

MEMBERS PRESENT: JEFF MULLIGAN, CINDY KELLEN, BOB WESTFALL,
DIANE ATTEA (VIA PHONE IN), JEFF PASSARELL

OTHERS: CEO BRIAN GLISE

VISITORS: MATTHEW MCFADDEN

CLERK: KIM MCDOWELL

MOTION TO OPEN THE MEETING WAS MADE BY BOB; SECONDED BY CINDY.

JEFF MULLIGAN - AYE
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - AYE
JEFF PASSARELL - AYE

CARRIED 5-0.

MOTION TO APPROVE THE MINUTES FROM THE SEPTEMBER 28, 2020 JOINT MEETING SUBMITTED WAS MADE BY DIANE; SECONDED BY BOB.

JEFF MULLIGAN - AYE
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - AYE
JEFF PASSARELL - AYE

CARRIED 5-0.

MCFADDEN, MATTHEW & ALLISSA/4500 ASHANTEE LANE/TAX PARCEL#34.-1-3.318 - VARIANCE FOR MOBILE HOME ON PARCEL

Mr. McFadden was present to discuss his application for a variance for a mobile home on this parcel. He also owns 2 other parcels on Ashantee that total 35 acres. He plans on building a house in the back of his property and in the meantime wants to put a mobile home on this property to live in while the other house is being built. Since they have sold their house in Caledonia already, he does not want to rent since he owns all that property and can put the mobile home instead of renting.

Brian stated that in our code Chapter 130-24-M prohibited uses states no mobile home maybe in the Town except in a mobile home park. The definition of a mobile home is anything transportable. Brian asked Mr. McFadden if he plans on making this a permanent home and he stated he would if that is what is needed.

Jeff Mulligan stated there are no mobile homes in Avon in 40-50 years. He also feels in terms of the quality of homes in that area and we are trying to keep that the same. Jeff stated that he would not even need a variance if he put a modular home on that property. Jeff also does not want to set a precedent.

Bob asked if Mr. McFadden if he already owns the mobile home and he does not. Bob also asked if he has investigated a prefab house, which he has. Mr. McFadden stated they are very expensive and more than what he was planning on spending.

Cindy stated she could not find in our code the deference from a mobile home and a manufactured home other than wheels.

Jeff Passarell stated he is not opposed to mobile homes, but the Code does not allow it. He also asked what the neighbors think of this idea.

Brian stated during his research, he found that if you put it on a foundation and take the axels off it is not considered a mobile home.

Mr. McFadden described it is transported to the parcel on a flatbed truck then they hook up sewer, water, and electric. It is essentially the same as a prefab house.

Jeff Passarell asked if it would still be considered a non-conforming building and Brain stated it would be because it does not conform to the code and that is why he is asking for a variance.

Jeff Mulligan stated the definition is what we must consider.

Brian stated it is a mobile home when he is pulling it up there but is it a mobile home after he takes the wheels off; I am not sure.

Jeff Mulligan asked if he would be putting it on a foundation with a cellar and Mr. McFadden stated they would do whatever they need to do.

Diane stated that if we are discussing the definition and this is defined as a mobile home, she feels that would be the issue that sets a precedent. She feels if we allow this than the definition must be different from a mobile home and it cannot be a mobile home to give a variance.

Jeff Mulligan asked how is this different from any modular home that is brought in on wheels and is wondering if we can get by without doing a variance.

Brian feels if you put it on a permanent foundation you are saying it is not a mobile home anymore and there is no way around a variance. He also stated just because you allow one time does not make it a precedent.

Jeff Mulligan stated that if it comes in on a flat bed and has no wheels on it than that sounds like it is a modular home, and no variance would be needed.

Jeff Passarell does not see the difference in taking the wheels off a mobile home and saying it is not a mobile home anymore other than aesthetically.

Jeff Mulligan feels there are other ways to find a place to live. Brian suggested they look at the five variance questions and you feel this does not need a variance. Jeff is trying to get around a variance more from setting a precedent standpoint.

Brian stated for a mobile home there is a sticker in the master bedroom closet that states it is OK for travel he believes and he is unsure if that what defines it as a mobile home. Cindy stated that a mobile home must have a registration.

Jeff asked Mr. McFadden if you can design these any way you want, and Mr. McFadden stated you really cannot; you can possibly move a wall but that is about it. Jeff asked if he could put a set of stairs in for your basement and Matt thinks they can make them like that.

Mr. McFadden stated he is still looking for one. He does not want to spend too much money on this, he would rather put the money into the house he wants to build. Mr. McFadden stated the house would stay there, and he would like to rent it out.

Jeff Passarell feels this discussion is trying to skirt around the definition of a mobile home.

Brian read the definition of a mobile home under HUD and it states mobile homes are anything built prior to 1976. Our Code says anything on wheels is considered a mobile home.

Jeff Mulligan feels this question should go to Jim Campbell to find out the definition of a mobile home compared to modular/manufactured homes. Brian stated that a modular home is the new mobile home, manufactured homes are built in factories and must follow NYS code.

Jeff Passarell feels this would be considered a non-conforming building according to our Code. Brian stated that Code is for a preexisting nonconforming building and does not pertain to this application.

Diane asked what about the taxes, would it be property taxes or mobile home taxes. Jeff Mulligan does not feel it would be looked at any differently. Everyone agreed that we should ask Tami this question. The Board would also like to know if there is a difference with having a basement or not and if there is a difference if he rents it out once he moves out.

Jeff Mulligan feels there are a lot of questions that cannot be answered tonight and may not even be at the point to set a public hearing.

Kim suggested that they give her the questions to get the answers and pass them along to the Board.

Jeff Mulligan stated he would like to know what the definition of mobile/modular/manufactured home since it is not in our code. Brian stated if it is not in our code, he must go by the international code. Jeff stated according to the HUD definition, this is not defined as a mobile home in which case there would not be a need for a variance.

Brian questioned if any home built after 1976 not be considered a mobile home and must be put on a permanent foundation with wheels taken off.

Jeff Passarell asked if this would need a special use permit as well and Brian stated no it would not.

Cindy questioned what the minimum square footage of a house needs to be in Agricultural zoning and Brian stated it must be a minimum of 1200 square feet. Mr. McFadden stated it would be more than that.

Bob thought it was a temporary mobile home while the other house was being built and now it is not going to be a temporary mobile home so does that change the need for a variance.

Cindy asked if we are requiring him to put it on a foundation or have a basement.

Kim reiterated the questions to the Board to make sure she gets the proper information for them. Brian will call Jim Campbell about the definitions, Kim will ask Tami about the taxes. The next scheduled meeting is a Joint meeting on January 25, 2021.

Jeff Mulligan stated that depending on what the definition is of a mobile home will depend on the status of this application for a variance. If there is no variance needed Mr. McFadden will just must do a building permit and Brian will oversee it is done properly.

Diane asked what the unit will be sold as mobile, or modular home. Brian thinks it would be modular or manufactured since mobile homes were built before 1976.

It was decided after getting the answers from Jim Campbell and Tami, the meeting in January will be more discussion on this application and not a public hearing.

MOTION TO CLOSE THE MEETING WAS MADE BY BOB; SECONDED BY CINDY.

JEFF MULLIGAN - AYE
CINDY KELLEN - AYE
BOB WESTFALL- AYE
DIANE ATTEA - AYE
JEFF PASSARELL - AYE

CARRIED 5-0.
MEETING CLOSED.