

TOWN OF CONSTANTIA
MINUTES –PUBLIC HEARING –July 19, 2022
7:00 pm Constantia Town Hall

Present: Frank Tomaino - Supervisor
Ronald Chapman, Richard Colesante, John Metzger, Thomas Moran – Council Members
Clare Haynes – Town Clerk
Warren Bader - Town Attorney
Paul Baxter – Tug Hill Commission
David Powers – Barton & Loguidice

Public: Michael Blake and Karen Dudden-Blake – 158-160 Doris Park Dr.

CALL TO ORDER:

At 7:00 pm Mr. Tomaino called the public hearing to order with the pledge of allegiance.

PURPOSE:

The purpose of this public hearing is to hear any and all comments on proposed Local Law C-2022 and comments pertaining to the availability of the 2022 New York State Community Development Block Grant (CDBG) Community Planning Program funds.

LOCAL LAW:

With no public comment Attorney Bader read the following resolution into the minutes:

TOWN OF CONSTANTIA LOCAL LAW NO. C OF 2022

("A Local Law to Amend the Town of Constantia Land Development Law to Establish Regulations on Storage Trailers and Containers in the Town of Constantia")

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. C-2022, "A Local Law to Amend the Town of Constantia Land Development Law to Establish Regulations on Trailers and Containers in the Town of Constantia," was presented and introduced at a regular meeting of the Town Board of the Town of Constantia held on June 6, 2022; and

WHEREAS, a public hearing was held on such proposed local law on July 19, 2022, by the Town Board of the Town of Constantia and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Constantia in its final form in the manner required by Section 20 of the Municipal Home Rule Law of the State of New York; and

WHEREAS, the enactment of Proposed Local Law No. C-2022 has previously been determined to be an Unlisted Action, the Board declared itself to be Lead Agency and issued a Negative Declaration for purposes of SEQRA; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. C-2022.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Constantia, Oswego County, New York, does hereby enact Proposed Local Law No. C-2022 as Local Law No. 3-2022 as follows:

**"TOWN OF CONSTANTIA
LOCAL LAW NO. 3 OF 2022**

**A LOCAL LAW TO AMEND THE TOWN OF CONSTANTIA
LAND DEVELOPMENT LAW TO ESTABLISH REGULATIONS ON
STORAGE TRAILERS AND CONTAINERS IN THE TOWN OF CONSTANTIA**

Be it enacted by the Town of Constantia Town Board, as follows:

SECTION 1. LEGISLATIVE PURPOSE AND INTENT.

The purpose of this Local Law is to regulate the placement of storage trailers and/or containers in a manner that preserves the health, safety and welfare of Town residents.

SECTION 2. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 3. NEW ARTICLE 10-A OF THE TOWN OF CONSTANTIA LAND DEVELOPMENT LAW.

The Town of Constantia Development Law is hereby amended to add a new Article 10-A as follows:

**"Article 10-A
Regulation of Storage Trailers and Containers in the Town of Constantia**

Section 1010-A. Purpose.

This Article is adopted to improve and promote the health, safety and general welfare of the community, including the protection and preservation of property of the Town and its inhabitants by regulating the placement of storage trailers or containers on both private and public land within the Town of Constantia.

Section 1010-A.1. Definitions

LONG-TERM STORAGE - The storing or warehousing of goods, equipment, parts and materials for an extended period of time or a period of time exceeding six months.

STORAGE TRAILER - Any enclosed vehicle, semi-trailer, large van or bus (either motorized or designed to be pulled by an automobile or truck) which is or was originally intended for the hauling of freight, people, goods or equipment over the road.

PORTABLE STORAGE CONTAINER – For the purposes of this Article, the term “portable storage container” shall mean any temporary, transportable, movable or portable container, which is delivered to and placed outdoors on private property for storage purposes. A portable storage container does not include any of the following: (1) a debris dumpster or construction trailer; (2) a temporary construction trailer or other trailer subject to a temporary use permit under Section 1010-A.2(3).

Section 1010-A.2. Standards.

1. It is prohibited to utilize a storage trailer or portable storage container for the purpose of long-term storage (or any other function other than its original intended use) on any property, both public and private, within the Town of Constantia.
 - a. No storage trailer or portable storage container shall be used as an addition to a residential or commercial building or as a container home or any other living quarters.
 - b. No storage trailer or portable storage container shall be used for the purpose of housing animals (domestic, wild/or farm).
 - c. Wood stoves shall not be permitted in any storage trailer or portable storage container.
2. The use of a storage trailer or portable storage container on residential properties for the purpose of storing materials, goods, parts and equipment on only those properties where it is verified by the Code Enforcement Officer that construction and/or development is taking place will be permitted only after a temporary permit has been issued.
3. A temporary permit shall be required prior to the placement of any storage trailer or container on public or privately owned property which is undergoing development or where construction is taking place. All permits shall be obtained from the Town of Constantia Code Enforcement Officer, at a cost of \$50 each. All permits shall expire six months after the date of issuance. Permits shall be renewable, if necessary, until construction is completed or the project has been terminated or abandoned. The cost of each renewal permit shall be \$50.
4. The contents of all storage trailers or portable storage containers shall be reported, using the guidelines of § 209-u of New York State General Municipal Law. Two copies of the Hazardous Materials Report form shall be filed prior to issuance of a permit. One copy is to be sent to the local Fire Dispatcher. The second copy is to be attached to the application for the permit.
5. All warning placards which would have been required for the contents under Federal Department of Transportation guidelines, as covered in the Code of Federal Regulations, Title 49, Parts 100-199 (49 CFR 100-199), shall be posted and remain in place during the entire time of storage.
6. It shall be the responsibility of the Code Enforcement Officer or his duly authorized representative to enforce the provisions of this Article.

Section 1010-A.3. Violations.

1. Notice of violation shall be served to the owner(s), applicant(s), executor(s), legal representatives, agents or any other person having ownership and/or a vested interest in the property (as shown on the Town’s most recent assessment roll) on which the violation is located. If no such person can be reasonably found, notice of violation shall be served by mailing to such owner(s), applicant(s), executor(s), legal representatives, agents or any other person having ownership and/or a vested interest in the property, by registered mail, a copy of such notice to his/her last known address.
2. If the owner(s), applicant(s), executor(s), legal representatives, agents or any other person having ownership and/or a vested interest in the property of the property has not properly removed and/or disposed of the storage trailer within 30 days of the date the notice was issued it will be declared an offense and subject to the following mandatory penalties identified in subsection 3 below. In situations where more than one storage trailer or portable storage container is found to occupy the property, each storage unit shall constitute a separate offense.

3. Any person, firm or corporation permitting any storage trailer or portable storage container to remain parked or stored on his or her property, as defined in the provisions of this Code, shall be, upon conviction, punishable by a mandatory fine not less than \$25 but not more than \$50 daily for each violation.

SECTION 4. SEVERABILITY.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

SECTION 5. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.”

After the resolution was read into the minutes a resident asked if there is a storage container located in their neighborhood can they contact the CEO for removal? Mr. Bader told the resident that after the local law has been approved it needs to be sent to NYS Department of State, once it has been filed it is then considered a law. It does take 3-4 weeks.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG):

Mr. Powers told the residents in attendance that the purpose of this public hearing is a requirement of the CDBG grant application. This project is eligible for \$1.25M out of the \$20M made available through the CDBG program for the 2022 fiscal year. This grant will be to help with the construction cost at the Cleveland sewer plant. There is no change in the project, the sewer treatment plant in the Village of Cleveland will be upgraded to handle the additional material. There will be two pump stations along with the same length of sewer main for this project. This project expands the entire length of State Route 49 from the West Monroe town line to Village of Cleveland. The hamlet of Constantia along with Doris Park are included in this project. This project is not expected to impact low-income housing in the Town.

A question was asked on the mechanical end, does the grinder pump have something to stop sewage from coming into the house. Yes, there is a check valve to prevent this from happening.

Another resident asked about the impact of inflation on the project. Mr. Powers answered that inflation is a concern although inflation was built into the total cost, but with the current inflation rate that portion of the project has been accounted for. Hopefully with more funding, some of the wish list items will be done.

Mr. Powers gave the board the following resolution to be considered by the board, Attorney Bader read them into the minutes:

Subject: Town of Constantia Northshore Sewer Project

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE THE 2022 CDBG FUNDING APPLICATION

WHEREAS, the Board of the Town of Constantia (Town) has considered the comments presented at the public hearing held on July 19, 2022 pertaining to the availability of the 2022 New York State Community Development Block Grant (CDBG) Community Planning Program funds;

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Constantia hereby authorizes the preparation and filing of a 2022 Consolidated Funding Application to the New York State Homes and Community Renewal for funding under the Community Development Block Grant Community Planning Program to secure funding for the Town of Constantia Northshore Sewer Project, and for other such related activities as may be determined; and

BE IT FURTHER RESOLVED, that the Town Supervisor, Frank Tomaino is hereby authorized and directed to execute the application and to sign all necessary documents relating to the submission on behalf of the Town Board.

The three other resolutions that need to be considered for the CDBG:

1. Appointing a Fair Housing Officer
2. Accepts the Civil Rights, Equal Employment Opportunity, and Section 3 Policy
3. The Town of Constantia accepts the Fair Housing Policy prohibiting discrimination in housing

All resolutions will be considered and voted on after the public hearing and during the regular town board meeting.

ADJOURN:

With no public comment, at 7:24 pm Mr. Metzger made the motion to close the public hearing, seconded by Mr. Colesante.

Carried: Moran – Yes Chapman – Yes Colesante – Yes Metzger – Yes Tomaino – Yes