

SPECIAL MEETING
OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF HIGHLAND FALLS

January 27, 2011

A special meeting of the Board of Trustees of the Village of Highland Falls was held in Village Hall, 303 Main Street, Highland Falls, New York on January 27, 2011.

The Meeting was called to order by Mayor D'Onofrio at 6:00P.M.

Members present were:

Mayor Joseph E. D'Onofrio
Trustee Harold Brown
Trustee James DiSalvo
Trustee June Gunza
Trustee Joseph McCormick

Also present were:

Village Clerk, Regina M. Taylor
Planning Board Members: James Ramus (6:30pm), Konstantinos Fatsis, Matthew Johnson, Harvey Green
Planning Board Secretary, Teresa Gibney
Village Attorney, Alyse Terhune
Building Inspector , John Hager
Village resident- Ray Deveraux- 20 Ondaora Pkwy.

The purpose of this meeting was for the Village Board and the Village Planning Board to discuss the Moratorium on conversion of one and two family homes that is currently in place until March 17, 2011.

Mr. Green commented that the moratorium affects only those who do things legally. He further commented that the moratorium is a good time for getting regulations in place. Mr. Green suggested that the number of lodgers (renters) in a single family home be reduced, from the current allowed by code, four (4) to two (2). Mr. Green also suggested that if lodgers are allowed, that off street parking is a requirement, one space for each lodger.

Mr. McCormick questioned whether lodging should be eliminated entirely.

Mr. Green responded that he would be reluctant to eliminate lodging entirely because there are some seniors or single homeowners that depend on renting out a room to help meet the expenses of owning a single-family home. He indicated he is not in favor of total elimination of lodgers, but does not see the need to allow for up to four (4) as the code currently reads.

Mr. Fatsis suggested a change of classification of any home wanting to rent to lodgers. Mr. Fatsis suggested a local law to reduce the number of lodgers to 1, set inspection requirements for fire and building and also require off street parking be available for the lodger.

The Mayor asked the Village Attorney, Ms. Terhune if she could research for a local law for one (1) lodger, require fire and building inspections and off street parking. He asked Ms. Terhune if the Building Inspector would be allowed to inspect these single family homes.

Ms. Terhune responded that single family homes are currently not allowed to be inspected by a Building Inspector without approval from the homeowner, according to State Building Codes. Ms. Terhune also indicated that there might be a problem with reclassification of a single family home because the State sets the definition. A suggestion might be to change the definition of lodgers. Ms. Terhune questioned whether there should be a window of time for compliance to any law changes if people claim a grandfather clause for lodgers.

Mr. Green further suggested the following:

1. if a lodger vacates a dwelling, that dwelling would have to comply with any current laws regarding lodgers.
2. the definition of family to be clarified.
3. the building inspector be empowered with enforcement
4. the use of residence be defined
5. clarify zoning district definition
6. redefine multi-family dwelling (currently 3 or more)
7. define the use of mother/daughter house
8. codify penalties for illegal conversions

Building Inspector, John Hager, reported that lodgers are mentioned in the Housing Codes, not the Zoning Codes. Mr. Hager recommends updating the Town & Village Housing Codes. Mr. Hager also agreed with the idea to reduce the number of lodgers first and agrees that to eliminate lodgers would be extreme.

Mr. Fatsis suggested that at best, reduce to one lodger and have parking requirements. Mr. Fatsis further commented that there are current codes that must be met now to convert one family to two family, however, the zoning board is too amenable to variances that require parking spaces for lodgers.

Mr. McCormick asked how to get the zoning board to assist without establishing our own zoning board again.

Mr. Fatsis reiterated that Single Room Occupancy and Conversions should require site plan review so that the Planning Board has final approval.

Ms. Terhune commented that State regulations are already set for different uses.

The Mayor commented that there are requirements in the code for ½ parking spaces. This should be eliminated because there is no such thing as a ½ car. Mr. Ramus was agreed with the Mayor.

Mr. Fatsis suggested that legal conversions must provide additional parking. He commented that reducing the number of lodgers to one would still allow for a senior to rent a room to help with expenses. Mr. Fatsis further commented that a one to two family conversion should require an increase in parking space requirements. If a homeowner has one lodger, this would require a permit and to register the lodger through the landlord registry. If there are more than one (1) lodger, this should trigger for an inspection. Mr. Fatsis suggested a Single Room Occupancy- Single Family Dwelling, that would be a different section of the code that allows for inspections, registration, and whatever requirements the Board would like to institute.

Mr. Hager responded that conversions done legally are subject to meet code requirements, but lodgers have been left up to homeowners. Mr. Hager suggested that there be a process to petition if a homeowner wants more than one lodger.

Mr. Ramus suggested the Village look at the Otisville Code. He suggested one parking space should be required for each bedroom of a dwelling.

Mr. Johnson asked about the existing conditions. He suggested that grandfathering not be allowed unless it was proved that a lodger has been living there. This would require a homeowner to provide proof of income from a lodger. This should phase out some of the illegal situations. Mr. Johnson commented that he is not hearing a solution on how to get non-compliers to comply.

Mr. DiSalvo suggested penalties for those who don't comply.

Mr. Brown asked how to handle illegal conversions that we know exist today. Mr. Hager responded that if there are any illegal conversions, they would have to be verified. He further commented that enforcement can be done, but the problem is getting proof.

The Mayor asked Ms. Terhune to do an investigation of the many ideas that were presented and a possible local law that could be written to address this situation. The Mayor said he would plan another meeting after Ms. Terhune gets back to the Board.

Trustee Gunza made a motion to adjourn. The motion was seconded by Trustee Brown and unanimously carried.

The meeting closed at 6:55 P.M.

Regina M. Taylor, Village Clerk