

**PUBLIC HEARING OF THE TOWN BOARD TOWN OF DUNKIRK  
NOVEMBER 6, 2019  
(MORATORIUM ON CERTAIN MANUFACTURED HOUSING)**

The Town Board of the Town of Dunkirk held A Public hearing at 7:10 p.m. on Wednesday, November 6, 2019 at the Town Hall, 4737 Willow Road, Town of Dunkirk, New York with Supervisor Richard A. Purol presiding.

**PRESENT**

Supervisor Richard A. Purol  
Councilman Henry Walldorff  
Councilman Penharlow  
Councilman Pagan  
Councilman G. Jay Bishop

**OTHERS PRESENT:** Attorney Jeffrey Passafaro, Jean Crane, Town Clerk, Kyle Bentley, Deputy Clerk, Vinny Sherman, Del Bowser, Mike Schiavone, Mike and Mandy Janisch, John Ludwig, Gregory Seyler, Brian Hover, Dominic Bellanti, Scott Bradish, Nicholas Bellanti.

Legal proof of publication was presented and is herewith attached and made part of these minutes.

The purpose of the Public hearing was to hear public comment on the proposed local law to enacting a six-month moratorium on certain manufactured housing.

Mike Schiavone, attorney with Lipsitz Green Scime Cambria stated he was representing Owl Homes and he objected to the moratorium. He was uncertain when the issue with manufactured homes began but according to what the Observer reported it was sometime in October.

He could not understand what the crisis or sense of urgency was to have a moratorium proposed at a meeting and then a public hearing regarding the moratorium especially on such short notice. He felt the town code was deficient in dealing with these issues and it appeared there were not sufficient facts and findings to warrant a moratorium.

According to the legal notice in the newspaper the purpose of moratorium discriminated against mobile and manufactured homes which was a direct violation of the New York State Executive Law and Federal Housing standards.

If the Town wanted to update or amend their local a local law in connection with the construction of manufactured housing, there would be sufficient time to look at what was out there and come up with proposed regulations or amendments to the zoning code. This would allow for sufficient notice to builders, homeowners and town residents as to what the expectations would be.

To propose a moratorium on such short notice with no type of crisis which discriminated against manufactured homes and to deny a pending building permit on the basis of a crisis doesn't exist was an attempt to violate taxpayer's constitutional rights. There were no laws on the book that dealt with the issue at hand.

Mr. Schiavone urged the Town Board to vote the moratorium down, study the executive laws of State of New York along with the Federal Housing Standards on discrimination against manufactured housing and then make a decision on issues that need to be addressed or regulated in the Town code.

He also stated he foiled a request for copies of all building permits for the last two years. He was certain that a multitude of permits were applied for and denied and that a couple of permits a year dealt with housing of this nature.

Michael Miller, Williams street stated he has been a member of the town zoning board for approximately 12 years. The Observer article leads you to believe the moratorium was based on the revisions that were being done to the Town zoning code. To his knowledge mobile homes and manufactured housing have not been part of the zoning revision discussions.

John Ludwig a licensed professional engineer often hired by Owl Homes provided board members with a typed statement which gave an overview on mobile homes and manufactured housing referencing Section 165 of the Town Zoning Code. He also stated that Owl Homes put a home in a year ago with no problem and couldn't understand what changed, what was different.

Michael Janisch, 10745 Roberts road stated he was the homeowner trying to put in the housing for his stepson and children. The property was not going to be setup for multiple housing. The existing house was demolished because it was in decrepit condition and would not have passed inspection. He didn't understand the reason for a wall going around it. If it was for aesthetic purposes why would they spend \$15,000 -\$25000 to go around an existing structure, just to spend money. Nobody could explain to him why engineering wise it was a better situation than putting piers underneath. They were not going to be just 2 or 3 piers, but 50 of them; 24 inches around and put down four or five feet into the ground. These piers would hold things up. If it's a case where they think it's not acceptable, nobody has stated that he would not make it look aesthetically pleasing. Communication has been poor. We submitted the building permit application and then were later told we need a survey. The survey was submitted and as of yet we have not been told if the application was accepted, other than we may not be able to do it because of the moratorium.

Mr. Schiavone stated that under General Municipal Law, if the Town Board adopted the moratorium the proposed legislation would have to be submitted to the County Development department before it could go into effect. If there were pending applications before the moratorium could take effect, the applications should be reviewed and considered under terms and provisions of the current zoning code. To have Mr. Janisch wait for a moratorium to be considered by the Town Board and then have it submitted it to the County for review approval created an unacceptable delay.

With no further comments or concerns a motion was made by Councilman Pagan to close the public hearing. The motion was seconded by Councilman Penharlow and carried. (7:24p.m.)

Respectfully submitted,

Jean Crane Town Clerk