

**JULY 13, 2022**

The regular meeting of the Village of Cassadaga was held on July 13, 2022, at 7:00 PM with Mayor William Dorman presiding. Trustees present included Bill Astry, Cindy Flaherty, and Rachyl Krupa. Absent: Trustee Mark Wilson. Also in attendance was Supt. Of Public Works Sam Alaimo and Attorney Joe Calimeri.

**Pledge Of Allegiance**

**RESOLUTION # 75  
APPROVAL OF MINUTES**

A motion was made by Trustee Astry, second by Trustee Krupa to approve the minutes of June 22, 2022. VOTE: 3 AYES, 0 NAYS.

**RESOLUTION # 76  
APPROVAL OF AGENDA**

A motion was made by Trustee Astry to approve the agenda second by Trustee Flaherty. VOTE: 3 AYES, 0 NAYS.

**GUESTS:**

Historian John Sipos, 3 Pennington, Greg Bacon, 101 N. Main, Susan Asquith, 186 Dale Drive, Debra Metzger, 134 Maple Avenue, Rodney Waite, 241 Dale Drive, Ryan Burlingame, 153 Maple Ave. Nancy Wickmark, 39 Pettit Place, Cathy Cruver, 131 Leroy, Laurie Randall, 76 S. Main, Anthony Cooper, 76 S. Main and County Legislature John Penhollow.

County Legislature John Penhollow is here to observe and offered any assistance or questions we may have regarding County. He also stated that there is a Tourism Grant from County from the Bed Tax.

**ATTORNEY JOE CALIMERI REPORT**

- He apologized for not attending the last couple meetings.
- He prepared Proposed Local Law Placing Moratorium on Short Term Rentals. He explained that the Proposed Local Law would be introduced by the Board, a Public Hearing set and then voted on after hearing. Changes can be made before it is adopted.

**MAYOR DORMAN'S REPORT:**

**Updates:**

- **No updates**

**New Correspondence:**

- Received Alcohol & Drug Test Summary 3<sup>rd</sup> Quarter 2022 (July 1, 2022-September 30, 2022)

- “Your municipality has not been chosen for any random testing this quarter.
- Received a phone call from Adam Diate which was a complaint regarding barricades placed by the village.
  - Aesthetically not pleased
  - Access for delivery made difficult
  - Told him I would discuss with Bill A. & Sam A. to understand more detail
  - Because of the design of the building, there are limited options for the barricade placement which are on Village ROW.

Sam Alaimo explained the reasoning behind the barricade placement. He felt that a forty-foot entrance/exit onto High Street so close to the light would be dangerous. There is no curb to prevent this. Delivery trucks will also be pulling in and out of entrance on High Street and there is also a fire hydrant there.

**CLERK TREASURER ASTRY REPORT:**

- She requested permission to transfer temporary funds from Reserve for Debt Services to checking to cover expenses being paid tonight in Water fund. The balance in Water checking is \$94,565 and total bills are \$130,337 and anticipates check from Lily Dale of \$10,000 so needs to transfer \$25,772.
- She reported that she has spoke with 3 potential Deputy Clerks after posting job on Facebook and Website. There was a Resolution December 21, 2016, allowing us to hire someone outside Village Limits. She is recommending hiring Annette McChesney, 4008 Cassadaga Stockton Road, Cassadaga as Deputy Clerk. Although she is just outside Village Limits, she is active in Fire Department and EMT. Attorney Calimeri stated this would be on interim basis and for her to become Village Clerk Treasurer after Roxanne’s retirement a Local Law would have to be passed to go outside Village Limit.

**RESOLUTION # 77**

**APPROVE TRANSFER OF FUNDS**

Trustee Flaherty moved, second by Trustee Astry to transfer funds from Reserve for Debt Service to Water checking in the amount of \$25,772. VOTE: 3 AYES, 0 NAYS.

**RESOLUTION # 78**

**HIRE DEPUTY VILLAGE CLERK**

Trustee Astry moved seconded by Trustee Flaherty to hire Annette McChesney on interim basis as Deputy Village Clerk at rate of \$15.00 per hour. VOTE: 4 AYES, 0 NAYS.

- NEW BUSINESS: 1. SHORT TERM RENTAL MORATORIUM  
2. BATHHOUSE AT BEACH-ARPA**

**Discussion on proposed Local Law placing Moratorium on Short Term Rentals.**

Attorney Calimeri explained the Moratorium. The Zoning Committee recommended to the Board that a Moratorium be made until they have had time to review and recommend to the Board changes or additions to our current Zoning. He objects to grandfather in current Short-Term Rentals (STR) because he does not know how it would be enforced but the Zoning Committee wanted to allow current STR. He also stated that it is not uncommon in the County for a moratorium, and many are banning STR.

Cathy Cruver, 131 LeRoy questioned who is allowed to continue and how is it determined what a STR is. Is it one day or longer? What should the guidelines be? She feels that STR mostly benefit the community.

Debra Metzger, 134 Maple is new to the community and has property in Silver Creek that she used as STR and generated more money than renting it long term. What can we do to keep everyone happy and respected? She knows it does help tourism and they do pay a 5% bed tax that helps the waterways.

Ryan Burlingame, co-chairman of the Zoning committee explained that at this time there is nothing in our current zoning that addresses STR. They want to protect STR and put brakes on and want to keep everyone in business. Right now, there is nothing in zoning and they need to put language in the zoning and need time to research further other communities zoning regarding STR. They are not trying to stop them but want to protect all residents in the community. Right now, the committee has identified 12 full-time STR in village. The committee has been working on the zoning revisions for over a year on the entire zoning law. Once the committee has completed their review and recommendations it will be forwarded to the Village Board who then will review and make any changes that they feel are necessary. They asked for a moratorium as a pause and trying to be proactive and Nancy Wickmark stated that they do not want a moving target. The village has not received any complaints regarding STR through the office.

Sue Asquith. 196 Dale Drive and member of County Planning Board wanted to make aware of a webinar on July 21<sup>st</sup> regarding STR.

**RESOLUTION # 79**

**INTRODUCE LOCAL LAW 1 OF 2022 PLACING A MORATORIUM ON SHORT TERM RENTALS**

**Trustee Astry, seconded by Trustee Flaherty to introduce Proposed Local Law 1 of 2022 as follows; VOTE 4, 0 NAYS.**

**LOCAL LAW PLACING MORATORIUM ON SHORT TERM RENTALS**

Be it enacted by the Board of Trustees of the Village of Cassadaga as follows:

Section 1.     Short Title.

This local law shall be known and cited as the “Short-Term Rental Moratorium of the Village of Cassadaga, New York”

Section 2. Legislative Findings.

- A. The residential character of the Village of Cassadaga is a source of pride and economic stability for the Village and its residents.
- B. The recent trend of existing residential structures being used by owners for the primary purpose of renting to short-term rental occupants has created concern that the residential character and economic base of the Village is threatened. Changes in technology have given rise to new issues in land use planning and regulation, including those related to so called "vacation rentals." The Board of Trustees hereby finds that more specific zoning provisions are appropriate to address this increasingly popular land use activity and that short term vacation rentals create conflicts with their residential neighbors, and have the potential to degrade residential neighborhoods by introducing crime, noise, parking congestion, and other detrimental impacts while also adversely affecting the traditional neighborhood character that results from a community of owner-occupied properties. As such, the Board of Trustees finds that unregulated short term vacation rentals, or short-term rental occupancies as defined in this local law, may be incompatible with residential neighborhoods and zoning districts, and that such uses must be carefully regulated and monitored to minimize deleterious effects in residential zoning districts. This is particularly so in those situations where the property owner is not present during times of short-term rental occupancy.
- C. Unless reasonable measures are taken for an interim period to protect the public interest pending the completion of necessary surveys, studies, meetings, and required public hearings, further conversions of residential properties and establishment of new short-term rental uses may occur within the Village that may thereby:
  - (1) Preclude or otherwise undermine consideration and implementation of appropriate and salutary planning measures, including the amendment of the Village's Zoning Code, environmental review procedures, and other development regulations.
  - (2) Permit significant variations in neighborhoods where the Village may wish to implement changes in the existing Zoning Code and such variations may impede or destroy the integrity of changes which may be proposed; and
  - (3) Create conditions, or worsen existing conditions, which the Board of Trustees hereby finds to be detrimental to the public health, safety, and general welfare of Village residents.
- D. It is the finding of the Board of Trustees that a review of the Zoning Code and Zoning Map is necessary to determine how to best regulate short-term rental occupancy uses within the Village so as to avoid adversely impacting residential districts and the community character in general, and that the review and possible revision of the Village Zoning Code as envisioned by this local law is necessary to protect the health, safety, and welfare of residents of the Village of Cassadaga.

Section 3. Authority and Purpose.

The Board of Trustees of the Village of Cassadaga hereby adopts this Local Law pursuant to its general zoning authority under Article 4 of the Village Law for the purposes of addressing the potential threat to the public health, safety, and welfare described at Section 2 above.

Section 4. Definitions.

- A. For purposes of this Local Law, the term "short term rentals" shall be defined as "A residential property that is rented to a visitor for less than 30 days."

Section 5. Intent.

It is the intent of the Board of Trustees to protect the public health, safety, and welfare by enacting this interim moratorium law for a reasonable period. It is the purpose of this local law to allow the Village time to comprehensively review the uses that are within the scope of the moratorium so that adequate land use and regulatory controls may be presented for action by the Board of Trustees at or prior to the expiration of the period of the moratorium. During said period, the Board of Trustees, the Village Planning Board/Zoning Board of Appeals, and/or such other panel or body as may be designated by the Board of Trustees for this purpose shall complete an evaluation and assessment of existing land use plans and regulations for lands within the Village and make recommendations to the Board of Trustees as to potential amendments to address the potential threat to the public health, safety, and welfare described at Section 2 above. The Board of Trustees shall thereafter enact necessary modifications to the Village Zoning Code and/or Zoning Map. The Board of Trustees declares that the enactment of this local law is necessary to protect the public health, safety, and welfare.

Section 6. Regulations.

- A. Except as otherwise provided herein, effective on the effective date of this local law, and continuing 180 days from the effective date of this local law, unless the Board of Trustees, by resolution, establishes an earlier date, no newly created short-term rental occupancy use shall be established or expanded within the Residential District, Conservation District or Industrial District in the Village of Cassadaga, and no application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, demolition permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Village-level approval shall be accepted, processed, approved, approved conditionally, or issued for the construction, establishment, or use or operation of any land, building, or other structure located within any of the aforesaid Districts for any land use activity that includes the establishment or expansion of a short-term rental occupancy use, either in a principal structure or any accessory structure. The prohibition referred to hereinabove shall not apply to short-term rental occupancy uses that were lawfully established prior to the effective date of this local law, nor to the issuance of building

permits for structural repairs, renovations, or alterations which do not involve the expansion of an existing transient occupancy use or the establishment of a new short-term rental use.

- B. The Board of Trustees may, by resolution, extend the moratorium period provided for herein by two (2) additional periods not to exceed 180 days each.

Section 7. Supersession of Village Law.

The provisions of this local law, and any moratorium (and extension(s) thereof) enacted hereunder, shall supersede in their application to the Village of Cassadaga any and all contrary provisions of the Village Law, including, but not necessarily limited to, the provisions with respect to any time periods within which the Village or the Planning Board is required to act in regard to any application, and with respect to default approval of any such application within such time periods as may be prescribed in said Village Law.

Section 8. Penalties for Offenses.

Any person or entity acting in violation of the provisions of this local law shall be guilty of an offense punishable by a fine not to exceed two hundred and fifty dollars or imprisonment of not more than fifteen days, or both. Each day of continuance of a violation shall be considered a separate offense. In addition to such penalties, the Village of Cassadaga may enforce this local law by injunction and/or such other appropriate civil remedies as may be available.

Section 9. Repeal of Existing Laws.

All ordinances, local laws, or parts thereof in conflict with the provisions with this local law are hereby repealed to the extent necessary to give this local law full force and effect during the effective period.

Section 10.

If any portion, subsection, sentence, clause, or phrase of this local law is for any reason

**RESOLUTION # 80**

**SET PUBLIC HEARING ON PROPOSED LOCAL LAW 1 OF 2022**

**Trustee Astry moved, seconded by Trustee Flaherty to Set Public Hearing on August 10, 2022, at 7:00 PM at 22 Mill Street, Cassadaga, NY. VOTE: 4 AYES, 0 NAYS.**

**BATHHOUSE AT BEACH**

**Trustee Astry shared his recommendations for the new bathhouse at the beach. He doesn't feel that we need 2 handicap bathrooms and wants to have plumbing accessible for any problems that arise. He proposes 2 unisex bathrooms with one of them being handicap accessible. A shower would be installed on the outside of**

bathhouse and changing areas also be available. He will take to Chris Cooke Architecture for his review and comments. No decisions made at this time.

#### **SUPT. OF PUBLIC WORK REPORT: SAM ALAIMO**

- He reported that there hasn't been much rain to see if drainage at beach is working properly.
- They have been doing tree trimming and will be doing paving on Miller shortly.

#### **TRUSTEE ASTRY'S REPORT**

- He reported that he has been helping with new flooring in bathrooms and hallway and moving furniture in village office for new carpet.
- He also has helped with repairs at the beach.
- The Fire Department is going to be painting floors, walls and ceilings in Fire Hall, hence the mess in this room.

#### **TRUSTEE FLAHERTY'S REPORT**

- She reported that National Night Out has been changed to August 3<sup>rd</sup> at ballfields.
- Thanked Sam and crew for work at beach.
- Since opening of beach, we have had 1,163 people attend the beach. We have 75 children signed up for lessons.
- We had our first rescue this week and everyone did a great job. Kristen Wise helped the child to safety.
- There has been complaint about STOP sign at beach entrance. Sam stated that it is in the Village Right of Way.
- She and Tammy had training on surveillance at beach. There have been no reports of vandalism with gates left open.
- We received \$2,100 in donations for beach program.
- There is Worship Service at beach on July 24<sup>th</sup> at 10:30 with picnic afterwards.
- Acoustic Ear Candy is featured band at Beach Concert July 24<sup>th</sup>.

#### **TRUSTEE KRUPA'S REPORT**

- She reported that she looked up on GIS whose property the tree hanging over outlet is. It does not belong to Kent Marsh.
- No one has responded on Labor Day Parade, and she won't do it without help because she has 2 small children.
- She doesn't like the new layout for bathhouse. She thinks it should have sink outside bathrooms.
- Angela Bittinger sent her email in regard to Moratorium, and will forward.

#### **TRUSTEE WILSON'S REPORT-Absent**

#### **RESOLUTION # 81**

**APPROVAL OF FINANCIAL STATEMENTS**

Trustee Flaherty moved, seconded by Trustee Krupa to approve the financial reports for June 30, 2022, and July 13, 2022. VOTE: 3 AYES, 0 NAYS.

GENERAL FUND 6/30/22	\$	357,724.87
WATER FUND 6/30/22	\$	85,697.85
GENERAL FUND 7/13/22	\$	375,224.31
WATER FUND 7/13/22	\$	127,758.62
RESERVE CVFD EQ.	\$	26,573.25
RESERVE DPW EQ.	\$	27,849.16
RESERVE WATER REPAIRS	\$	50,268.98
RESERVE FOR DEBT SERVICE	\$	308,671.14

**RESOLUTION # 82**

**APPROVAL OF BILLS AND PAYROLL**

A motion was made by Trustee Astry, seconded by Trustee Flaherty to approve the bills and payroll as follows: 3 AYES, 0 NAYS.

PAYROLL General Fund, July 8, 2022, cks: 5799-5804	\$	6,990.38
PAYROLL Water Fund, June 24, 2022, cks: 5799-5804	\$	1,939.73
PREPAID-GENERAL cks: 9568-9572	\$	826.13
PREPAID-WATER cks: 9568-9572	\$	1,511.84
ABSTRACT July 13, 2022, General Cks: 9573-9599	\$	16,586.10
ABSTRACT July 13,2022, Water Cks: 9573-9599	\$	130,336.75

Being no further business, Trustee Astry moved to adjourn at 8:25 PM, seconded by Trustee Flaherty. VOTE 3 AYES, 0 NAYS.

Respectfully Submitted,

Roxanne Astry  
Clerk Treasurer