

A public hearing was held by the Town Board of the Town of Moreau on March 10, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York, for the purpose of hearing all interested persons for or against proposed Local Law No. 2 of 2011, which if adopted would amend Chapter 149 of the Zoning Law of the Town of Moreau.

Supervisor Jenkins opened the public hearing at 7:00 p.m.

The Town Clerk called the roll.

**Town Board Members Present**

Tom Cumm	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

**Town Board Members Absent**

Bob Prendergast	Councilman
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**Also Present:** Jeanne Fleury, Town Clerk; Martin D. Auffredou, Attorney for the Town; John Joseph, Owner of the Town & Country Motel

The following Notice of Public Hearing was advertised in the legal ad section of the Glens Falls Post Star Newspaper on February 28, 2011:

TOWN OF MOREAU  
NOTICE OF PUBLIC HEARING  
TO CONSIDER ADOPTION OF LOCAL LAW

NOTICE IS HEREBY GIVEN pursuant to Section 20 of the Municipal Home Rule Law of the State of New York, and Section 264 of the Town Law of the State of New York that a public hearing will be held by the Town Board of the Town of Moreau on Thursday, March 10, 2011 at 7:00 p.m. at the Moreau Town Hall located at 61 Hudson Street, South Glens Falls, New York for the purpose of considering the adoption of Local Law No. 2 of 2011. If adopted, Local Law No. 2 of 2011 would amend Chapter 149 "Zoning" of the Moreau Town Code by revising the definitions of "domicile", "hotel, inn, tourist cabin or motel" and "bed-and breakfast establishment", adding a new definition of "transient", and repealing and eliminating the definitions of "lodging house, boarding house, rooming house" and "tourist home." If adopted, Local Law 2 of 2011 would also revise the Schedule of Regulations for the C-1 Zone by eliminating the reference to "lodge" and will further add Section 149-52A which will require any hotel, inn, tourist cabin or motel or similar structure which was originally intended for use or used a hotel, inn, tourist cabin or motel or is a conforming use for a hotel, inn, tourist cabin or motel, which is not in compliance with the amendments as outlined above, to come into compliance within six (6) months of the date of enactment. The proposed local law also provides for penalties for offenses for any violation of the chapter. Written comments on Local Law No. 2 of 2011 may be submitted to the Town Clerk. A copy of proposed Local Law No. 2 of 2011 can be obtained at the Moreau Town Hall.

Jeanne M. Fleury Town Clerk

Attorney Auffredou stated that a considerable amount of time has been put into the proposed local law. The intent of the local law is to add and revise a few definitions. If adopted it would make clear that a hotel/motel/inn/tourist cabin is not a dwelling or permanent domicile. Domicile is defined as permanent legal residence of an individual where they physically reside and intend to continue to physically reside. This is not intended to, nor in his opinion can it be read to be interpreted as, the situation whereby a construction worker or someone working for a local industry, who has a domicile say in Tennessee, and comes here for a six month, nine month or longer period of time and resides at a local hotel/motel/inn/tourist cabin for that period of time. This is not intended to restrict or prohibit that. This is intended to no longer allow hotels/motels/inns/tourist cabins to be used as apartments for permanent domicile. Some other

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definitions that would be revised upon adoption of this law are: bed and breakfast and establishment. The definition of "transient" has also been revised to mean; overnight occupancy for guests, temporary occupancy, transitory, only staying for a short period of time and not permanently settled. Hotels/motels/inns/tourist cabins would be given written notice of the adoption of this local law and owners of these establishments would have six months from the date of the written notice to come into compliance with the law, if they are not already in compliance. The penalty provision, section 149-67 has been completely revamped to be consistent with the NYS Town Law. This is not intended to restrict, at all, the long term occupancy at a hotel/motel/inn/tourist cabin within the Town by someone who has a domicile or residence elsewhere. It does apply to the individual(s) who don't have a domicile elsewhere and intend to make a hotel/motel/inn/tourist cabin a permanent domicile.

Councilman Cumm asked if, for example, a mother and her children, who have been placed in one of these places by social services, would social services have six months to find another place for them to live? He then asked if the Town would notify social services of this law, if adopted.

Attorney Auffredou replied that there is no affirmative obligation under law to report to social services. The only obligation the Town has is to notify each hotel/motel/inn within the Town with notice of the revisions to the zoning law and if they are not in compliance, then they have six months to come into compliance with the law. It wouldn't hurt to supply social services with a copy of this law once adopted, but the Town is not obligated to.

Supervisor Jenkins stated that we are talking about a change in language and a change in terms that are obsolete. Our current law clearly spells out the difference between a rental apartment and a motel or hotel. This proposed law clarifies the language in our current law.

Attorney Auffredou said that was a good point. He recalled telling Supervisor Jenkins that the current law was enforceable, but it could be clarified and strengthened.

Supervisor Jenkins asked John Joseph if he had any comments.

John Joseph said that he was concerned over whether or not when he retires if he could put someone in his house to run his business, because the law reads that unless it is family they can't live in his house.

Supervisor Jenkins stated that if he had a manager under his direction that used a domicile that he was currently using it would be okay. The motel owner is required to have a domicile.

John Joseph stated that after a certain period of time they feel like they own the place and try to run your business, so there is a time period after which they need to move on.

Councilman Cumm asked John Joseph if there are families living in his motel currently.

John Joseph replied that there is one young couple who have been living in his motel, that at the end of this week it will be one year. They are struggling and for them to come up with a deposit/security on an apartment and two month's rent in advance to get in an apartment would be difficult for them. He doesn't see them living there forever. There comes a time when you have to give them a little nudge and move them along.

John Joseph stated that if the law strengthens his rights and the people's protection is fine.

Attorney Auffredou stated for the record that the local law was referred to the Saratoga County Planning Board under 239m of the General Municipal Law. The Saratoga County Planning Board reviewed the local law and recommended approval of the local law. A letter was received from them indicating this. The proposed local law was also referred to the Town Planning Board for review. The Town Planning Board reviewed the local law on February 28<sup>th</sup> and recommended approval. They passed a resolution authorizing the Planning Board chairman to issue a letter to the Town Board to this

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effect. That letter was written and dated March 1, 2011 and filed with the Town. Procedurally the board has everything they need to act on this law at the close of the public hearing.

Councilman Cumm asked if they could act on this law at the next regular meeting of the Town Board.

Attorney Auffredou said they could. He dated the paperwork for this evening, but it doesn't mean that the board has to take action this evening.

Supervisor Jenkins asked the Town Clerk if she has received any written comments and the Town Clerk responded no.

Councilman Kusnierz stated that local laws should be acted upon at regular meetings of the Town Board.

The board members present concurred with this and it will be placed on the agenda for the March 22<sup>nd</sup> meeting of the Town Board.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to close the public hearing at 7:15 p.m.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	<del>Yes</del> Absent [Amended 3/22/11 jf]
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

Respectfully submitted,

Jeanne Fleury  
Town Clerk