

ZBA MEETING
February 29, 2024

The Zoning Board of Appeals met on February 29, 2024, to consider the Short Term Rental Applications for the following addresses:
70 Maple Avenue, 34 Mill Street, 53 Park Avenue, 188 Maple Avenue, 239 Dale Drive, 91 Frisbee Road, 25 Pennington Road, 17 Pennington Road & 22 Miller Place

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.

Guests included: John & Susan Sipos, 5 Pennington, Gail Pugh Dash, 8 Miller, Cathleen Cruver, 131 LeRoy, Nancy & Steve Wickmark, 39 Pettit, Justin O'Brien, 18 Pettit, Miriam & Scott Washington, 35 Pettit, Timothy Waite, 52 Park, Denise Afton & Bob Torrey, 19 Pennington, Cindy Flaherty, 55 Lakeview, Tricia VeRost, 53 Park, Maureen Mikula, 22 Ulrich Pk, Sean Seibert, 180 Dale

Chairman Beichner explained the ZBA has already reviewed and approved six short term rentals applications. There are nine tonight that are up for review. He stated that once again, if those that have applied are strictly adhering to the 10 page local law as written then their applications should be approved. He reiterated that it is not the ZBA's job to enforce the law. He received a letter regarding the application for 22 Miller place and would like to address the concerns stated once the application is reviewed.

Denise Afton, 19 Pennington, spoke regarding the two short term rental properties that are applying on either side of her property. She had questions for the ZBA. She wondered what the criteria was that was used for specific locations of the short term rentals. She felt that certain areas in the community were conducive to short term rentals such as the island house or along Park Avenue close to the beach. However, she does not feel it's appropriate to have short term rentals on a quiet residential street. She moved to this area because of the quiet and her home has been her respite. She stated that her bedroom window is right near the neighboring property, and she is concerned about people vacationing right on top of her. She questioned what benefits there are to neighbors who don't own the short term rentals. She wonders if her taxes are likely to go up. She is concerned about the lack of privacy and feeling like a hostage in her own home. She likes to have her windows open and doesn't need A/C because of the trees and the breeze, but if the neighboring properties have vacationers with fires and noise each night, she'll have to close her windows to block out the noise and the smell. She's concerned about the liability if they wander onto her property. Chairman Tom Beichner stated that a lot of thought went into writing the law and it's governed very tightly to make it clear what the short term renters can and can't do. He stated that many of these concerns were brought up over the past almost two years that the short term rental law was being worked on and revised and discussed and addressed as much as possible. ZBA member Ryan Burlingame asked to comment as he is on the

zoning rewrite committee and worked on the short term rental section throughout the process. He stated that the proximity restrictions were discussed but were not included as it's hard to know what a homeowner is doing or plans to do with their property. The rewrite committee did their best to protect short term rental property owners as well as their neighbors. He encouraged residents to talk with the short term rental owners to try and have a good relationship so that any issues can be addressed immediately. He reiterated that these short term rental properties are being granted a special use permit so if there are a lot of complaints that aren't being properly addressed they can be revoked. Chairman Tom Beichner stated that most of us here in attendance love this village and the short term rental law was meant to protect the permanent residents and the ZBA will do all they can to ensure that happens. Sean Seibert spoke about being a resident as well as a short term rental owner and he can understand the disappointment in having a vacationing home near your property. He believes that most short term rental owners are willing to talk with their neighbors and find a compromise to make everyone content. Scott Washington asked so what is the process here then for becoming a short term rental property? Chairman Tom Beichner stated that as long as the applicants follow the ten page law and all zoning laws etc then there is no reason they shouldn't be approved. He noted that the law was put together based on feedback from prior meetings, the village attorney, and neighboring municipalities. Ryan Burlingame stated that's why these hearings are open to the public so that residents are able to voice their concerns and have any special restrictions added to the special use permit when it is granted. Gail Dash asked if the short term rental applications were automatically approved and stated she had concerns with the house rules, namely the fire pit rules for 22 Miller Place. Chairman Beichner stated that the first twenty short term rental applications would more than likely be approved as long as they adhere to the law. He stated the objective of the short term rental law is to protect year round property owners and also protect the rights of owners to do things with their own properties such as short term rentals. Gail Dash asked the ZBA to define what is a sleeping room as she has concerns about what is considered a bedroom in the application for 22 Miller place. The section of the law was read by Ryan Burlingame and a copy of the law was offered to her as well.

Chairman Beichner asked if there were any other comments and then closed the public comment portion of the meeting at 7:41.

Chairman Beichner made a motion to approve the short term rental application by Karen & Rich Connelly for 70 Maple Avenue, second by Ryan Burlingame. Vote: 4 ayes, 0 nays

Chairman Beichner made a motion to approve the short term rental application by John & Brenda Giacchino for 34 Mill Street, second by Trudy Coulcher. Vote: 4 ayes, 0 nays

Chairman Beichner made a motion to approve the short term rental application by Douglas L. Waterman & Tricia VeRost, 53 Park Avenue, second by Trudy Coulcher. Vote: 4 ayes, 0 nays

Chairman Beichner made a motion to approve the short term rental application by Roberta & William Mosier-Peterson for 188 Maple Avenue, second by Ryan Burlingame. Vote: 4 ayes, 0 nays

Chairman Beichner made a motion to approve the short term rental application by Sean & Teri Seibert for 239 Dale Drive, second by Chris Cooke. Vote: 4 ayes, 0 nays

Chairman Beichner made a motion to approve the short term rental application by Steven & Nancy Wickmark for 91 Frisbee Road, second by Trudy Coulcher. Vote: 4 ayes, 0 nays

Chairman Beichner made a motion to approve the short term rental application by James R. McKeever for 25 Pennington Road, second by Trudy Coulcher. Vote: 4 ayes, 0 nays

Chairman Beichner made a motion to approve the short term rental application by James Cruver, Ronald Cruver, Jennifer Cruver & Cathleen Cruver for 17 Pennington Road, second by Trudy Coulcher. Vote: 4 ayes, 0 nays

The letter from Miriam and Scott Washington/Mary Thompson was read regarding concerns for the STR on 22 Miller Place. There were 5 different concerns that were addressed as follows:

1. Property lines-discussion was had amongst neighboring property owners regarding a fence as well as property lines that have been and are being contested. It was decided that the fence in question is up a steep hill so short term renters would be very unlikely to climb the hill and climb over the fence however that will be addressed in the special use permit.
2. Fires-the property owners had stated in their house rules that they wanted the renters to let the fire burn down, not be put out, It was discussed that in NYS fires are not to be left unattended but a note will also be included in the special use permit.
3. Size of Celebrations-per Tom Beichner the ZBA cant say who can or can't come to a family gathering. The village zoning laws have conditions on gatherings and noise etc
4. Possibility of the short term rental expanding into another business-No other business can open under this application without applying for a variance separately
5. Saturation-There is nothing written into the law regarding proximity of short term rentals

Chairman Beichner made a motion to approve the short term rental application by Dan & Kyle Crisci for 22 Miller Place on the conditions that: the rear neighboring fence on 35 Pettit Place not be crossed over by any short term renters and campfires must be extinguished if not attended, second by Ryan Burlingame. Vote: 4 ayes, 0 nays

Ryan Burlingame moved to adjourn at 7:53 PM, second by Chairman Tom Beichner. All in favor, carried.

Respectfully submitted,

Annette McChesney
ZBA Secretary