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**TOWN OF PETERSBURGH  
WORSHOP MEETING  
JUNE 20<sup>TH</sup>, 2016**

**Present:** Councilperson Amy Schaaphok  
Councilperson Denise Church  
Councilperson Jack Barnhill  
Supervisor Alan Webster  
CEO David Miller  
Planning Board Chairperson – Frank Sheldon  
Planning Board Vice-Chair – Tim Church  
Library Director – Sharon Hodges  
Supervisor Secretary – Ann Crisp  
Deputy Town Clerk – Brigitta Schmidt  
Historian Nancy Burstein  
Highway Supervisor Rob Cottrell Sr  
**Absent:** Councilperson Dennis Smith

**Guest:** Tom Berry, Jane Wesley, Joe Dunlop, Emily Marpe, Connie Plouffe, Charlotte Neaton, Peggy Cottrell.

**Press:** Alex Brooks – Eastwick Press Inc.

**Call to Order:** The Special Meeting was called to order by Supervisor Alan Webster at 6:32 PM.

**1) Proposed Fee and Fine Schedule: (Copy available at Town Clerk’s Office).**

**PROPOSED FEE AND FINE SCHEDULE**

**By no means complete**

1 – Non-renewal of Building Permit (if a CoOccupancy or CoCompliance has not been issued. \$50.00 per month for two (2) months and then the Building Permit is cancelled. No notification of renewal requirement shall be forthcoming from the CEO.

2 – Failure of a second or any subsequent inspection under a Building Permit. \$50.00 per re-inspection. The logic being that the holder of the BP should be aware of the status of a project before calling for an inspection.

3 – Stop Work Order - \$100.00. If it is necessary to issue a SWO the BP holder should be penalized.

4 – Order To Remedy – Up to \$1,000.00 per day per NYCRR 1203.5 and up to One Year in Prison, or both. This is in accordance with the revised Law of January 12, 2015. This is for exceptional cases of flagrant disregard of required actions.

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5 – Operating Permit (RV Use on Private Land) - \$100.00 per year. If any violations of the Local Law or any other Rules and Regulations are observed the penalties shall be \$100.00 per month as long as the condition exists until satisfactory cleanup and removal of the violation is recorded by the Code Enforcement Officer. In the event an Order to Remedy is issued those fines and penalties shall prevail.

6 – Change of Occupancy Inspections for Rental Property Units. – No fee for the inspections, if the owner does NOT comply with the Law the penalty shall be \$100.00 per month for as long as the violation exists and an inspection fee of \$100.00.

7 – Work done without a Demolition Permit - \$100.00 fine for every month there is no Demo permit in place.

8- Beginning work without any required permit either under Federal, State or Local requirements – 5% of the value of the work to be completed, minimum of \$100.00.

9 – Swimming Pools –Any swimming pool, other than one not covered under NYS Codes, must have a Building Permit and final inspection prior to use. Any occurrence or condition that violates NYS Code shall be subject to a monthly fine of \$50.00. If the condition continues for more than two months the permit for the pool shall be voided and a \$100.00 fee shall be levied against the property owner.

**2) Local Law No. 5 of 2015 – Regulating the Siting of Manufactured Homes, Micro-Homes and Recreational Vehicle for Residential Purposes.**

**Local Law to Regulate the Siting of Manufacture Homes, Micro Homes and Recreational Vehicles for Residential Purposes**

**Article 1, Purpose:**

The purpose of this Law is to promote the general welfare of the community, protect the health and safety of the citizenry and to maintain or improve the living standards of the town while preserving the overall rural appearance of the community. The regulation of moveable, temporary, or semi-permanent living accommodations on private land or in organized parks is necessary to help achieve this purpose.

**Article II. Definitions:**

**Code Enforcement Officer (CEO):** The Town of Petersburg official charged with enforcement of the provisions of the Uniform Fire Prevention and Building Code (Uniform Code), the Residential Code of the State of New York (RCNYS), the Local Laws of the Town of Petersburg, and with all aspects of the issuance of building permits, performance conducting of inspections, issuance of certificates of occupancy and cease and desist, termination, and other compliance orders.

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**Manufactured Home:** A factory-manufactured dwelling unit built on or after June 15, 1976, and conforming to the requirements of the Department of Housing and Urban Development (HUD), Manufactured Home Construction and Safety Standards, 24 CFR Part 3208, 4/1/93, transportable in one or more sections, which in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length, or, when erected on site, is 320 square feet (29.7 m<sup>2</sup>) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "manufactured home" shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Federal Department of Housing and Urban Development and complies with the standards established under the national Manufactured Housing Construction and Safety Act of 1974, as amended. The term "manufactured home" shall not include any self-propelled recreational vehicle.

**Manufactured Home Installer:** A NYS certified & licensed contractor required for the installation of, or modification of a manufactured home.

**Micro Home:** A factory-manufactured dwelling unit that does not conform to HUD requirements for manufactured homes and is not regulated as a modular home by the NYS Uniform Fire Prevention and Building Code (Uniform Code).

**Mobile Home:** A factory-manufactured dwelling unit built prior to June 15, 1976, with or without a label certifying compliance with NFPA, ANSI or a specific state standard, transportable in one or more sections, which in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length, or, when erected on site, is 320 square feet (29.7 m<sup>2</sup>) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "mobile home" shall not include travel trailers or any self-propelled recreational vehicle.

**Modular Home:** Factory Manufactured Dwelling Unit (FMDU) as regulated by the State of New York and conforming to the NYS Uniform Fire Prevention and Building Code (Uniform Code).

**Motorized Recreational Vehicle (CMRV):** A self-propelled recreational vehicle.

**Non-Motorized Recreational Vehicles:** A recreational vehicle which is not self-propelled.

For purposes of this Local Law, non-motorized recreational vehicles are divided into two classifications RV-1 and RV-2, as follows:

1. RV -1: Those units used solely for travel recreation and not used as living accommodations on private property within the Town limits other than an RV Park.
2. RV- 2: Those units used for living accommodations on private property located within the Town limits other than an RV Park.

**Recreational Vehicle:** A motor vehicle or non-self-propelled unit equipped with living space and amenities customarily found in a home.

**Seasonal Accommodations:** Personal living accommodations deemed unsuitable for year round use as a housing unit.

**Site Plan Review (SPR):** A procedure required to be conducted by the Petersburg Planning Board (PPB) in accordance with the provisions of Local Law 4 of 2010 - "The Town of Petersburg Site Plan Review Law", as the same may be amended from time to time.

**Skirt:** A rigid structure closing the gap between the lower outside edge of a housing unit and the ground with at least one access port near the septic and electrical connections.

**Snow Load Roof Requirements:** Minimum permitted roof structure snow load.

**Time Limited Occupancy:** Amount of time a housing unit can be occupied or allowed to remain on a given parcel of land.

### **Article III. Permit Required:**

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A permit to be issued by the Town of Petersburg shall be required in the following instances:

1. To install a Manufactured Home upon premises within the Town of Petersburg
2. To install an RV-2 upon premises within the Town of Petersburg. No permit shall be required

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- pursuant to the provisions of this Local Law for the storage of an RV-1 within the Town.
3. To replace an existing Mobile Home or Manufactured Home upon premises within the Town of Petersburg
  4. To install a Micro Home upon premises within the Town of Petersburg
  5. To install a Motorized Recreational Vehicle for use as a living accommodation upon premises within the Town of Petersburg.

#### **Article IV. Standards for Issuance of Permits:**

##### **A. Manufactured Home Installation Requirements:**

1. Compliance with all applicable provisions of the Manufactured Home Construction and Safety Standards as promulgated by the US Department of Housing and Urban Development
2. Compliance with all applicable provisions of the Residential Code of New York State.
3. Rensselaer County Health Department approval of water and septic
4. Installation performed by a NYS licensed and certified installer with warranty seal affixed
5. ~~Roof snow load design, where allowed by in accord with HUD specifications, will be to a minimum of 40 pounds per square foot, will be to minimum of 20 pounds per square foot.~~
6. Rigid skirt, not easily susceptible to breakage, to be installed and shown to provide adequate ventilation ports
7. Pier and footing designed to be at or below frosts line or to be architect/engineer designed "frost free" foundation
8. ~~Site plan review shall be required~~ **8. County to send out engineer to lay it out, then CEO issues the required Building Permit. Use (Building?) Permit Required**

##### **B. RV -2 Installation requirements:**

1. Compliance with all applicable provisions of the NYS Uniform Fire Prevention and Building Code (Uniform Code) and Residential Code of New York State
2. Rensselaer County Health Department approval of water and septic
3. Pier and footing designed to be at or below frosts line or to be architect/engineer designed "frost free" foundation
4. Rigid skirt, not easily susceptible to breakage, to be installed and shown to provide adequate ventilation ports
5. ~~Site plan review shall be required~~ **Operational Permit for over 14 day limits.**

##### **C. Replacement of Mobile Homes or Manufactured Homes:**

1. Replacement unit may be a new or used manufactured home of less than eleven (11) years of age. if eleven (11) or more years of age a unit may be sited only upon inspection and after determination by the Town CEO that the unit is in generally good, safe, and habitable condition.
2. Compliance with all applicable provisions of the Manufactured Home Construction and Safety Standards as promulgated by the US Department of Housing and Urban Development
3. Compliance with all applicable provisions of the Residential Code of New York State
4. Rensselaer County Health Department approval of water and septic
5. Installation performed by a NYS licensed and certified installer with warranty seal affixed
6. Rigid skirt, not easily susceptible to breakage, to be installed and shown to provide adequate ventilation ports
7. Pier and footing designed to be at or below frosts line or to be architect/engineer designed "frost free" foundation
8. Installation on an "Alaska" pad is permitted??
9. ~~Site plan review shall be required~~ **Building Permit Required.**

##### **D. Micro Home Installation Requirements:**

1. Compliance with applicable RCNYS standards for personal accommodations
2. Compliance with applicable provisions of the Uniform Code including electrical service
3. Rensselaer County Health Department approval of water and septic
4. ~~Site plan review shall be required~~ **Building Permit Required.**

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E. Motorized Recreational Vehicles (MRV) Installation Requirements:

1. Personal MRVs that are parked on private property solely for storage and not used as living accommodations do not require permitting pursuant to this Local Law or Site Plan Review.
2. MR Vs are not permitted to be used as full time residential accommodations within the Town. Use as seasonal accommodations may be permitted by the PPB only with time limited occupancy as specified by the PPB based upon the usual seasonal weather conditions generally prevailing within the Town.
3. Proposed installation shall comply with applicable RCNYS, Uniform Code, and Rensselaer County requirements, including water, septic and electrical facilities
4. ~~Site plan review shall be required~~ 4. **Operational Permit Required.**

**Article V. Permit Application, Review and Site Plan Review Procedure:**

A. Pre-Application Meeting:

1. Any party interested in acquiring a Manufactured Home, a Recreational Vehicle, or a Micro Home for use as living accommodations on private property within the Town shall, prior to siting the same, schedule a pre-application meeting with the PPB to discuss the intent, permit requirements, and conditions for the location and siting of the home
2. A review of the applicable permit requirements and a review of procedure shall be conducted based upon the intended use and the home unit selected
3. During this meeting SPR procedures shall be reviewed and additional information or documentation necessary for the SPR review determined.

B. Site Plan Review:

The applicant shall complete and submit an application for Site Plan Approval in accordance with the procedures set forth in the Town of Petersburg Site Plan Review Law and shall include any and all additional information and/or documentation identified by the Town of Petersburg Planning Board as necessary during the Pre-Application Meeting.

- Suggested Outline that the Code Enforcement Officer provided to the Town Board

1 – A section covering manufactured home/mobile home parks. While we do not have any at present, they should be included in this LL. The following is a link to the NYS Health Dept. section that covers MHPs. They are not covered in the building code. It would seem reasonable that the LL include these requirements as a base and then the Town add onto them. I would recommend that ANY construction, decks, sheds, etc. be subject to a requirement for a building permit from the CEO. That way there is a mechanism to control construction and placement of trailers, administration of the Health Department Law (they are doing nothing) as well as a mechanism for the Assessor to capture data required for assessment of taxes. As part of the Town requirements, the parks shall be required to allow for unlimited, unscheduled inspections, annual reporting and emergency notification to the CEO.

[http://www.health.ny.gov/regulations/nycrr/title\\_10/part\\_17/#s173](http://www.health.ny.gov/regulations/nycrr/title_10/part_17/#s173)

2 – A section covering RV/camping parks. We presently have two operating RV/camping parks in town. The following section of the NYS Health Dept. code covers those types of operation. They are also not covered in the NYS Building Code. It would seem reasonable to have the NYS HD section requirements as the base and then the town add onto them. I would recommend that ANY construction, decks, sheds, etc. be subject to a requirement for a building permit from the CEO. That way there is a mechanism to control construction, maintenance and other aspects of operation of a transient RV/camping park, administration of the Health Department Law (again, they do nothing) as well as a mechanism for the Assessor to capture data required for the assessment of taxes. As part of the Town requirements, the parks shall allow for unlimited, unscheduled inspections, annual reporting and emergency notification to the CEO.

[https://www.health.ny.gov/regulations/nycrr/title\\_10/part\\_7/subpart\\_7-3.htm](https://www.health.ny.gov/regulations/nycrr/title_10/part_7/subpart_7-3.htm)

3 – Use of RVs on private land. I've been unable to find any laws that address this issue in a comprehensive manner. The issues seem to be placement of RVs, availability of utilities, such as water, septic, electric, etc., duration for which they may be occupied and seasonal usage (when they may be occupied by dates). I've found various references to some of these issues. A general summary is that they are limited to fourteen days of occupancy at a time and a maximum of sixty days per year. I've also found reference to a period limitation of May 1 to either September 30 or October 31, depending on the general weather requirements in the area. Nothing mentions anything relating to water and sewage issues.

Maybe we can construct requirements that address those issues depending on whether there are water and sewage facilities available or not. If there are those utilities available there would be one set of rules and if not, a different set of rules would apply. We also need to accommodate the use of RVs during hunting seasons or other short duration, out of season requirements.

4 – Mini/micro manufactured homes. This may be an oversimplification but, why can't we apply the same regulation to those manufactured homes as are applied to those 320 square feet and over? Just because HUD and NYS BCs don't cover anything under 320sf there is no reason the

Town can't apply the same requirements for the little ones. One thing to keep in mind, anything to do with manufactured homes is primarily governed by Federal HUD regulations. As an example, manufactured homes have a requirement, in this area, of a 20#/sf snow load vs. the 50#/sf for regular construction. The highest requirement for snow load on MH is 40#/sf. Most MHs sold in this area are being sold with a snow load of 30#/sf, apparently because most of them are manufactured on the Tug Hill Plateau where the snow load requirement is 30#/sf. I asked the question of the DOS/DCEA and was told they, along with other NE states, have requested HUD increase the requirement. The response from HUD was "how many trailers have you had with roofs collapsing" and "that's not enough for them to consider changing the specs." So much for cooperation between governmental agencies.

In the case of stick built mini-homes, they should have the same requirements as any Residential home in NYS and be covered by the NYS Residential Code. Why reinvent the wheel?

There is much that needs to be considered but this would seem to be a rough outline of the major considerations.

- PPB Chairperson Frank Sheldon stated that Mobile Home Parks and RV Parks full under site plan review, CEO David Miller states this is a Building Code. Vice Chairperson Tim Church stated that Town Law has to be more restrictive than State Law. CEO David Miller is trying to do backdoor Zoning. Frank Sheldon you should find out what the peoples time line is going to be for RV living. CEO David Miller has no enforcement power. Campgrounds have to comply with Building Codes. We had an Ordinance that covered Mobile Home Parks. Tim Church is fine with taking out Site Plan Review out of Mobile Home Parks and Campgrounds, he is concerned with residents bringing in RV on private property and doing illegal dumping on the ground.
- Snow load is 20 lbs required by the state. Town Board will clarify that.
- Set a time limit of
- It was decided that the Code Enforcement Officer and the Planning Board will sit down and come up with the revisions. They will share with us at the next meeting.

Adjourned at 7:38 PM

Respectfully,

Deidra A. Michaels

Town Clerk

\*\*\*Approved August 15<sup>th</sup>, 2016\*\*\*