneuvering space.

7.7 – Utilities and Service Facilities

The following utilities and service facilities shall be provided in each mobile home park which shall be in accordance with the regulations and requirements of the New York State Department of Health and the Sanitary Code of New York State.

- A. A storm drain system designed to convey all storm water into natural water courses and to maintain the park area free from standing pools of water.
- B. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all mobile home lots and buildings within the park to meet the requirements of the park. Each mobile home park shall be provided with proper water connections.
- C. Each mobile home lot shall be provided with a sewer, which shall be connected to the mobile home situated on the lot, to receive the waste from the shower, tub, flush toilets, lavatory and kitchen sink in such home. The sewer shall be connected to a public sewer or central private system so as not to present a health hazard. Sewer connections in unoccupied lots shall be so sealed as to prevent the emission of any odors and the creation of breeding places for insects.
- D. Garbage and rubbish shall be stored in receptacles with tight fitting lids and shall be collected and disposed of as frequently as may be necessary. Such cans shall be screened by opaque fencing and/or plantings.

Service buildings shall be provided as deemed necessary for the normal operation of the park. Such buildings shall be maintained by owner or manager of the park in a clean, sightly and sanitary condition.

Each mobile home lot shall be provided with weather-proof electric service connections and outlets which are a type approved by the New York State Board of Fire underwriters.

7.8 – Open Space

Each mobile home park shall provide common open space for the use of the occupants of such park.

Such open space shall be conveniently located in the park. Such space shall have a total area equal to at least ten (10) percent of the gross land area of the park.

7.9 – Landscaping

Lawn and ground cover shall be provided on those areas not used for the placement of mobile homes and other buildings, walkways, roads and parking areas.

Planting shall be provided to screen objectionable views, adequate shade, and a suitable setting for the mobile homes and other facilities.

- A. Screen planting shall be provided to screen objectionable views. Views which shall be screened include laundry facilities, garage storage areas and collection areas.
- B. Other planting shall be provided along those areas within the park which front upon existing public highways, streets and adjacent properties to reduce glare and provide pleasant outlooks for the living units.

Grass or ground cover shall be provided on all areas subject to erosion.

- C. Adjacent landowners may request that screen plantings be sufficient to eliminate direct visual contact, and such request shall be taken into consideration by the Planning Board and the Town Board.

SECTION 8 – WATERCOURSES

All watercourses which are located within, or immediately adjacent to, a mobile home park or a mobile home lot shall be maintained and protected by the developer during construction.

- (1) No developer shall block, impede the flow of, alter, construct any heavy structure, or deposit any material or commit any act which will affect the normal or flood flow of any watercourse.
- (2) Existing watercourses shall remain open and shall not be piped or incorporated into a storm sewer system.

- (3) Grading equipment shall not cross live streams. Temporary culverts or bridges shall be installed. The watercourse shall be restored to original condition.
- (4) There shall be no improvements or construction within twenty-five (25) feet of any watercourse.
- (5) There shall be no threat to the stability of the existing bank of a watercourse.
- (6) The removal of vegetation integral to the ecological value of a watercourse shall not be allowed.
- (7) The Board may also establish other reasonable requirements as it deems necessary in order to safeguard and preserve all existing watercourses.
- (8) The Board may require the developer to provide a permanent easement along any watercourse located within or along the boundary of any property being subdivided. The required width shall conform substantially with the line of such watercourse and be of such width as will be adequate to preserve natural drainage.

SECTION 9 – PENALTIES

- 9.1** Any person, partnership, association, joint venture, firm or corporation who violates, disobeys, neglect or refuses to comply with, or resists the enforcement of any of the provisions of this Local Law, shall be guilty of an offense and upon conviction thereof shall be punished by a fine of not more than \$250.00 or by imprisonment for not more than fifteen (15) days, or by both such fine and imprisonment.
- 9.2** Each week a violation is continued shall be deemed a separate offense.
- 9.3** Where a structure is completed and occupied without the issuance of the certificate of occupancy by the Enforcement Officer this shall constitute a violation of the Local Law.
- 9.4** If a person fails to abate any violation of this Local Law within thirty (30) calendar days after written notice has been served personally upon said person, or within forty (40) days after written notice has been sent to said person by certified mail at said person's home or business address, said person shall be subject to a civil penalty of \$5,000.00, recoverable by suit brought by the Town and to be retained by the Town.
- 9.5** Any violation of this Local Law may also be enjoined pursuant to law.
- 9.6** The penalties provided for herein shall be cumulative, and shall be in addition to any other penalties provided by law.

SECTION 10 – EXCEPTIONS

None of the provisions of this Local Law shall be applicable to the following:
The business of mobile home or travel trailer sales, except that where units are used as living quarters, they shall conform with the provisions of this Local Law.

A mobile home located on the site of a construction project, survey project or other similar work project and which is used solely as a field office or work or tool house in connection with such project, provided that such mobile home is removed from such site within thirty (30) days after the completion of such project.

SECTION 11 – ADMINISTRATION

The enforcement Officer of the Town of Tioga shall administer the provisions of this Local Law.

SECTION 12 – VARIANCE

12.1 Requests for a variance from the standards set forth in this Local Law shall be made to the Town Board and shall contain the following:

- A. Copies of all documents submitted to the Enforcement Officer on the application for a permit.
- B. A list of the names and addresses of all adjacent property owners and of all property owners of premises located within five hundred (500) feet of the applicant's premises.
- C. A written statement signed by the applicant setting forth the following:
 1. The date and full text of action taken by the Enforcement Officer from which the appeal is taken.
 2. The present use of all adjacent premises and of all premises within five hundred (500) feet from the applicant's premises.
 3. The grounds on which the applicant relies for requesting the variance, including allegations of any facts on which the appellant will rely.
- D. A fee in the sum set yearly by the Board.

12.2 The documents set forth in Section 12.1 shall be filed in triplicate with the Town Clerk and a copy thereof shall be forwarded to the Town Code Enforcement Officer within two (2) days of filing. The Code Enforcement Officer will present these documents to the Town Board for its consideration at its next regularly scheduled meeting.

SECTION 13 – APPEALS

13.1 The documents set forth in Section 12.1 shall be filed in triplicate with the Town Clerk and a copy thereof shall be forwarded to the Town Planning Board within two (2) days after filing.

13.2 The Town Board shall conduct a public hearing on the appeal within forty-five (45) days after filing of the appeal documents and upon not less than five (5) days published notice and five (5) days written notice delivered by mail to the owners of all adjacent property and all property within five hundred (500) feet of the appellant's premises. The cost of such mailed notice, including the postage, shall be borne by the appellant and shall

be paid prior to the issuance of the Board's decision on appeal. The Town Board shall consider as part of the record of the hearing any written report of the Town Planning Board submitted prior to the close of the hearing.

13.3 Within thirty (30) days from the close of the public hearing specified in Section 13.2 the Town Board shall make and file with the Town Clerk its written decision and a copy thereof shall be served by mail upon the appellant.

*** No such variance or appeal shall be granted without showing by the applicant that applicable regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship that applicant shall demonstrate that: **(i)** the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; **(ii)** that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the Town or neighborhood; **(iii)** that the requested use variance, if granted, will not alter the essential character of the neighborhood; and **(iv)** that the alleged hardship has not been self-created.

SECTION 14 – VALIDITY

If any section, paragraph, subdivision or provision of this Local Law shall be found invalid, such invalidity shall apply to the section, paragraph, subdivision or provision adjudged invalid and the remainder of the Local Law shall remain valid and effective.

SECTION 15 – REPEAL

All local laws or parts of local laws in conflict with the provisions of this Local Law are hereby repealed.

SECTION 16 – EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with the provisions of Section 27 of the Municipal Home Rule Law.

Supervisor Zorn will discuss installing the exercise equipment with Constable Pierce and what it entails.

Replacing the front door and top platform of the Town Hall has been tabled for further discussion at June's meeting.

Supervisor Zorn discussed "junk properties" with Planning Board Chairman and Town Code Enforcer Doug Chrzanowski on possible solutions to these problem properties. The Planning Board recommendations are:

- Send registered letters to the “junk properties” to move their “junk” out within 30 days
-or-
- Apply for a junkyard permit and comply with ALL the Local Law for junkyards within the Town.

Councilman Hyatt made the motion to pay the General Fund in the amount of \$52,234.73, Councilman Griffin seconded, carried.

Councilman Strong made the motion to pay the Highway Fund in the amount \$38,685.62, Councilman Hyatt seconded, carried.

Councilman Hyatt made the motion to transfer \$386.34 from Contingent to unallocated insurance to cover to difference for NYMIR Insurance, Councilman Strong seconded, carried.

Roll Call Vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

There was discussion about expanding the walking trail at Ransom Park. Supervisor Zorn stated the Board will have to look into road crossings and what we have to do as a Town to meet the requirements.

Councilman Strong made the motion to adjourn at 8:50pm, Councilman Hyatt seconded, carried.

Tiffany Middendorf

Tioga Town Clerk