

## LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Poughkeepsie does hereby set the 19th day of July, 2017 at 7:00 P.M. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as the time date and place of a public hearing to afford all interested parties an opportunity to be heard and seek public comment concerning an amendment to Chapter 210, entitled "Zoning", specifically Section 210-83 entitled "Mobile Home Park District"

AND PLEASE ALSO TAKE FURTHER NOTICE that said amendment is available to preview in the Town Clerk's Office located at One Overocker Road, Poughkeepsie, New York, between the hours of 8:00 A.M. - 4:00 P.M., Monday thru Friday and also on our website at [www.townofpoughkeepsie.com](http://www.townofpoughkeepsie.com).

Felicia Salvatore, Town Clerk  
Town of Poughkeepsie  
June 26, 2017

**\*Proposed changes are attached-**

RESOLUTION 6:21 - # 15 of 2017

WHEREAS, the Town Board has received a communication from the Director of Municipal Development recommending an amendment to Chapter 210, entitled "Zoning", specifically Section 210-83 entitled "Mobile home park district", and

WHEREAS, the proposed amendment is attached hereto and incorporated herein and the Town Board does hereby waive a verbatim reading of said amendment and does direct that said amendment be spread across the record as if they, in fact, had been read verbatim; and

WHEREAS, the action to amend the Zoning Law is an Unlisted Action under the New York State Environmental Quality Review Act; and

WHEREAS, the Town Board has determined that the proposed amendment must be referred to the Dutchess County Department of Planning and Economic Development and to the Town Planning Board for review and recommendation; and

WHEREAS, the amendment requires a public hearing.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby states that because only the Town Board can consider and adopt changes to the Town Code that it is the only involved agency, and the Board hereby declares that it is the Lead Agency for purposes of coordinating the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law; and
2. The Town Board hereby sets a public hearing on the proposed amendments for July 19, 2017, at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town Hall, One Overocker Road, Poughkeepsie, New York; and
3. The Town Board refers this matter to the Dutchess County Department of Planning and Economic Development for a recommendation pursuant to GML 239-m; and

4. The Town Board refers this matter to the Planning Board for an advisory report pursuant to Town Code Sections 210-154.
5. The Town Board directs the Town Clerk to notify the Town Clerks of each of the surrounding municipalities of the public hearing pursuant to GML 239-nn.

Dated: June 21st 2017  
 Moved: Michael Cifone  
 Seconded: Joseph Conte  
 Ayes 7 Nays 0

JEN/mem  
 Attachment  
 t-6/16/2017  
 m-6/21/2017  
 G:\mllegal\2017\June\June 21\zoningamend-mobile-sd.doc

	AYE	NAY
Councilman Renihan	<u>✓</u>	<u>      </u>
Councilman Carlos	<u>✓</u>	<u>      </u>
Councilman Conte	<u>✓</u>	<u>      </u>
Councilman Cifone	<u>✓</u>	<u>      </u>
Councilman Lepore	<u>✓</u>	<u>      </u>
Councilwoman Shershin	<u>✓</u>	<u>      </u>
Supervisor Baisley	<u>✓</u>	<u>      </u>

BE IT ENACTED by the Town Board of the Town of Poughkeepsie as follows:

1. Chapter 210 of the Town of Poughkeepsie Zoning Code entitled "Zoning" is hereby amended as follows:

Section 210-83, paragraph B, is amended, and new paragraphs "D", "E", "F", "G", "H", "I" and "J" are added as follows:

A) Mobile homes shall be located within mobile home parks and mobile home subdivisions within mobile home districts.

B) Mobile home parks are permitted by special use permit from the ~~Planning Board~~Zoning Board of Appeals in Residence, Mobile Home (R-MH) Districts subject to the following regulations:

1. Park size and capacity. Each mobile home park shall have a minimum area of 175,000 square feet and shall contain no more than one mobile home for each 6,000 square feet of gross area, excluding land used for access roads, recreation, service facilities and screen planting.
2. Size of lots. No mobile home lot shall be less than 6,000 square feet, nor shall any lot have less than 60 feet of frontage on an access road.
3. Clearances. Each mobile home shall be located on the lot with the following minimum clearances: sides, 10 feet from side lot lines; ends, 40 feet from rear lot lines, 25 feet from access roads; exterior lot lines, 30 feet. In computing these clearances, auxiliary rooms, porches and similar accessories connected to or associated with the mobile home shall be considered as part of the mobile home. Tool sheds of less than 100 square feet with sides of less than six feet in height are not subject to these clearance requirements. In the case of single-wide mobile homes, the front, rear and side yard setbacks shall be 10 feet from the property line.
4. Automobile parking. There shall be at least two off-road parking spaces for each mobile home within the mobile home lot.
5. Parking bay. Each off-road parking space shall be at least nine feet wide and at least 18 feet long.
6. Recreation area. A minimum of 10% of the total park area shall be set aside and used

for open space or recreational area for the park. Such land shall be suitable for such use and shall be maintained by the owner of the park in a neat and usable condition for the residents of the mobile home park. Setbacks from streets and property lines required in Subsection B(3) above shall not be deemed to be a part of the required recreation or open space areas.

7. Screening and landscaping. Each mobile home park shall have a landscaped area at least 20 feet wide along exterior lot lines and public roads, suitably planted and maintained to provide visual screening from adjacent properties. The Planning Board may also require a fence for additional screening if appropriate. At the option of the Planning Board, existing vegetation can be used in lieu of screening requirements.
  8. Internal road system. Mobile home parks shall have an internal road system capable of meeting the needs of public safety and welfare, as determined by the Planning Board, which may require two or more access points for the purpose of emergency service. Two or more access points are mandatory for applications of 50 or more lots.
  9. Underground utilities. All utilities shall be placed underground.
  10. Street signs and numbering. All internal roads will be adequately marked with signs to facilitate the provision of emergency services. Each unit must be separately numbered for convenient identification.
  11. Skirting. All mobile home units must be fully skirted within 30 days of their placement on site.
  12. Standards. All replacement mobile home units must have been built after June 15, 1976, and in conformance with the Federal Mobile Home Construction and Safety Standards.
- C) Additional provisions. Each mobile home park shall provide sanitary conveniences, service and utilities, including water supply, sewage disposal and garbage disposal, commensurate with the following:
1. Water supply. Connection to municipal water supply is required.
  2. Sewage disposal. Connection to municipal sewer is required.
  3. Refuse disposal.

- a. Adequate refuse receptacles with covers shall be provided for each mobile home.
  - b. These receptacles shall be kept in sanitary condition and emptied at least weekly.
  - c. Central refuse receptacles may be required by the Planning Board. These receptacles shall be screened and designed in a manner that facilitates control of odor.
4. Mailboxes. Mail delivery will be made to a central location in an enclosed structure of a consistent style and color.
  5. Maintenance.
    - a. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will be a menace to the health of any occupant or the public or constitute a nuisance.
    - b. All required improvements, including landscaping and screening, shall be maintained.
  6. Snow removal. Internal drives shall be kept free of snow by the park owner or homeowners' association.

D) Statement of Policy in regard to Shady Brook Trailer Park Rehabilitation and Redevelopment. The Shady Brook Trailer Park is located at 67 Old Manchester Road, tax parcel number 6261-04-671364 (hereinafter "Shady Brook"). Shady Brook has been in operation as a trailer park since sometime in the mid to late 1950's. While the original location of some of the units pre-date site plan and special permit review authority by the Town and are therefore legally non-conforming as to the Town's zoning law, the operator of Shady Brook has installed mobile home trailers in locations within the trailer park without receiving prior authorization from the Town when otherwise required to do so. The Town has worked to enforce compliance with the Town's zoning and land use regulations, including commencement of enforcement actions. Recently many of the dilapidated and unsafe trailers have been removed by the current operator, but there are still units that remain non-compliant. Notwithstanding these recent enforcement efforts, the Town recognizes that the mobile home trailer park represents an affordable housing option for many residents who

might not be able to afford the rental and mortgage costs associated with living in single family or multi-family style housing. By providing the Planning Board with the authority to reduce the minimum setbacks between units and along perimeter lot lines the mobile home trailer units may be clustered so as to avoid flood prone areas of the site and reducing redevelopment costs related to installation of new water supply, sewage disposal, and electrical connections. By allowing units to be placed in closer proximity to each other that is currently permitted under Chapter 210, while maintaining the minimum separation distances required under the State Building Code, overall unit density would be maintained within the trailer park thereby assuring the economic viability of trailer park operations. Accordingly, the following regulations authorize the Planning Board to approve a site plan for the Shady Brook Trailer Park as a means of retaining the mobile home park as a safe and affordable housing option for residents.

- E) Grant of authority. Pursuant to §274-a(5) of the Town Law the Town Board of the Town of Poughkeepsie hereby grants to the Planning Board of the Town of Poughkeepsie the authority to modify applicable area, yard, bulk, and design provisions of §210-19 and §210-83 of the Town Code as they apply to the layout of an amended site plan for the Shady Brook Trailer Park when, in the Planning Board's sole discretion, doing so would be consistent with the goals and objectives of the Town Plan pertaining to affordable housing and the statement of policy of this section. To the extent that any provisions of this subchapter are inconsistent with §274-a of the Town Law, the Town Board of the Town of Poughkeepsie hereby declares its intent to supersede those sections of the Town Law, pursuant to its home rule powers under Municipal Home Rule Law Section 10(1)(ii)(d)(3) *et seq.*
- F) Applicability. This section shall be applicable only to the land parcel located at 67 Old Manchester Road, tax parcel number 6261-04-671364 which has been operating as and is known as the Shady Brook Trailer Park. The Planning Board, in its sole discretion, shall determine whether to approve an amended Site Plan and Special Use Permit for redevelopment of the Shady Brook Trailer Park in accordance with this section 210-83(D), or whether to require implementation of a site plan in accordance with the standard provisions of §210-19 and §210-83 of the Town Code subdivision plan.
- G) Required plans. An application under this §210-83(D) shall include all plans and materials required for approval of a site plan and special use permit as set forth in this Chapter.
- H) Planning Board findings. In order to approve a site plan and special use permit, the Planning Board must find that the plan for redevelopment of the Shady Brook Trailer Park would fulfill the purposes of this Chapter and the Town Plan.

- I) Plan notations. The location of trailer units, lease line boundaries, open space, recreation, flood plain, and common facilities areas shall be clearly labeled on the approved site plan as to its use, ownership, management, method of preservation. The approved site plan shall clearly show that such areas are permanently reserved for their particular purposes, and shall contain appropriate references to any easements or restrictive covenants required by the Planning Board.
  
- J) Recording. All required easements and restrictive covenants shall be recorded in the Office of the Dutchess County Clerk prior to Chairman's signature on the approved site plan.