



**Town of South Bristol**  
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## **Planning Board Meeting Agenda**

Wednesday, September 18, 2019  
7:00 p.m.

### **Call to Order**

### **Pledge of Allegiance**

### **Reading of Vision Statement**

*As stewards of both the land and the lake, we will preserve and protect our safe, clean, naturally beautiful, rural and scenic environment with thoughtfully planned residential, agricultural, recreational, and commercial development.*

### **Meeting Etiquette**

### **Minutes**

Approval of August 21, 2019 Planning Board Meeting Minutes

### **New Business**

There is no new business at this time

### **Old Business**

Proposed local law for short-term rentals

Review Code §170-38(C) request additional residential structures on same lot must have same postal address

### **Other**

### **Motion to Adjourn**

## **Town of South Bristol Planning Board Meeting Minutes Wednesday, September 18, 2019**

**Present:** Mary Ann Bachman  
James Ely  
Ralph Endres  
Ann Jacobs  
Ann Marie Rotter  
Sam Seymour  
Matthew Sousa  
Michael Staub  
Bessie Tyrrell

**Guests:** Stephen Cowley, Brian Zerges, Lindsey Bolton, Chris Bennem, Keith McIntyre, Judy Manzer

### **Call to Order**

The meeting of the Town of South Bristol Planning Board was called to order at 7:00 p.m. followed by the Pledge of Allegiance. All board members were present.

### **Reading of Vision Statement**

Board member, Ann Marie Rotter, read the Comprehensive Plan Vision Statement.

### **Minutes**

Chairman Ely called for a motion to approve the August 21, 2019 meeting minutes as written. Michael Staub made said motion, which was seconded by Ralph Endres. The motion was unanimously accepted by all board members present.

### **Old Business**

#### Proposed local law for short-term rentals

Chairman Ely opened the discussion on the proposed law for short-term rentals. If time permits, the floor will be open for comments. Chairman Ely said he would like the Board members to discuss the issues among themselves and hopefully we can make some forward motion on the new law. The Board has been given the revised application form; just a matter of striking out item #11 relating to off-site parking.

Chairman Ely announced that George Barden retired from the Ontario County Soil & Water Department as septic inspector.

Chairman Ely opened the discussion on the proposed short-term rentals laws; whether the rental permit application will be for one or two years. Different towns have done it differently; should be for one or two years, same thing for the renewal. The CEO Sommers has said that it should be one year; his thought is only the first time through is going to be a particularly demanding situation and after that most of it will be quite routine and that two years is a long time to have some of these safety features checked. Something for the Board to consider; we can recommend either period to the Town Board and he is looking for feedback.

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Ralph Endres asked, what's our possibility of doing it for one-year and after that year we amend it and go back to two years? Let it go for a year or two see how that works and if it seems like there are no repeat offenders or anything, then we can go to two years. It would take less work.

Michael Staub said the process in and of itself is going to instigate a number of permits initially. They will, hopefully, be in compliance through those permits. I think if we did it every two years, the first wave is going to bring everybody in compliance; and any new people that come in after that will have to go through the inspections to start with. I think a two-year term is better, that way you don't have people running in the office for permits every year; that would be fairer.

Chairman Ely asked, two-years both for the initial and the renewal?

Michael Staub agreed, the initial permit they will have to have anyway. Once they get the permit, then two years later they are up for renewal.

Ralph Endres said the only problem you have is if there is a problem, then either one or two years it has to be revoked.

Michael Staub asked how they are you going to find out there was a problem?

Ralph Endres answered, the neighbors.

Michael Staub said if someone makes a complaint there is going to have to be an investigation. And in that investigation, they would either have to comply with the terms of the complaint or they would lose their permit.

Ralph Endres said he is not talking about physical plant, that is cut and dry, it either is or it isn't. I'm talking about deportment of the people that they rent to.

Ann Marie Rotter said that we are looking at the Short-Term Rental permitting, this is the issue; it is not about decorum, it is about inspections, the septic, the fire exits, safety issues, compliance with the health code, etc. Not their behavior.

Bessie Tyrrell said that the behavior is part of it.

Ann Marie Rotter said we ought to keep it separate.

Michael Staub, said back to his point, at the point of conflict, when that behavior comes into perspective of law enforcement, then we, as a group, or the law enforcement that responds, then that permit can be revoked. Which means you don't have to worry about compliance because the permit is revoked.

Ralph Endres noted that somewhere in here it needs to state that the permit will be revoked.

Ann Marie Rotter said that the proposed law does state that.

Ann Jacobs asked why could the permit not originally be the first year and upon renewal it goes to two years?

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Chairman Ely said that is also a possibility.

Maryann Bachman agreed, said the first year he will be inundated with permits.

Chairman Ely agreed and said that Phil Sommer understands that, and his thought is that the vast majority of people, hopefully, are going to be in compliance and it will not be a big issue. After that, we will get a routine going and it will be much easier.

Ann Marie Rotter said her septic has to be inspected every year and a report is sent in. I don't know why I couldn't produce that, and Phil could do the electrical and fire inspection, but with the septic I'd have to prove the septic passed inspection.

Ralph Endres asked what happens if you don't? How are we going to know this?

Ann Marie Rotter said she will not get certified by the inspector and the permit will not be issued.

Ralph Endres said that a two-year permit is a long time that somebody could slide by with a failed system and he favored annual permitting.

Ann Marie Rotter said it is over-kill in her opinion.

Sam Seymour said with the waterfront rule is within 200 feet, it is every two years. It is very conservative, way more conservative than you realize.

Ralph Endres said his big point was, if we approved it, and two weeks later, it fails, how do we know it failed and if you only have a one-year permit, it only fails for a year.

Matthew Sousa said if you had your septic inspected in July and the rental application is in August, you will have to have your septic inspected again.

Chairman Ely said initially it will be a one-year permit with a two-year renewal and asked Matthew Sousa his thoughts.

Matthew Sousa said he doesn't want this law to be too arduous and too over-regulatory. You think it is appropriate to have some level of oversight with their initial permit; would love to see some sort of stream-line renewal if they are in good faith and everything is compliant and no complaints. If there have been complaints and then yes they will be scrutinized a little more closely. After 5 years into this process we will have good-faith landlords who have been continuously renting their properties with no issues; they are going to have to go through the same process they went through 5 years ago which is a little over-burdensome, I'd say. My initially thought is annually because it gives us a little more control over any issues that would arise and would love a streamline process after that first inspection. Matt agreed that he didn't want to over tax the Code Enforcement Officer.

Chairman Ely agreed and spoke with CEO Sommer about this and he thought that the vast majority of good-faith landlords were going to pass very easily, and it wouldn't be a big issue. The CEO would prefer the annual renewal. We agreed the first time through this law that it would be annual.

Michael Staub noted a one-year permit initially and two years after that.

Matthew Sousa and Ann Marie Rotter agreed.

Matthew Sousa said that as far as the less Code Enforcement issues and the more Noise complaints and nuisance issues; those are going to be the exception, not the rule, as well.

Chairman Ely agreed; incidentally there are behavior issues in here, for example, compliance with the Town's Noise Ordinance and the number of people, which has also been a complaint in the past.

Michael Staub mentioned that for the definition for Habitable Space, "A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closet, storage or utility spaces or similar areas are not considered habitable spaces." Mr. Staub noted that the "similar areas" induces vague compliance and could refer to anything. It should read, "or any area not designated as habitable spaces."

Chairman Ely directed the Board to Page 2, "F" and Mr. Ken Hayward submitted a suggestion and circulated the information with Board. Chairman Ely gathered that the effect of this is that whereas this gives the person the property their renting 30 days to come into compliance; Mr. Hayward would suggest that it should come into compliance at the effective date; cut out the 30-day grace period. Phil believes that the 30 days is not unreasonable amount of time for someone that has already committed rental arrangements.

Michael Staub asked if this is something about a violation or a non-compliance?

Chairman Ely said to comply within 30-days, yes.

Mary Ann Bachman asked that the property should be within compliance at the time of issuance of the permit? It is a thorough application; what is required for the owner to submit.

Chairman Ely agreed.

Ralph Endres agreed that the 30 days is a reasonable amount of time. Ann Marie Rotter and Bessie Tyrrell agreed.

Michael Staub noted that the permit can be posted on the rental property that it is compliance except for these items.

Chairman Ely agreed and continued with wanting to discuss with the Board the definition of Short-Term Rental. We all have what we are concerned about; the kind of people that are running a business and renting things out to groups every weekend and the parties get out of hand and we have had people bitterly complaining to this Board and the Town Board about these situations. That is part of what we are trying to deal with. There is still the question of definition and there are a couple of definitions that appear on page 2 (of the proposed draft law). The short definition is "*A residential unit or any portion thereof rented for 1/2 a day or 30 days or less.*" We can craft this anyway you'd like, "*periods not less than one night and not more than 30 days to the same occupant for the same dwelling.*"

Sam Seymour mentioned that there are 2 definitions. How available is the property available for rent in the calendar year? Is it less than 2 weeks, per year, or is it available for the whole year? Then the question what is the duration of the rental within that calendar year? What this addresses is the residency portion of revenue for habitation for a period of less than 30 days or less. Does that mean the place is

only rented for 30-days or less a year, or does it mean the renter who rents the property, rents the property for less than 30 days? That needs to be clarified because we are talking about places that are rented more than 2 weeks per year and less than 30-day increments.

Chairman Ely asked Sam how would he suggest capturing this?

Sam Seymour said the way we define the Short-Term Rental. The original Victor Short-Term Rental law had a phrase in it where the total days the dwelling is rented in one calendar year exceeds 30 days. It doesn't say how many occupants/renters. It is a twist on that line; they also said the period of rental is not less than one night and not more than 30 consecutive days to the same occupant for that dwelling unit. That is how Victor defines it.

Chairman Ely asked if he thinks it is an improvement in his view?

Sam Seymour answered it is an improvement on the clarity to what you are trying to say because you can read this either way.

Chairman Ely agreed; we don't need the ambiguity.

Ann Marie Rotter asked, so Mom and the 4 kids can't be placed on the lake for 12 weeks while Dad only comes down on weekends, is what we are hearing. There are many, many families that will rent a cottage for 12 weeks of the summer and Dad commutes because he works all week and he comes down on the weekends, but the family is there for 12 weeks. We are precluding that kind of a scenario is what I am hearing?

Sam Seymour said that we need to decide what the definition of a Short-Term Rental is that requires an application or a permit. I think what Ann Marie is saying here is that there is a short-term window and what I'd like to suggest is actually 2 weeks, which is the Federal threshold for income taxes without declaring the income from the rental. That is in the IRS code.

Ann Marie Rotter asked if that is per dwelling.

Sam Seymour agreed.

Ann Marie Rotter asked if my cottage that sits on the lake that I am hoping to get my tax money from by renting out, I can only rent it for 2 weeks, otherwise I am declaring the income?

Sam Seymour answered, without having to declare the income from that rent, yes. The accounting changes when you rent your place more than 2 weeks and the law should exclude those that rent for 2 weeks or less per year, from permitting.

Chairman Ely asked about the dwelling rented only for 2-days or the weekend?

Sam Seymour said that is the other line that gets very confusing to understand. The definition states *(a) For periods of not less than one night and not more than thirty (30) consecutive days to the same occupants for the same dwelling.* What we are driving at is to get the residential properties that are rented as a commercial entity under permit qualifications, so it is the high turn-over places where there are lots of different renters over the greater calendar year, in many cases.

Ralph Endres said he agrees, the fact the somebody lives on the lake and uses that IRS standard of 2 weeks and tries to make money to pay their property taxes. Anything over that, depreciations is part of the equation, etc., which is now a commercial enterprise.

Sam Seymour agreed, and they are accounting for it that way as well.

Ralph Endres said the problems that are in the Town are with houses that have been purchased by corporations or partnerships that don't even live in this town, or in the state, and there is no way of controlling what goes on in those places.

Mary Ann Bachman asked, with the IRS, does it have to be 14 consecutive days or can it be 14 different guests for one night? I was under the impression that it was renting to the same person for 14 days.

Sam Seymour answered, it is 14 days in the calendar year. It goes to how we define it.

Ralph Endres noted that he rents in Alabama and the owner is only allowed to stay at that rental property 2 weeks out of the year; it is a business and entitled to the write-off of depreciation, etc. I don't want to penalize someone who owns the house. If it is over 2 weeks, it becomes a commercial enterprise and then other things become involved.

Chairman Ely asked Sam Seymour if he had some wording he thought was suitable.

Sam Seymour said to add Line B from Victor's Short-Term Rental Law back in, *where the total days the dwelling unit is rented to all occupants in one calendar year exceeds 30 days or exceeds 2 weeks.* In (a) of the proposed law, it is a little unclear as to what you are talking about there; if we added to that something to say that the unit that is rented is for periods not less than one-night and not more than 30 consecutive days to the same occupant. We had trouble with this when Victor first came out with this; understanding, is that what they were meaning?

Someone asked about the definition of a Bed & Breakfast. Matthew Sousa read from the zoning code, *Bed & Breakfast is an owner occupied, one-family dwelling used or providing overnight accommodations and a morning mean to not more than 10 transient lodgers, containing not more than 5 rental bedrooms for such lodgers.* There are very obvious differences between the two.

Chairman Ely said to go back to Sam's changes to the definition, I am still concerned about the situation in which somebody doesn't rent for two weeks, they rent to a series of people over a period of 2 weeks; that is the very problem we are trying to deal with.

Matthew Sousa said there are 2 issues at hand; one is, we have to specify a period of time and we'd like to set a threshold, supposedly, so that certain renters, certain properties that fall below this threshold in terms of days rented per year aren't subject to that permit. The 2 weeks has justification with the IRS Tax purposes, 14 days make sense, in addition, a secondary threshold where we need to talk about is at one point the Short-Term Rentals turn into a Long-Term Rental. We exclude month-to-month renters that are not subject to this law; so we have two thresholds. One of which absolutely needs to be included in the definition because that determines which properties are subject to this permit and this law. The other threshold is just to regulate and differentiate short term versus long term, which I think a 30-day threshold makes complete sense, but I don't know if that needs to be included in the definition.

Sam Seymour, said, what you are driving at (Chairman Ely), is the frequency of different renters? So that is what this other line tries to address.

Matthew Sousa agreed, *not less than one night and not more than thirty (30) days.*” That is Short-Term Rental in terms of period of time rented.

Chairman Ely said he doesn't think the problem we are getting are the renters that rent for a month, or even 2 weeks. That is not the problem being raised here; it is the quasi-commercial enterprises that are renting 2-3 nights to different groups of people just floating through. In some instances, they turn basically into drunk fests, so that is what we are trying to deal with and wants to be sure that we are not saying, *well, anything, not up to two weeks is okay*” but that is not okay.

Michael Staub said, again, what you are looking at is what you are stating for a permit reason and in this case, it is either 30 days, less than one day to 14 days. That is for the initial permit, and then what you are saying is what if you get somebody who is rowdy and that comes into the enforcement part of it. You have to give the benefit of doubt to anybody that is going to rent the property; whether they are commercial entity or a private person, you still have to give them the benefit of doubt. If they meet all the specifications in the initial permitting process, they should be allowed to continue. If there is a problem, then we have to enforce it and revoke the permit and impose fines, etc.

Chairman Ely said in some of these definitions they wouldn't have to get a permit; that is my concern. If they don't need to get a permit, we are right back and have the same problem we have right now.

Michael Staub said again it goes back to enforcement, permit or not. If there is a problem, we now have Noise violations and other enforcement measures that we could take, if there is a person, private individual or commercial entity that is causing us a problem, then we can say, you have to apply for the permit and comply to the permit and if you don't we are not going to let you rent your property.

Ralph Endres said you are going to find someone in this town that is going to say to hell with your permitting system, I'm going to do what the hell I please.

Michael Staub said that is one individual or one entity; we shouldn't have to punish the rest of the town for that one bad actor. We should go after that one bad actor.

Ralph Endres said we need to do something.

Michael Staub said they have to commit a crime or an infraction.

Chairman Ely said you need to have a uniform series of regulations for there to be any violations.

Michael Staub said we will have a uniform set of rules on Short-Term Rentals.

Chairman Ely said not if we define Short-Term that does not include weekends.

Ralph Endres said the definition of Short-Term Rental is critical. It has to cover all of the bases.

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Michael Staub said how about if you look at this from a different view point. We are looking at a time frame of 14 days or 30 days as a Short-Term Rental, yet you are basing your complaint on someone who would more than extend over 30 days, albeit 2 days at a time, renting to different individuals. From my thinking, they've violated the 30 days, or the 14 days, whatever we put in here. The moment they go past 14 days renting to 10 people, I don't care, they've gone over that limit in a fiscal year. Then they would have to comply with this permit.

Ralph Endres noted that there is nothing in the definition that talks about a fiscal year.

Matthew Sousa said if you rent for 14 days within the calendar year you are subject to this definition of Short-Term Rental, i.e. you are subject to this permit.

Bessie Tyrrell said to address Chairman Ely's concern, something could be said that properties rented for 2 weeks or less during a calendar year for 3-4-day period. We really don't want 14 different one-day renters; is that okay.

Matthew Sousa said 14 times a year; understands that, again, I don't want to design this law for the exception.

Mary Ann Bachman asked, couldn't we leave it as is and then see how it all works out?

Matthew Sousa said we need to set a threshold, what is required for a permit and what is not.

Sam Seymour agreed, Bessie Tyrrell agreed.

Matthew Sousa said if you rent your property for just a day out of 365 days, you are subject to this permit if we do not specify a threshold.

Chairman Ely agreed, you need a baseline; these may be imperfect, but they are only there for discussion.

Matthew Sousa said he likes the 14 days because there is a justification for it; it is not like we are just arbitrarily pumping a number out. I like 30 days because there are people that go on vacation for a month and may rent for 28 days, which would be a short-term rental. You go beyond 30 days you really have to go to the long-term lease situation.

Chairman Ely said the long-term rentals are not the source of the problem that we are facing. People that rent for the summer are not the ones causing these issues.

Ann Marie Rotter agreed, it is the renters that come in on Friday and leave on Sunday.

Chairman Ely said we need a definition that we can all agree on and work with and not quite sure where this discussion leads. I would be more than happy to have anybody here submit some suggestions as to how wording might be. Are we suggesting that if it is 2 weeks or less, they don't need a permit?

Matthew Sousa said per calendar year; more than 2 weeks per year. If it is 15 days, they need a permit.

Chairman Ely asked, suppose I don't rent for the 14 days or more and don't need the permit but the weekends I've got, I've loaded up with inappropriate events like bachelor parties, weddings, etc.

Matthew Sousa said that would be subject to Noise nuisance law and law enforcement would be involved.

Chairman Ely said we have had residents complaining that they didn't have very much support from the Sheriff's Department in the past. Supr. Marshall and CEO Sommer have spoken with the Sheriff about the new Noise Ordinance.

Chairman Ely said he has something he can work with and will put the language together with CEO Sommer to have the Town Attorney review the wording.

Mary Ann Bachman asked if they are renting for 14 days or less, they are not required, on page 4, there is a whole list of standards that have to be met in order to get permitted. It wouldn't be required for anyone who rents for 14 days or less. For 14 days or less, you don't have any of these safety features, carbon monoxide?

Ann Marie Rotter said her issue with prohibited activity; so, define Event Tents, how big? If we are going to apply that to rentals, Short Term or not, are we also going to apply it to private homes. Is that going to be discriminatory against the renter?

Ralph Endres said just because you rent a piece of property doesn't give you the same rights as the owner of the property. If I rent a piece of property with trees blocking my view and I cut the trees down, would you allow that? Then you wouldn't allow tents either.

Ann Marie Rotter said she didn't agree with that. I personally had a party on my private property when my daughter graduated; 125 people on a rainy weekend. The neighbors were invited. People have weddings, people have parties.

Mary Ann Bachman said you don't have it on a regular basis. Someone who is renting their property

Ann Marie Rotter agreed and said it would fall into the more than 14-day rental permit piece.

Chairman Ely suggested that tents have been an issue for more than one meeting on short-term rental policy. First, we were told we were taking pup-tents away from grandchildren; then we decided just the event tents and that has raised some of the issues that have come up here. We should probably define in our Code "Events" and "Event Tents" that could be applied in various situations and might speak to the issues being raised here. Certainly, a tenant does not have the same rights as the owner, that is certainly the case of law. On the other hand, I am very aware that there are Event Tents on Seneca Point Road and as far as I know it is the owners throwing a party and often a wedding. The fact is, is that they are using the Event Tent on their own property; nonetheless this obviously is an issue that is going to require further reflection and he was hesitant to hold up the whole Code because we are haggling over tents.

Keith McIntyre said he has a recording of the wedding held last weekend next to his property if they want to hear it. It is the third wedding this summer and it was very loud for 6 ½ hours. The tent was placed right next to my property line, that is a big problem.

Chairman Ely said that is the very problem we are trying to deal with.

Keith McIntyre said if you don't pass these regulations you may get an Event Venue next door to you someday. We are talking about the quality of life in our Town.

Chairman Ely agreed and said he is more concerned about that than some renter that is here for 2 days and it is just a huge party. That is the issue and obviously we are going to have to define it a little more precisely than we have here. That is going to need some work. CEO Sommer had suggested a Special Events section in our Code. People who show up here for 2 days and have a huge tent put up for a function that goes on for 6 hours is just ridiculous and has a significant negative effect of the quality of life of other people. I am very concerned about the definition that allows people to have functions and not be covered by this Code. I don't care if it is one-day; I don't care what the IRS says. I want that kind of activity under control.

Michael Staub asked about page 4 of the draft, *õii. All Short-Term Rentals must comply with all applicable local, state, and federal laws regarding accessibility by persons with disability.*” If someone is going to rent their home on the Lake and some have all kinds of stairs that go down to the Lake and to force them to comply with ADA just to rent their property would be cumbersome.

Mary Ann Bachman said she brought that up last month, for instance, the Condo buildings at Bristol Harbour, they are not handicap accessible and they are not advertised as such. I think as long as you are not advertising that it is handicap accessible when it isn't.

Chairman Ely said he will confer with the Town Attorney on this; I don't think compliance with the ADA means that every building has to be revamped to make it accessible.

Michael Staub said here it says you have to comply.

Chairman Ely noted that the law doesn't require you to retrofit every building, just the new buildings.

Matthew Sousa said those Federal, State and Local Laws don't specify that you need to revamp the entire property.

Ralph Endres said the ADA applies to public buildings, Government, libraries. It specifies right in the ADA what buildings are held to that standard; private homes are not held to that standard.

Chairman Ely said as far as the fees for the Short-Term Rentals applications, the Town Board sets the fees. The Planning Board can make a recommendation and would like to get CEO Sommers input as he will be doing most of the work.

Chairman Ely said that he will put together a rough draft with CEO Sommer and send it to the Town Attorney, Jeff Graff, and will see if he has any suggestions that might help us.

Mary Ann Bachman asked, the Planning Board will meet to review the applications, will those be during the monthly meetings? The application is pretty lengthy as well as a site plan, to make sure it meets all the requirements as outlined.

Chairman Ely said the applications will be reviewed at the monthly meetings. The applications begin with CEO Sommer and if it is not acceptable it will not be before the Board. We have to rely on CEO Sommer's examination of the applications; if he has any questions or concerns, he can bring them to us. I

am assuming our role will be fairly rote on this. CEO Sommer will be the key person as it is with the Site Plan Review.

Chairman Ely opened the floor for questions from the audience.

Brian Zerges of Finger Lakes Premier Properties, we manage vacation homes and we manage vacation homes in your town. I heard about this discussion, so I decided to come in and listen. I applaud you all because you have been working really hard and being very thorough. We manage homes, we do our best to police the process and make sure that the renters behave in ways that are consistent with the community, but it is not a perfect process, but we work hard to do that. We stand for reasonable restrictions; responsible renting and you have covered a lot of the bases here; you have a lot of details going. I think if Jim's invitation to provide comments applies to the audience then I will put it in writing and send it in to you.

Chairman Ely appreciated that and will circulate any comments to the Board members.

Mr. Zerges agreed and said that he has sat in a lot of these meetings and network around the country and sees what works and what doesn't work, heard Matt's comments about over-burdening the owners and think that is something to consider. I guess the big point that I'd ask you to think about is what is your objective? I think your objective is from what I've heard is to stop the partying and the loud noise, etc. and urge you to look at your law and see if those things in there actually accomplish that or if they are just regulations for the sake of having regulations without any potential gain toward your ultimate goal. I did hear you say one thing, that I want to correct you on is that owners are Corporations from California. I work with a lot of owners and a lot of people that rent, rent to pay the taxes and the properties have been in the family for years, it is not all rich people. For some it is a business, yes, investors are looking at vacation homes, because everybody wants to be on the Lake. There are a lot of good, hardworking people that want to own a home that aren't corporations that have to rent to keep the home. I just hope you keep that in mind.

Chairman Ely said he didn't mean to suggest that everybody was a corporation just that the issue has come up.

Mr. Zerges thanked the Board. If you have any questions for me, we offer advice to anybody renting, so if there is a private owner that wants advice, we've learned a lot, we've made a lot of mistakes. We give our advice free because we want the process to run smoothly. I will ask, I am assuming there are some problem properties, one with a tent. Has anybody from the Town gone and talked to that person and asked for voluntary compliance?

Ralph Endres said that is not going to happen.

Mr. Zerges said he is available to go talk to them. You guys have a lot of power and authority, and I was working with the Town of Milo a few years back and they had a problem, same kind of thing. There were one or two owners, and they asked me to come in, and I had suggested to them to ask for voluntary compliance before you go through all the regulations and laws, attorney's and all that. Talk to them and ask them. I never heard back from them, so I am assuming that it helped. If you want, feel free to give me a call. I am happy to help in any way I can.

Chairman Ely thanked Mr. Zerges and urged him to please send his comments.

Chris Bennem, of Seneca Point Road, I grew up in Brockport, New York, moved away for a while and moved back when we bought an old historic property that had been sitting vacant for about 10 years. We actually bought the property in the hopes of turning it into a B & B, but it didn't turn out to be configured in the right way to do that. I approached Mr. Zerges to work with him to see if we could do a supplemental income using this property after we renovated it. The property is called Glen Hollow and is located at the bottom of the hill past Bristol Harbour on Seneca Point Road. One of the things that I heard, that you have had a bad experience with a quasi-commercial people and kind of felt like I am also quasi-commercial, and I want to be a good neighbor. We came here, we do live here year-round, we do rent out and qualify as a Short-term Rental; basically, a B & B run through Finger Lakes Premier Rentals and rely on them to help screen people that are renting so that they are responsible renters. There are a few items that seemed onerous, especially since we have historical home; we actually got our property put on the National Historical Landmark. Things like putting in a sprinkler system, fire escapes, that are things, even that later, I know seems innocuous on paper, if you came to house, we barely have closets much less a place for a ladder that would support 1,000 lb. of weight, plus our eaves are 8 ½ feet off the ground. I would also say that there are a lot of other folks in similar situations if not exact to ours; I understand these restrictions, we actually do own an actual apartment building, a historic apartment building, up on Sibley Place in Rochester where we do have fire escapes, but you need that for a 3rd floor, but in a house that is safe to live in, these issues for the egress would be difficult for some of us to come up with. We rent, basically, as a lake rental mostly throughout the summer, a little bit during leaf season.

Chairman Ely asked how many units do you have for rent?

Mr. Bennem said it is just the property. It consists of the main house and then the little guest house that is attached to it. You can rent either the main house or the guest house or rent both together.

Ann Marie Rotter asked about occupancy, up to 12 people?

Mr. Bennem answered, 11 tenants. We tend to get renters for the weekend, 3 to 4 days, but not necessarily a full week at a time. The people looking for our type of rental are not weekend warriors and not having keg parties. Thankfully, Mr. Zerges's company are really consultative about that process to make sure that people looking for that aren't matched with us.

Chairman Ely asked if they did have some kind of egress in their home.

Mr. Bennem said they did, two different stairways in the main house and then there is also a stair way out in the guest house. They all have open-bow windows and our eaves are 8 ½ feet from the ground.

Chairman Ely noted that the last thing we are trying to do is create a situation which is uniquely onerous and of course, we like historic homes, and anyone that drives by can appreciate all the work you have done on your home. We could probably tweak this, and you are not the kind of rental situation that has roused the ire of so many people.

Mr. Bennem said that they were actually hoping to do some wedding events and have someone interested in that and we are waiting to hear what happens with this law. Also, I would invite you to help folks like us describe what a good wedding would be like. Is there a circumstance under which as a good wedding because we want to be good neighbors? If it is an issue of noise, then we would put that issue in front of anyone who wants to do that.

Chairman Ely said there is already a Noise Ordinance in effect and there have been some enforcement issues, but the ordinance is in effect and Code Officer can help you with the particulars of that.

Keith McIntyre, of State Route 64, said he doesn't have a problem with people like Premier; we do get families up there and you can hear the kids playing around the pool and I don't have a problem with that. Have a ball. But on their website, the owners advertise weddings, bachelor parties, and we have had them up there and believe me they are worse than the weddings. That is what you need to address. That place used to be a Quiet Place owned by Earl Pettit and we never had a problem. Not until these people bought the house that we've had problems. The property has been a Short-Term Rental for quite a while, but it is every weekend we hear constant noise from Friday night until Sunday morning. It really wears on you.

Bessie Tyrrell asked where is this situated?

Keith McIntyre said across from Bristol Mountain. Both homes are actually owned by the same people. The one house has 7 bedrooms, and have it listed as being able to sleep 26 people. The other house has got 5 bedrooms and they have that listed to sleep 24 people, so you get 50 some people up there they make some noise. That is what needs to be addressed, Premier seems to be doing it right and that is why you need these Codes. Last weekend there were 150+ people up there with no supervision. A free-for-all. These homes were built as residential homes, it was a 3-bedroom house which was turned into 7 bedrooms, with a 3-bedroom septic system. There were no port-a-potties for the 150 people last weekend.

Chairman Ely said that is another issue that our Code will address, overloading septic systems.

Chairman Ely thanked everyone and looked forward to their comments. There is nothing scheduled for October so maybe we can move forward on this a little further. I will send a rough draft to Jeff Graff and see what he has to say, he may have ideas that will be helpful.

Review Code §170-38(C) request additional residential structures on same lot must have same postal address

This item was deferred to the next meeting.

### **Motion to Adjourn**

Being no further business, Ann Marie Rotter made a motion to adjourn the meeting and it was seconded by Michael Staub. The motion was unanimously accepted and the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Judy Voss, Town Clerk