

**LUMBERLAND TOWN BOARD**  
**SPECIAL MEETING MINUTES**  
**JULY 24, 2017**

The Town Board of the Town of Lumberland held a Special Meeting on Monday, July 24, 2017, at 6:30 p.m., at the Town Hall in Glen Spey, N.Y. for the purpose of meeting with the Zoning Review Committee representatives to discuss their recommendations for zoning changes. Supervisor Jenny Mellan opened the meeting at 6:30 p.m.

Those members present were:

Supervisor Jenny Mellan  
Councilman/Deputy Supervisor Leigh Sherman  
Councilman Joseph Carr  
Councilman James Akt  
Councilwoman Zoriana Gingold

Also present were Town Clerk Virginia Horn, Code Enforcement Officer David Sparling, Rose Carr, Zoning Review Committee Chair Susan Gregg, Town Attorney for Planning & Zoning Boards Jacqueline Ricciani, ZBA Chair Terry Fountain, Planning Board Chair Sharon Sparling, Zoning Review Committee members Caroline Akt, Christine Smetanuik, Bob King and Steven Kosmacher, and numerous residents from the Black Forest Colony and other Town residents.

Supervisor Mellan stated that the purpose of this Special Meeting was to review the recommendations to the Town from the Zoning Review Committee.

Susan Gregg, Zoning Review Committee Chair, read a statement which she recognized the members of the Review Committee which was comprised of Caroline Akt, Christine Smetanuik, Robert King, Terri Fountain, Carl Maloney, Steve Kosmacher, David Riley, George Speer, and Sharon and Dave Sparling. Gregg thanked all the members for their diligence, concern and their utmost respect for the citizens of the Town of Lumberland. Gregg reported the committee spent many months examining all the aspects of the zoning law and are aware that once the Town Board reviews their recommendations that there may be additional changes that need to be made. Gregg noted that the two areas of contention are the parking of campers on property and solar laws. Gregg thanked Attorney Jacci Ricciani for all her guidance during the process.

Supervisor Mellan questioned if the Committee still had the list the previous Town Board gave the Committee to review? Ricciani stated that the concerns that were listed were addressed in the recommendations. Supervisor Mellan noted that the original list was submitted to the Committee at the Town Board Workshop Meeting held in June, 2015.

The Board reviewed the recommendations submitted by the Review Committee. Supervisor Mellan referred page by page different areas such as accessory apartments, signage, minor vehicle repair and home businesses. Attorney Ricciani suggested defining the minimum and

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maximum square footage for accessory apartments. Supervisor Mellan agreed there should it should be included. Attorney Ricciani reported that with the Automobile and Vehicle Repair the regulations were initially eliminated but it was decided that it should not be struck but included with permitted use. Attorney Ricciani noted that the initial pages deal with definitions and the regulations are in the following pages of recommendations.

The Board members reviewed the recommendations page by page. Supervisor Mellan noted several issues that need to be either addressed further or explained better. Supervisor Mellan reviewed the pages and sections on Parks, Public and Parks, Private. Supervisor Mellan reported there are several pages regarding signage regulations and addressing various types of signs. Councilman Akt stated that you can put out fliers but they need to be taken down after the event or it becomes garbage. Attorney Ricciani noted this is addressed in Code.

Supervisor Mellan reported that with the Vehicle Repair section it should be better defined. Attorney Ricciani stated that the repairs are limited to a one year time frame. The Code Enforcement Officer reported they do not need a permit if it is for personal repairs and not commercial. Attorney Ricciani stated the Town Board does not have to accept the Committee's recommendations, noting the Committee felt one year was a viable time frame. Sharon Sparling noted that in other towns it is a two year limit.

Caroline Akt stated there is a burned out building that has been tarped for some time and not taken care of, questioning how many times can anyone renew a building permit? The Code Enforcement Officer stated that building has been inspected by an Engineer and has a valid permit which is good for 2 years. The Code Enforcement Officer stated he has brought the issue of several buildings that need to be torn down to the Town Board and nothing has been done. Supervisor Mellan stated the wording should be that it should be taken care of within 2 years of the damage.

Supervisor Mellan addressed the issues of minimum and maximum number of parking spaces needed. Attorney Ricciani stated the Planning Board can determine how many spaces will be needed with the project. The Code Enforcement Officer confirmed that handicap parking has to meet the State requirements. Attorney Ricciani noted that parking requirements would be included in plans submitted to the Planning Board.

Supervisor Mellan stated that under the Landscaping requirements the 1<sup>st</sup> line needs to be changed to say "guidelines". Supervisor Mellan noted there were no standards for pedestrian access in the landscaping plan. Attorney Ricciani stated the Planning Board will tell them what they need to do.

Supervisor Mellan asked for clarification on use of property protection signs. Attorney Ricciani reported they would be on each corner and it is consistent with the DEC regulations. Susan Gregg reported they did reference the State Laws. Supervisor Mellan questioned real estate signs? Attorney Ricciani stated they need to be removed 7 days after the sale. Yaron Fidler

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questioned why the security signs would have anything to do with the DEC? Councilman Sherman reported they need to adhere to the DEC guidelines for the no trespassing and hunting signs. Sharon Sparling stated a lot of this is just common sense. Susan Gregg noted there is no regulation on the color of a sign.

The Town Board reviewed the various signs regulations. Supervisor Mellan stated that this is the first time they are reviewing the recommendations and anyone who has any comment can do so to the Town Board. Attorney Ricciani stated that electronic or digital signs are prohibited.

Nicholas Alagna stated he has a trailer on his property and now it seems he may need a permit to have it there, noting sometimes he has guests over and they sleep in the trailer.

Attorney Ricciani stated that if it is more than 7 days consecutively they would need to get a Special Use Permit. Alagna stated he objects to this proposal, noting he has been here for years and lives on the outskirts of town and pays taxes. Alagna stated he has 2 trailers and a piece of vacant land that is 4 acres which he may want to put one of his trailers on. Alagna suggested addressing the problem on small pieces of property or vacant land. Attorney stated that storage and usage are two different things, noting you can store your trailer on your property and that the issue is living in the trailer for any extended amount of time. Supervisor Mellan stated she had to use her travel trailer that is parked at her house when the power went out in her house. Dan Martin questioned the 45 day permit and the 7 day permit? Susan Gregg reported that the trailer can be used for 7 days, however, after that you would need to apply for the permit. Dan Martin questioned what about sewage if you are living in the trailer? Sharon Sparling stated you can take the unit to a campsite and dump it at the campground. Nicholas Alagna stated there is no such facility around here. Dan Martin stated that if you live in the trailer and have water and sewer then it is considered another residence. Councilman Akt stated you could have a port-a-john. Attorney Ricciani stated you could also go into the house and get water and use the facilities. Attorney Ricciani stated that these proposed regulations can be changed. Supervisor Mellan stated that as it reads now you cannot store your travel trailer on vacant land and would like to see that clarified before going to a Public Hearing. Attorney Ricciani stated that the Committee addressed it as best they could but they are open to suggestions.

Susan Gregg stated the Committee has been extremely diligent to address all the issues and are willing to listen to suggestions. Susan Gregg stated it is up to the Town Board to direct the Committee on what they want done. Susan Gregg noted the Committee held meetings at 5:30 p.m. on the nights before a scheduled Planning or Zoning Board meeting. Caroline Akt stated they tried to address the issue so that trailers were parked where they would not disrupt their neighbors. Nicholas Alagna stated he sees abuses to the zoning law all over. Steven Kosmacker questioned how hard would it be to have 2 different classifications in the regulations? Supervisor Mellan recommended they address the site distance regulations. Councilman Akt stated that if an unregistered vehicle sat in a yard it would be address and so should the unregistered trailer if it sits in a yard and it needs to be taken care of. Yaron Fidler noted that his neighbor had a huge uhaul in his yard for some time and the Code Enforcement Officer took care of it.

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Supervisor Mellan questioned why the first two requirements for amount of dogs or cats was eliminated in the new proposed regulations? Attorney Ricciani stated that was a mistake and will be kept in. Caroline Akt stated it should read Commercial/Private Kennels in the regulations, not just commercial. Attorney Ricciani stated that a commercial kennel is for 5 or more cats or dogs, noting it is where they are kept, harbored or maintained. Attorney Ricciani agreed this needs to be looked at more closely. Attorney Ricciani noted that with 5 or more dogs you would have to go to the Planning Board for a Special Use Permit for a kennel. The Board members discussed the various regulations needed for a kennel.

Attorney Ricciani reported the regulations for ATVs and the solar law is new. Supervisor Mellan stated this is not a final decision and these recommendations will be reviewed again. Supervisor Mellan noted that the solar regulations are 18 pages long and it is getting late so they will have to review that at another time. Attorney Ricciani reported that they already have a taxation section and have added a new section that deals with pilots for large scale solar systems. Attorney Ricciani reported that if you put in a solar farm the town can elect to change the tax assessment on the property or elect not to do it and go with a pilot program which involves an agreement with the Town to make payments in lieu of taxes. Supervisor Mellan stated they would have to look at it to see what was the best advantage to the Town. Attorney Ricciani noted that if there is a school district involved and they do not go into the pilot program they will be completely out of the project and the Town would take the lead.

Dan Martin returned to the issue of the travel trailers, noting the way it is now written you can stay in the trailer for 6 days, go away for 3 days then come back and stay another 6 days. Martin stated that if the trailer is on vacant land and hooked into the sanitation then is a permanent residence and should be taxed as such.

Susan Gregg noted it is the Town Board's recommendation that the zoning review committee meet again and address these concerns. Attorney Ricciani stated they need to set parameters because there are conflicting views. Dan Martin continued his discussion on travel trailers and how to regulate them. Martin stated they need to have different regulations for campers on properties with homes already on them and campers on vacant land.

Susan Gregg stated they will plan on having a review committee meeting on August 1<sup>st</sup> at 5:30 p.m. if Attorney Ricciani is available.

Councilwoman Gingold made a motion to adjourn at 8:40 p.m., seconded by Councilman Carr, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn  
Town Clerk