

ZBA MEETING  
January 11, 2024

The Zoning Board of Appeals met on January 11, 2024, to consider the Short Term Rental Applications for the following addresses:  
37 Dale Drive, 237 Dale Drive, 49 Lakeview Avenue, 88 Frisbee Road, 166 Dale Drive, and 76 Maple Avenue. Per Article VI, Section 644 Short Term Rental.

Chairman of the ZBA Thomas Beichner called the meeting to order at 7:00 PM with the Pledge of Allegiance. ZBA members present included: Trudy Coulcher, Chris Cooke, and Ryan Burlingame. Absent: Chris MacKrell.

Minutes from the prior meeting on September 25, 2023, did not get brought up for approval, therefore they will be added to the next meeting.

Guests included: Miriam Washington, 7284 Nelson Road, Andrea McAdoo, Property Manager 76 Maple & 166 Dale Drive, Attorney Matt Fitzgerald, 125 Main Street, Buffalo, Rachyl Krupa, Cassadaga, Kim Collins Property Owner 49 Lakeview & 88 Frisbee, Nancy Wickmark, 39 Pettit, John & Susan Sipos, 5 Pennington, Todd Anderson, 80 Maple, Pamela Ulrich, 20 Maple, Rodney Waite, Dale Drive.

Chairman Beichner explained we are here to review six applications that were received for short term rentals, the remaining eight will be reviewed at the next scheduled meeting. He stated that those that have applied, if they are strictly adhering to the 10 page local law as written, as far as supplying insurance, drawings, passing fire inspections, etc., their applications should be granted. He would like to open the floor at this time for comments and questions.

John Sipos asked who are you all? Chairman Beichner introduced himself, and the rest of the board did as well.

Miriam Washington had questions on the use of a rear driveway access at 49 Lakeview Avenue which had been discussed at a prior ZBA hearing. Per Chairman Beichner she can file a complaint if she feels that there has been a violation, but it is the ZBA's job to grant or deny variances not to enforce. She also asked if the new driveway on Pettit Place is going to be used by short term renters. Kim Collins, owner of 49 Lakeview Avenue, stated that Miriam is very aware that Blue Adventure, her previous kayak business, has not worked out, and the 1<sup>st</sup> kayak renters were from the Red House, another local business. She stated that in terms of the rear driveway that is being referred to, it has always been there it was just recently improved after she replaced the septic system for the property. Ms. Collins supplied photos to the ZBA and to add to the property file. She noted as shown in the photos, stone was added to the driveway and shrubs were added to protect the new septic and ensure no one drives on it. This access is only being used by the groundskeeper, Adam Myers, and occasionally by a renter who brings his vintage boat and parks an old trailer in the back. Per Chairman

Beichner, if use of the rear entrance was not granted for the business, then he suggests not using it or she will be in violation. He also mentioned that he has property with parking available anytime someone needs to park a boat trailer, that's the neighborly thing to do. Kim Collins noted she already has signage to add to the rear drive marking it as a service entry only. Miriam Washington is still concerned with the business traffic exiting on two streets. Chairmen Beichner stated she has the right to use the rear entrance for workers but not for tenants if that's what was previously stated in the prior variance. Kim Collins stated that Miriam Washington's concerns don't add up as she lives over three miles from the property being discussed. If one of her renters brings a boat, they may need to park a trailer back there. Attorney Joe Calimeri stated that the ZBA has the ability to put conditions on each permit that is granted. Such as, the entrance/exit off Pettit is only granted to service workers, boat trailers, etc. Chairman Beichner reiterated that Kim Collins should adhere to the last variance as it was granted and stay within the rules. She can come back and re-apply if needed. ZBA member Ryan Burlingame asked Kim Collins if you can access the back drive (Pettit Place) from the Lakeview Avenue drive, she replied not really. Matt Fitzgerald, Kim Collin's Attorney, stated that the previous permit was abandoned, and the prior concerns were with having multiple vehicles using the entrance/exit off Pettit Place, however they are just proposing to use the rear drive for landscapers and boat trailers. Chairman Beichner once again stated if that was not written into the prior variance, it can't just be changed. Attorney Joe Calimeri commented that if the use was abandoned then it's irrelevant. Kim Collins said she does not want to open herself up to malicious calls as has happened in the past. She noted that Miriam Washington's mother lives across from her rear driveway and she removed a fence and an old shed during covid which allowed the lake to be seen from said property. She stated that now that she essentially created a lake view through her property there have been concerns brought up about her obstructing it. Miriam Washington stated her only concern is with the traffic. Chairman Beichner stated she's (Kim Collins) not allowed to use the rear driveway for short term renters and that he wished we could all be good neighbors. Kim Collins said that neighbors and local residents are the ones that have actually used the back driveway of the property the most for reunions, funerals etc. Chairman Beichner stated that has nothing to do with what the ZBA is here for tonight. Miriam Washington had a question on what kind of signage would be used, Kim Collins produced pictures, and stated they would be installed the day after the meeting. Chairman Beichner reiterated that the short term rental owners have to strictly adhere to the law and once their applications are approved, it's the code enforcement officers' job to ensure that they are in compliance. He presented copies of the law to anyone who wished to take one. Attorney Joe Calimeri also reiterated that if you don't put conditions on an individual permit, such as signs have to be in place, or the back drive can only be used for a service entrance, than you can't enforce it. There must be that stipulation put in place. Chairman Beichner requested, as discussed during the meeting, that the following stipulations be added to Kim Collin's property at 49 Lakeview Avenue: the rear driveway, on Pettit Place, is only to be used as a service entrance, and signage must be installed to mark the entrance as such. ZBA member Ryan Burlingame asked Attorney Joe Calimeri if the intent has to be in the permit or is it okay if its in the law? Attorney Joe Calimeri stated that you can make conditions on each application if it doesn't fit the

law exactly. Kim Collins stated she has always told her neighbors if there is ever an issue she wants to know right away. Chairman Beichner stated it's in the law to notify the owner and/or property manager immediately.

Chairman Beichner asked if there were any other comments and then closed the public comment portion of the meeting at 7:25.

ZBA member Ryan Burlingame asked Attorney Calimeri about two applications that did not have the documentation showing proof of registering and collecting bed tax prior to the moratorium dates noted in the law. Per Attorney Joe Calimeri, as the number of applications turned in is under the cap of 20, he would still proceed with reviewing and voting on these two applications at this time.

Chairman Beichner made a motion to approve the short term rental application by Kim Collins for 49 Lakeview Avenue on the conditions that: the rear driveway, on Pettit Place, is only to be used as a service entrance, and signage must be installed to mark the entrance as such, seconded by Ryan Burlingame. Vote: 4 ayes, 0 nays

Chairman Beichner made a motion to approve the short term rental application by Kim Collins for 88 Frisbee Road, seconded by Ryan Burlingame. Vote: 4 ayes, 0 nays

Chairman Beichner made a motion to approve the short term rental application by Jeff & Karie Kozak for 76 Maple Avenue, seconded by Trudy Coulcher. Vote: 4 ayes, 0 nays

Chairman Beichner made a motion to approve the short term rental application by Jeff & Karie Kozak for 166 Maple Avenue, seconded by Chris Cooke. Vote: 4 ayes, 0 nays

Chairman Beichner made a motion to approve the short term rental application by Beacon Bluff LLC c/o Rodney Waite for 37 Dale Drive, seconded by Ryan Burlingame. Vote: 4 ayes, 0 nays

Chairman Beichner made a motion to approve the short term rental application by Rodney & Lisa Waite for 237 Dale Drive, seconded by Trudy Coulcher. Vote: 4 ayes, 0 nays

Chairman Beichner moved to adjourn at 7:31 PM, seconded by Ryan Burlingame. All in favor, carried.

Respectfully submitted,

Annette McChesney  
ZBA Secretary