

TOWN BOARD MEETING

December 11, 2023

6:00 P.M.

PRESENT:

Councilpersons: Kevin Armstrong, Patty Wood, Leonard Govern, Luis Rodriguez-Betancourt, Supervisor Joseph Cetta, Attorney Carly Walas, Highway Superintendent, Jeff Offnick and Town Clerk Ronda Williams

OTHERS PRESENT:

Rusty & Sharon Way, Grayson Dutcher, Barbara Horton, and Lillian Browne – The Reporter

FLOOR TIME:

Graydon Dutcher of Delaware County Soil and Water approached the Board to explain the Agreement between the United States Department of the Interior and the Town of Walton. He explained that when NYS Department of Environmental Protection removed their funding for the maintenance and operation of the gauges located at East Brook and West Brook, the Town of Walton agreed to take this over. He explained that that was five years ago and the agreement is up for renewal.

Mr. Dutcher stated that his office uses the data from these gauges for flood mitigation as well as prediction of threat of floods. He monitors this information monthly, daily and sometimes even weekly. Mr. Dutcher suggested seeking help with the funding through grants or other sources.

The agreement will be from October 1, 2023- September 30, 2028 in the amount of \$80,780 to be paid over five years.

RESOLUTION#120

APPROVE AGREEMENT OF EAST BROOK AND WEST BROOK STREAM GAUGES.

A motion was made by Councilman Govern, seconded by Armstrong granting Supervisor Cetta permission to sign an agreement with the United States Department of the Interior for the maintenance and operation of the gages located at East Brook East of Walton, and West Brook at Austin Lincoln Park in the amount of \$80,780.00 from October 1, 2023 – September 20, 2028. All in favor, motion carried.

RESOLUTION #121

APPROVAL OF MINUTES

A motion was made by Councilman Armstrong seconded by Rodriguez-Betancourt approving the minutes of November 13, 2023 as presented. All in favor, motion carried.

SUPERINTENDENT OF HWY. REPORT:

TOWN OF WALTON HIGHWAY DEPARTMENT
25091 STATE HIGHWAY 10
WALTON, NY 13856
607-865-5120

TO: WALTON TOWN BOARD
FROM: JEFF OFFNICK, HIGHWAY SUPERINTENDENT
DATE: 12/11 /2023
RE: REPORT

- ✓ The crew has been finishing putting plows and grates on the trucks.
- ✓ We have been out sanding the roads a few times with only minor equipment problems.
- ✓ Discuss auction items.

Superintendent Offnick informed the Board that all auction items have sold that has been placed on Auctions International. He recommends accepting the bids except for the York broom and the truck body, as he felt these came in too low.

RESOLUTION #122 APPROVE AUCTION ITEM AWARDS

A motion was made by Councilman Armstrong, seconded by Wood to approve the auction items bids, and reject the bids received for the York Broom and the Tenco Truck Body. The Board was in agreement to counter an offer of \$500 for the York Broom and \$1,000.00 for the Truck Body as required by Auctions International. All in favor, motion carried.

Discussion took place about a zero-turn mower on Auctions International that the Town could utilize. The Board granted Superintendent Offnick to place a bid on the item.

RESOLUTION#123 GRANT PERMISSION TO BID ON ZERO TURN MOWER

A motion was made by Councilman Armstrong, seconded by Govern granting Superintendent Offnick permission to bid on a zero-turn mower not to exceed \$3,500.00. All in favor, motion carried.

ASSESSOR REPORT:

No report

CODE ENFORCEMENT:

Town of Walton
Code Enforcement Office
Garrett Newbauer

Monthly Summary Report
November 2023

Building Permits Issued	9
Building Inspections Completed	0
Fire Inspections Completed	0
Notices of Violation Issued	0
Tickets Issued	0
Certificates Issued	6
Complaints Received	1
Floodplain Development	
Permits Issued	0
CO Searches	6

Presented the Board with a revised Building Permit Fee Schedule to be considered. The change in fees will be more in line with surrounding town fees and more uniform for contractors.

TOWN OF WALTON
BUILDING PERMIT FEE SCHEDULE

- 1. SITE BUILT AND MODULAR HOME (up to 1500 sq. ft.) \$300.00
(Plus \$5.00 for each additional 100 sq. ft. or fraction thereof)
- 2. MANUFACTURED HOME Singlewide.....\$125.00
 Double wide \$150.00
 Placed on full foundation\$200.00
- 3. ADDITIONS to existing structure, up to 800 sq. ft..... \$100.00
(Plus \$5.00 for each additional 100 sq. ft. or fraction thereof)
- 4. DECKS and PORCHES up to and including 100 sq. ft.\$ 25.00
(Plus \$5.00 for each additional 100 sq. ft. or fraction thereof).
- 5. RESIDENTIAL GARAGES up to and including 800 sq. ft.\$100.00
(Plus \$5.00 for each additional 100 sq. ft. or fraction thereof)
- 6. CARPORT \$ 50.00
- 7. POLE BUILDINGS up to and including 1000 sq. ft.\$100.00
(Plus \$5.00 for each additional 100 sq. ft. or fraction thereof)
- 8. STORAGE SHEDS (144 sq feet or less).....No permit required

 (145 sq feet or more).....\$ 50.00
- 9. RENOVATIONS/ALTERATIONS to existing buildings
up to and including \$1,000.00 estimated cost \$ 50.00
(Plus \$10.00 each additional \$1,000 or fraction thereof)

(estimated cost to be determined based upon average construction cost or actual contract price)

- 10. FIREPLACES, WOODSTOVES, FURNACES, BOILER, CHIMNEY,
new installation or replacement..... \$ 50.00
- 11. SWIMMING POOLS: in ground.....\$100.00
above ground\$ 75.00
- 12. DEMOLITION or REMOVAL.....\$ 50.00
- 13. SEPTIC SYSTEMS New septic systems \$ 50.00
Replacement or repair of existing septic system..... \$ 50.00
- 14. COMMERCIAL BUILDINGS up to and including 1,000 sq. ft. \$200.00
(Plus \$.15 for each additional 1 sq. ft. or fraction thereof)
- 15. AGRICULTURAL BUILDINGS.....\$ 50.00
- 16. SIGNS \$ 25.00
- 17. PERMIT RENEWAL after initial 1 year period \$ 50.00
- 18. BUILDING PERMIT RECORD SEARCHES \$ 50.00
- 19. MISC. \$ 25.00
- 20. ROOFING.....\$ 75.00

VIOLATION FEE: Permit fee may be double for any work begun without a building permit.

Please make check payable to: Town of Walton

RESOLUTION #124

ADOPT NEW FEE SCHEDULE

A motion was made by Councilman Govern, seconded by Wood to accept and adopt the new fee schedule as presented. All in favor, motion carried.

On behalf of the Planning Board and the Delaware County Planning Department, the following proposed Accessory Dwelling Unit Local Law was presented. The law would amend Chapter 200 of the Zoning Codes.

Presented, Local Law XX of 2023, Amending Chapter 200 of the Code of the Town of Walton as follows:

Be it enacted by the Town Board of the Town of Walton as follows:

Section 1

Pursuant to, and in accordance with, the provisions of the New York State Municipal Home Rule Law and the New York State General Municipal Law, Article 18, §808, the Town of Walton Town Board amends Chapter 200, Zoning, to modify section 200-39 Minimum habitable floor area, and to add a new section 200-~~xxx~~ Accessory Dwelling Units, of the Code of the Town of Walton as follows:

§ 200-39 Minimum Habitable Floor Area.

- A. One-family and two-family dwellings shall have a habitable floor area of at least 500 square feet per dwelling unit. An accessory dwelling unit shall have a habitable floor area of at least 350 square feet and a maximum habitable floor area of 900 square feet.
- B. No habitable rooms are permitted in basements of multiple-family dwellings unless a separate outside entranceway is provided to all habitable areas.

§ 200-xxx Accessory Dwelling Units.

C. Purpose and Intent

It is the specific purpose of this law to aid the general welfare of the Town by providing a variety of housing opportunities; particularly:

- a. for our aging population to “age in place”
- b. to create housing expansion for our local workforce
- c. to provide options for young and older families
- d. to allow the more efficient use of the town’s existing stock of dwellings and accessory structures
- e. to provide economic support for resident families of limited income; and
- f. to protect and preserve property values while preserving the rural character of the town.

D. Definitions

As specifically apply to this section

ACCESSORY DWELLING UNIT – A subordinate dwelling unit having its own kitchen and bathroom facilities located either within the principal residence unit, (inclusive of garage if attached thereto), or within an approved detached accessory structure and meeting the requirements of habitable space as defined by the New York State Uniform Fire Prevention and Building Code. For the purpose of this code, accessory dwelling units shall have a maximum number of one bedroom.

FLOOR AREA, GROSS – The sum of the gross horizontal areas of the several floors of the building or buildings on a lot measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings, excluding cellar and basement areas used only for storage or for the operation and maintenance of the building.

PRIMARY DOMICILE – A resident’s true, principal, and permanent home and a legal construct used to determine where a resident votes, files lawsuits, pays taxes, claims benefits, and obliges governmental authority.

PRINCIPAL DWELLING UNIT – A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit.

HABITABLE SPACE – Space occupied within a dwelling unit for the purposes of living as defined by requirements of the New York State Building Code.

E. Authorization.

The Town Board authorizes the Code Enforcement Officer to issue zoning determination to property owners per the provisions of this local law. All accessory dwelling units are subject to requirements for residential building permits.

F. Zoning Districts.

Accessory Dwelling Units as defined herein shall be permitted in the R-2 and R-5 zoning districts as a permitted accessory use. To apply for a permit, the accessory dwelling unit shall be located on the same parcel as the primary residential dwelling unit. In the determination of permitting, the construction or conversion intended to create an accessory dwelling unit shall demonstrate that is clearly incidental and secondary to the primary residential dwelling unit so as to preserve the appearance of the primary dwelling and the single-family character of the primary residential dwelling unit and of its neighborhood. The accessory dwelling unit shall always be considered an accessory use and subordinate to the primary residential dwelling unit.

G. Lot Requirements.

The following lot requirements shall apply:

1. An accessory dwelling unit located in the principal dwelling unit, having common foundation with the primary dwelling unit, connected to the principal structure shall not be included in the density calculation as permitted under the schedule of district regulations.
2. An accessory dwelling unit located in a legally built detached structure, preexisting or new construction, shall require a fifty (50) percent additional density calculation as permitted under the schedule of district regulations.
3. A detached structure where an accessory dwelling unit is proposed shall meet the setbacks for the zoning district in which it is located or be granted an area variance.
4. All other standards of the schedule of district regulations shall apply.

H. Prohibitions.

Accessory dwelling units shall be prohibited:

1. On parcels utilized for two family or multifamily dwelling units.
2. On parcels where the principal use is commercial or industrial.
3. On parcels with an existing or proposed primary dwelling unit that are non-conforming with regards to lot size.
4. Accessory dwelling units shall not be permitted as a Short-Term Transient Rental Use.

I. Owner Occupancy.

The owner of the parcel on which an Accessory Dwelling Unit is located shall maintain their primary domicile in either the principal or the accessory dwelling unit. The owner of the parcel shall file with the Code Enforcement Officer on or before July 1st of each year an affidavit in the form prescribed by the Town Attorney certifying that the primary and accessory units are in compliance with the occupancy standards and the other requirements of this section.

J. Certificate of Occupancy.

An accessory dwelling unit may not be located on a parcel where a current building violation exists unless the legalization or creation of the accessory dwelling unit will cure the violation. All accessory dwelling units shall be on a permanent foundation.

K. Maximum Gross Floor Area.

An accessory dwelling unit shall contain a minimum of 350 sq. ft. and shall not exceed a maximum of 900 sq. ft.

The accessory dwelling unit shall be subordinate to the principal dwelling unit and shall not exceed 40% of the gross floor area of the principal dwelling unit or 900 sq. ft., whichever is more restrictive (lesser), subject to the minimum square footage.

L. Number of Accessory Apartments.

A maximum of one accessory dwelling unit shall be permitted on each qualifying parcel.

M. Construction.

Both the accessory dwelling unit and the principal dwelling unit shall meet the requirements of the New York State Uniform Fire Prevention and Building Code and New York State Department of Health Code.

N. National or State Register Designated Historic District Properties.

Upon building application for an accessory dwelling unit, the Code Enforcement Officer shall determine if the project is within or adjacent to a National or State Registered Historic District, Site, or Structure. If it is determined that the proposed project is located within a National or State Registered Historic District, Site, or Structure the application shall be referred to the New York State Historic Preservation Office for review and commentary.

O. Septic.

Accessory dwelling units shall require Department of Health approval for septic, prior to issuance of building permit(s) and Certificate of Occupancy. Additionally, if the parcel is located within the New York City watershed NYC DEP approval is required prior to issuance of building permit(s) and Certificate of Occupancy.

P. Parking.

No additional driveway (curb cut) shall be created for the primary purpose of serving the accessory dwelling unit. Adequate off-street parking as required by Chapter § 200-34 shall be provided for both uses and such parking shall not be located in the front yard setback.

Q. Fire and Safety Inspection.

Accessory dwelling units shall require a biennial fire and safety inspection.

R. Removal of Accessory Apartment.

When an owner wishes to eliminate an accessory dwelling unit, proof of the removal of the second kitchen and the restoration to the status before the conversion shall be submitted to the satisfaction of the Code Enforcement Officer.

Section 2 Schedule of District Regulations Amendment

Article IV of the Code of the Town of Walton entitled “District Regulations” shall be amended to add in the column labeled Accessory Uses the use “Accessory Dwelling Units” in the following zoning districts:

1. R-2 Rural II District
2. R-5 Rural V District

Section 3 Severability.

If any part or provisions of this local law is judged invalid by any court of competent jurisdiction, such judgement shall be confined in application to the part or provision directly on which judgement shall have been rendered and shall not affect or impair the validity of the remainder of this law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this law even without such part or provision or application.

Section 4 Effective Date.

This local law shall become effective immediately upon the filing in the office of the New York State Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

History

Presented:

Discussion:

Amendments:

SEQRA:

Referrals:

Public Hearing:

Vote:

RESOLUTION #125

PUBLIC HEARING ON LOCAL LAW 1 OF 2024

A motion was made by Councilman Govern, seconded by Armstrong to schedule a Public Hearing on January 8, 2024 for persons wishing to speak in favor, or against proposed Local Law 1 of 2024, a Local Law Accessory Dwelling Units, A local law to amend Chapter 200 of the Zoning Laws. All in favor, motion carried.

DOG CONTROL REPORT:

Martin J. Way, Jr.
Dog Control Officer, Town of Walton
129 North Street Walton,
New York 13856
August 2023
Dog Control Activity Summary

Complaints	5
Dogs Seized	0
Returned to Owner	0
Humane Society	0
Dangerous Dogs	0
Tickets Issued	7
Total Redemption Fees	0
Help Requested/Assistance	1
Mileage	31 Miles

FEMA COORDINATOR:

No report – projects have been closed out.

TOWN CLERK'S REPORT:

Provided Financial Reports

I hope to receive the tax warrant shortly after the County Board meeting so that we can review and get started on our escrow accounts. Tax Collection for 2024 will start on January 2, 2024 and once again, I will be collecting partial payments once again along with the ability to pay your taxes on line by debt, credit or e-checks.

I provided the Board with the Newly Elected training dates as well as the Association of Towns Conference to be held in February.

SUPERVISOR'S REPORT:

RESOLUTION #126 SET YEAR END MEETING AND JANUARY 2024 ORGANIZATIONAL MEETING.

A motion was made by Councilman Armstrong, seconded by Govern to schedule and holds a year end meeting for the purpose of closing out vouchers on December 28, 2023 at 6:00 and to hold an Organizational meeting on January 2, 2024. All in favor, motion carried.

COMMITTEE REPORT:

Councilwoman Wood informed the Board that she has found someone to build a kiosk if the Town purchases the material. She is waiting on a material list and will bring back to the Town for approval.

Councilman Armstrong thanked everyone that participated in the Holiday parade. Stating it was a great turnout.

Councilman Governed thanked the Chamber of Commerce for the lights, stating they look very nice.

Supervisor Cetta stated the parade was one of the largest turnouts he has seen and thanked Councilman Armstrong for preparing the float for the town to ride on.

APPROVAL OF BILLS:

RESOLUTION #127 APPROVAL OF BILLS

A motion was made by Councilman Armstrong, seconded by Wood approving the vouchers as presented for payment. All in favor, motion carried.

General Fund A	#216-228	\$10,854.49
General OV B	#18-27	\$1,032.51
General HWY DA	#88-97	\$32,046.68
OV HWY DB	#48-52	\$866.85

EXECUTIVE SESSION:

RESOLUTION #128

ENTER EXECUTIVE SESSION

A motion was made by Councilwoman Wood, seconded by Govern to enter into executive session for a matter leading to the potential hiring of a particular contractor. All in favor, motion carried.

Entered 6:35 p.m.

Closed executive session at 8:45 p.m.

RESOLUTION#129

HIRE WHITEMAN OSTERMAN & HANNA

A motion was made by Councilwoman Wood, seconded by Govern to approve Supervisor Cetta to sign a Conflict Waiver with Whiteman Osterman & Hanna as they have represented the Town of Walton and will be representing CWC in the Breakey Motors land transfer with the Town of Walton. All in favor, motion carried.

With no further business before the Board, the meeting was adjourned 8:50 p.m.

Respectfully submitted,

Ronda Williams
Town Clerk