# Town of DeWitt Planning Board

## Public Information Meeting

July 29, 2010 (7:00 PM)

DeWitt Community Room 148 Sanders Creek Pkwy.

# Residential Areas Vehicle Storage Law and Exemption "Overlay District" Proposals Nos. 3 & 6

**Town of DeWitt, NY**

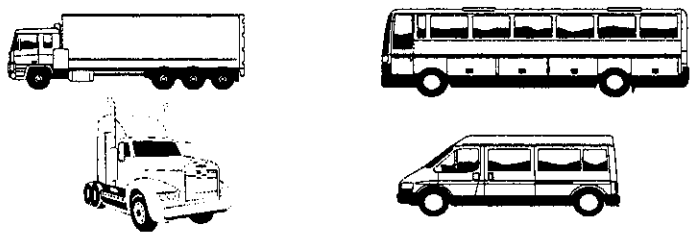
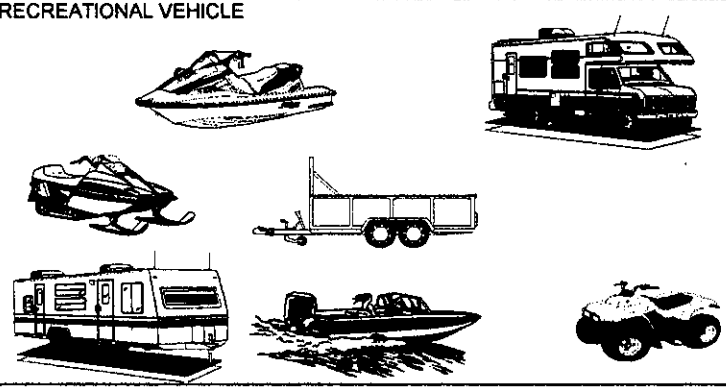
*This handout is intended to inform DeWitt residents of the Franklin Park and Dunrovin neighborhoods regarding two (2) recent exemption petitions – or proposals – that have been submitted to the Town of DeWitt. In particular, the four steps established in the law will be noted and answers to common questions will be provided.*

Included in this handout are:

- Summary of Rules
- Questions & Answers
- Constituent questions answered – reprinted memo
- Map of Recommended Overlay District (Exemption) Area, July 2010

Town of DeWitt Department of Development & Operations
July, 2010

**TOWN OF DEWITT**
**SUMMARY OF RULES**
**VEHICLE & EQUIPMENT STORAGE RULES FOR RESIDENTIAL NEIGHBORHOODS**

| Types of Vehicles | 1/1/2010 Code [192-79.1] | Overlay District Exemption [192-64.2] |
|---|---|---|
| ALL VEHICLES & EQUIPMENT | • No parking in the front yard except on approved driveway [192-103-E-(3)-(a)]<br>• No motor vehicle or trailer over 22 ft. long or tractor cab shall be parked on any property or public road. [192-103-(3)-(b)]<br>• Inspected, registered and licensed. | |
| A. PERSONAL USE VEHICLE | Parked/stored inside or on approved drive. | Parked/stored inside or on approved drive. |
| B. COMMERCIAL VEHICLE  | Parked/stored inside or on approved drive or in rear yard within 5' of house & no closer than 5' to property lines. Vehicle must be less than 10,000 lbs and no more than 2 axels and 6 tires and for regular use of resident. | Parked/stored inside or on approved drive. Vehicles of any size are permitted. |
| c. RECREATIONAL VEHICLE  | Parked/stored inside or in rear yard within 5' of house & no closer than 5' to property lines or for up to 10 days each year on approved drive. | Parked/stored indoors or on approved drive for unlimited time. |
| D. JUNKED MOTOR VEHICLE | Parked/stored inside. [192-79] | Parked/stored inside or no more than 6 months on approved drive. [192-64.2-D] |
| E. UNLICENSED MOTOR VEHICLE, OPERATING CONDITION | Parked/stored inside. [192-79] | Parked/stored inside or no more than 6 months on approved drive. [192-64.2-D] |
| F. SEASONAL MOTOR VEHICLE, OPERATING CONDITION | Parked/stored inside. [192-79] | Parked/stored inside or no more than 6 months on approved drive. [192-64.2-D] |
| G. MACHINERY OR EQUIPMENT | Parked/stored inside. [192-79] | Parked/stored inside or no more than 6 months on approved drive. [192-64.2-D] |

Source: Town of Dewitt Department of Development & Operations, Dec. 2009 and Town of Dewitt Code
Please refer to the Town of Dewitt Town Code at www.townofdewitt.com/?page ID=462.

1. *Why was the law adopted?*

**Ans:** In passing Local Law No. 7 of 2008, the Town of DeWitt has imposed restrictions on the storage of certain vehicles at residences and also provides a method for neighbors to obtain an exemption from the provisions of the law if a majority of owners petition the Town. In passing this local law the Town Board found as follows:

*"The need to regulate the storage of oversized and recreational vehicles in residential areas of the town has long been a concern of the Town. This legislation imposes restrictions on the storage of such vehicles to maintain the quality of the neighborhoods in the Town. And, the Board finds that the majority of the public in the town supports the proposition that residential neighborhoods should not be encumbered by the outdoor visual burden of oversized vehicles being stored at residences. At the same time, this legislation recognizes that some neighborhoods, as a whole, may find it appropriate to their neighborhoods and the lifestyle of their neighbors to allow for rules different from the town as a whole. Accordingly, this legislation provides for overlay districts that would relieve neighborhoods from such restrictions if the overlay is properly enacted. This legislation is in furtherance of meeting the goals of the Comprehensive Plan of the Town in addressing areas of concerns to residential neighborhoods and developing a comprehensive, updated and orderly Zoning Code for the Town."*

2. *Why did the law enacted in 2008 become effective in 2010?*

**Ans:** The Town wanted to provide sufficient time for residents to gather petitions for an overlay exemption before the law took effect.

3. *How will the law be enforced?*

**Ans:** The law will be enforced fairly and consistently based on reported inquiries or complaints. Each reported inquiry will be investigated, the alleged violator will be contacted, and appropriate action taken. In some cases, this may involve having neighbors discuss their concerns with one another while other cases may require a citation or court action. The first objective of the Town Department of Development & Operations (D&O) is to obtain compliance with the law rather than punishment.

4. *Can vehicles or equipment covered by the law be parked on the street?*

**Ans:** Such vehicles and equipment may be parked on the street if these meet the requirements of the Town Vehicle and Traffic Law which is enforced by the Police Department as well as the Residential Areas Vehicle Storage law.

5. *What options do I have for storage?*

**Ans:** Several options are available to owners of vehicles covered by the law including storing the equipment inside, storing it elsewhere or, depending on the equipment, you may be able to store it at your home. You may also file a petition with the Town to exempt your neighborhood through the overlay exemption process described in the law.

6. *What is meant by "10 days during any calendar year" for storage of recreational vehicles?*

**Ans:** Ten (10) total days of storage each year is allowed for one or more recreational vehicles on a residential parcel.

7. *Does the law apply to a house located in a business or industrial district?*

**Ans:** The law applies only to houses in residential zoning districts.

8. *What happens next?*

**Ans:** Following this meeting, the Town Planning Board will make a recommendation to the Town Board regarding the formation of an overlay, excluded district. The Town Board will then direct the preparation of an informal ballot to determine if a majority of the owner residents are in favor of the district. If more than 51% of owning residents respond in favor of the district, the Town Board may hold a public hearing after which it may approve, modify or disapprove the district formation.

9. *Additional information?*

**Ans:** The Town website at: www.townofdewitt.com/vehiclestorage contains more information. You may also contact the Development & Operations office at 446-3910 x173 or come into the office between the hours of 8:00 AM and 4:30 PM weekdays.

# Town of DeWitt

(315)446-3910 ext. 3

Edward M. Michalenko, Ph. D, Supervisor

FAX (315)449-0620

Development & Operations
Richard T. Robb, AICP
Commissioner

5400 Butternut Drive
East Syracuse, NY
13057

Memorandum - *reprinted*

To: Vicki Baker, Councilwoman
From: Dick Robb
Re: E-mail inquiry – Residential vehicles storage law
Date: 9 December 2008

As requested, I have attempted to answer your constituent's questions.

1. ***What are people to do with boats and trailers when restricted to 10 days a year?***

ANS: Several options are available to an owner including keeping the equipment at a dock, parked at a friend's house or a commercial storage area. In addition, the law provides a method for homeowners to petition the Town to be exempted from the effects of the law which begin on 1/01/2010. In this instance, such recreational vehicles may be parked inside or in a front or side yard on an approved driveway or apron no closer than five feet to a fully screened property line nor further than five feet from the house.

***2. Is a 4x4 pickup truck raised by 30" dia. mud tires a "Recreational Vehicle"?***

ANS: I believe that pickup trucks are considered Commercial Vehicles by NYSDMV. As a result, I do not think the Town's law would classify this as a recreational vehicle.

***3. Is a pop-up camper allowed?***

ANS: A camper is also defined as a recreational vehicle and would be subject to the limitations noted in Answer 1.

***4. Are snowmobile trailers also restricted?***

ANS: Yes, in the same way as noted in Answers 1 and 3, above.

***5. There are not 50 homes in my neighborhood. How can I petition the Town if there are fewer homes than the law calls for?***

ANS: You may have construed the meaning of "neighborhood" as used in the law too narrowly. The law establishes some basic parameters to be met in defining a neighborhood for purposes of petitioning and defining an excluded area yet it does not limit a petitioning area to a block or other predetermined area.

I hope this answers your questions. Please call me if you need further clarification.

Cc: E. Michalenko, PhD, Supervisor
Town Board
B. Klim, Town Clerk
G. Scicchitano, Town Attorney
J. L. Sutphen, Planning Board Attorney