

Town of South Bristol Planning Board Meeting Minutes Wednesday, December 15, 2021

Present: Ralph Endres
Jill Gordon
Jason Inda
Sam Seymour
Matthew Sousa

Excused: Mary Ann Bachman
Michael McCabe
Michael Staub

Guests: Diane Cera
Serge Weiss (Zoom)
Sally Westenbroek-Weiss
Tammy Pulver
Lindsay Bolton
Adam Jones
Susan Glenz
Ken Hayward
Mary DeLuca (Zoom)
Eric Granger (Zoom)
Evelyn Albanese (Zoom)
Audra Gavelis (Zoom)
Pat & Liz Dormer
Alan & Kristie Braun
Rodney Terminello
John Manser
Fred McIntyre
Judy & Al Voss
Martin Gordon
Kevin Stahl
Scott Martin
Alan Pearce

Call to Order

The meeting of the Town of South Bristol Planning Board was called to order at 6:31 pm. All Board members were present except for Mary Ann Bachman, Michael McCabe and Michael Staub.

Reading of Vision Statement

Sam Seymour read the Comprehensive Plan Vision Statement.

Minutes

Jason Inda moved to approve the October 20, 2021 meeting minutes as written. Matthew Sousa seconded the motion. The motion was unanimously adopted by all Board members present.

Short-Term Rental Old Business

Legal Notice of Public Hearing

Please take notice that the Town of South Bristol Planning Board will hold a public hearing on the following short-term rental applications where the applicant/owners are seeking a short-term rental operating permit:

2021-0035 for property owned by Duane Cera and Diane Cera located at 163 Cliffside Drive, tax map 168.16-1-3.163;

2021-0038 for property owned by 6503 Mountain Side LLC located at 6503 Mountain Side Drive, tax map 177.00-1-3.115;

2021-0039 for property owned by Serge B. Weiss and Sally J. Westenbroek-Weiss located at 6189 Blackberry Drive, tax map 178.00-1-37.000;

2021-0041 for property owned by Michael R. Pulver and Tammy L. Pulver located at 6845 St Rt 21, tax map 191.13-1-10.000;

2021-0042 for property owned by Adam M. Jones and Susan E. Glenz located at 6652 Phillips Road, tax map 185.00-1-51.100.

Said hearing will take place on the 15th day of December, 2021 beginning at 6:30 pm at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, NY 14512 or by joining Zoom Meeting ID: 882 5991 8537, Passcode: 859531.

All interested parties may provide written comments, appear in person or by representative.

Diane Scholtz Graham, Board Assistant

Short-Term Rental Application 2021-0035 (Public Hearing)

Owner: Duane Cera & Diane Cera

Representative: Diane Cera

Property: 163 Cliffside Drive

Tax Map #: 168.16-1-3.163

Zoned: PD (Planned Development)

Sleeping Occupancy: 4

Chairman Sousa: Would you mind briefly introducing your project to the Board?

Diane Cera: Yes. I have a one bedroom, one bath condo on Cliffside Drive overlooking the lake in Bristol Harbour. We currently have one next door as well, which we will be closing as we are going to move back into it and open up the newer one.

Chairman Sousa: We did not receive any written comments on this one?

Diane Graham: No.

Chairman Sousa: Do we have any comments from the public or on Zoom related to this application?

Diane Graham: Anybody on Zoom for application 2021-0035 Diane and Duane Cera?

Chairman Sousa: Any changes to your application since the last meeting?

Diane Cera: No. None.

Chairman Sousa: Does the Board have any additional questions?

Matthew Sousa moved that based on a review of short-term rental permit application 2021-0035 and the testimony presented at the Planning Board meeting on September 15, 2021 and public hearing on December 15, 2021, the Planning Board hereby approves the granting of a short-term rental operating permit to the owner. Jason Inda seconded the motion.

Roll Call Vote

Ralph Endres – Aye
Jill Gordon – Aye
Jason Inda – Aye
Sam Seymour – Aye
Matthew Sousa – Aye

Motion carried.

Short-Term Rental Application 2021-0038 (Public Hearing)

Owner: 6503 Mountain Side LLC, Craig Webster
Representative: Myles Webster
Property: 6503 Mountain Side Drive
Tax Map #: 177.00-1-3.115
Zoned: NC (Neighborhood Commercial)
Sleeping Occupancy: 12

Chairman Sousa: We are not reviewing this application today. We are deferring the public hearing and final review until next month pending all necessary documents are received.

Short-Term Rental Application 2021-0039 (Public Hearing)

Owner: Serge B. Weiss & Sally J. Westenbroek-Weiss
Representative: Finger Lakes Premier Properties
Property: 6189 Blackberry Drive
Tax Map #: 178.00-1-37.000
Zoned: LR (Lake Residential)
Sleeping Occupancy: 8

Chairman Sousa: Would you mind briefly introducing your application for the Board please?

Serge Weiss: Sure. We own 6189 Blackberry Drive in South Bristol. It is 110 steps up from the water. A three bedroom and two bathroom. I call it a seasonal road as our driveway. It is about a half mile long. We plan to rent it during the late spring, summer and perhaps early fall months.

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Chairman Sousa: Alright. Your local contact mailing address, telephone and email were amended since the last meeting, correct?

Diane Graham: To accommodate the one set address, telephone and email for Finger Lakes Premier Properties. The owner's mailing address was also changed.

Chairman Sousa: Other than that were there any other changes to the application since the October meeting?

Diane Graham: No.

Chairman Sousa: Did we receive any written comments?

Diane Graham: No.

Chairman Sousa: Is there any member of the public either in person or on Zoom that wishes to speak on behalf of this application?

Diane Graham: Anybody on Zoom for application 2021-0039? Hearing none.

Chairman Sousa: Do any member of the Board have any additional comments or questions? Hearing none.

Matthew Sousa moved that based on a review of short-term rental permit amended application 2021-0039 and the testimony presented at the Planning Board meeting on October 20, 2021 and public hearing on December 15, 2021, the Planning Board hereby approves the granting of a short-term rental operating permit to the owner. Ralph Endres seconded the motion.

Roll Call Vote

Ralph Endres – Aye
Jill Gordon – Aye
Jason Inda – Aye
Sam Seymour – Aye
Matthew Sousa – Aye

Motion carried.

Short-Term Rental Application 2021-0041 (Public Hearing)

Owner: Michael R. Pulver and Tammy L. Pulver
Representative: Finger Lakes Premier Properties
Property: 6845 St Rt 21
Tax Map #: 191.13-1-10.000
Zoned: R3 (Residential 3 Acres)
Sleeping Occupancy: 8

Chairman Sousa: Do you mind introducing your application briefly for the record please?

Tammy Pulver: Yes. We have a home at 6845 State Route 21 South. It is three bedrooms. Two full baths. We have two separate properties. We have one on State Route 21 and then the property that goes down Walton Point Drive where we have lakefront there.

Chairman Sousa: I understand there was a question about the parking. There is three parking spaces?

Tammy Pulver: On State Route 21 where the garage is there is actually plenty of room for three cars. We also have another driveway, which you can see there that is south of the garage where you can park three or four more cars there if you wanted to.

Chairman Sousa: You are advertising it as four.

Diane Graham: Phil has it listed on the application as four and Lindsay mentioned they were advertising for three.

Tammy Pulver: Advertised for three. Yes.

Chairman Sousa: Your application states four and you are advertising for three.

Tammy Pulver: Yes.

Lindsay Bolton: Correct.

Diane Graham: So the question Mary Ann had I sent an email with one response. It is up to you for parking on the right-of-way line.

Chairman Sousa: That is okay as long as you can accommodate three cars because that is what you are advertising then I am okay with that. Does anybody else have any thoughts?

Jill Gordon: The two extra spots on your driveway. Can you walk to the house from there and not have to walk around.

Lindsay Bolton: Yes. You do not have to go on the road at all.

Diane Graham: So the permit will say four, but you are advertising three.

Chairman Sousa: Right. Which I do not see as an issue. I can see they can accommodate three spaces. Your local contact, mailing address in the email were amended correctly to reflect Finger Lakes Premier Properties?

Lindsay Bolton: Correct.

Chairman Sousa: Excellent. Did we receive any written comments for this?

Diane Graham: No.

Chairman Sousa: Are there any members of the public or on Zoom that wishes to speak to this application? Do any board members have any questions or comments? Hearing none.

Matthew Sousa moved that based on a review of an short-term rental permit amended application 2021-0041 and the testimony presented at the Planning Board meeting on October 20, 2021 and public hearing on December 15, 2021, the Planning Board hereby approves the granting of a short-term rental operating permit to the owner. Ralph Endres seconded the motion.

Roll Call Vote

Ralph Endres – Aye
Jill Gordon – Aye
Jason Inda – Aye
Sam Seymour – Aye
Matthew Sousa – Aye

Motion carried.

Short-Term Rental Application 2021-0042 (Public Hearing)

Owner: Adam M. Jones and Susan E. Glenz
Representative: Susan Glenz
Property: 6652 Phillips Rd
Tax Map #: 185.00-1-51.100
Zoned: R3 (Residential 3 Acres)
Sleeping Occupancy: 6

Chairman Sousa: Would you mind introducing your application for the record please?

Susan Glenz: Absolutely. My name is Susan Glenz and this is my brother-in-law Adam Jones. Together with my sister who could not be here tonight we own 6652 Phillips Road. It is a small two bedroom, one bath, cabin chalet on a road that is off-shoot of State Route 21. This is our second property in South Bristol. We have previous experience managing a short-term rental in Woodville. We are looking to do the same with this property and also use it for our own personal use from time to time.

Chairman Sousa: Will this be a year-round rental?

Susan Glenz: Yes.

Chairman Sousa: Do you have a minimum number of nights that you are renting?

Susan Glenz: Minimum number is two.

Chairman Sousa: You did not have any amendments or changes to your application since we reviewed it prior, correct?

Susan Glenz: Correct. I do not believe I was asked to make any changes.

Chairman Sousa: No. I know. I do not think you were. I was checking to see if things did change.

Susan Glenz: No. We submitted additional documentation that the board requested, which was our final septic replacement.

Chairman Sousa: Yes. We received the septic tank repair letter that was emailed. Did everyone get a chance to look at that and satisfied with the contents of that letter? Basically stating for the record that the Canandaigua Lake Watershed found it to be satisfactory to their standards. We did receive written comments.

Diane Graham: Correct. All emailed to the board. The latest one is from Susan Glenz, which you have in front of you.

Chairman Sousa: Do we want to read them for the record? I know they are long.

Diane Graham: They are long. I know that there are people who are going to want to speak. I do not know if they want them read aloud or if they are going to.

Chairman Sousa: Yes. I guess we will invite comments from the public.

Diane Graham: I know we have one person on Zoom, Eric Granger. Will you be speaking?

Eric Granger: I am listening at the current time.

Chairman Sousa: Okay. Is there anyone else on Zoom or in the public who would wish to speak on behalf of this application?

Audra Gavelis: I know one of the letters was from my husband.

Diane Graham: Do you want to speak? The board did receive your letter.

Audra Gavelis: Yes. I can go ahead and speak. We own the land at 6664 Phillips Road, which is right adjacent to this property. I think we have owned it for four or five years. We have concerns with this property becoming a short-term rental. Unlike a lot of the applications we heard earlier this evening. Most of those are lakefront. They are in either private roads or in a public condo facility, which is very different than the dynamic of the neighborhood in the Phillips Road area. It is a very close private neighborhood. I know once we bought the property when we started to work the land and clear it for our own use. It was very obvious that again it is a very tightknit knit community. We got to know all of the neighbors very quickly. Our concern is that the short-term rental it turns it into a hotel, which is not what we are looking for when we were going to invest in South Bristol. The concern is because it is turning into like a hotel there could be potential parties where people would use it for the day, but could become a larger group and there could potentially be unwanted guests. Unlike a long-term rental where there is a background check, a credit check and there is more investment in making sure that people who are using the facility will respect it. I think that is our biggest concern is you never know who is going to rent. If they are coming in for two nights and again being next door and knowing that community there are concerns that they are in and out. There is no potential recourse for that. We know were planning on building on this property and feel this would definitely detract from the value and the long term goal. If I compare it to I will say another residential area again that is not on the lake. I think that is the most unique thing is all the other rentals that we heard today were on the lake. Even in my neighborhood outside of South Bristol a hotel of this nature would not necessarily be accepted because again that transient nature and it being such a small community not necessarily a very populated one. I was to express my concerns about approving this permit.

Chairman Sousa: Thank you for your comments. They are duly noted. I know there a lot of people here to speak.

Elizabeth Dormer: Did all the board members read the letter we submitted?

Diane Graham: They received the letter.

Elizabeth Dormer: My name is Elizabeth Dormer and I live at 6650 Phillips Road, which is adjacent to the property. I am here tonight to express my concerns about the proposal to make the property at 6652 Phillips Road a short-term rental. I am opposed to granting the permit. When I think about the community South Bristol and Naples I remember when a superintendent of Naples CSD said to me. He said, the school is the heart of the community. When you think about this statement you realize how important it is to keep the school and the community alive with families that will get involved in the community Light up Naples, South Bristol Fish & Game Club, scouting and Rotary. Unfortunately, we are seeing the decrease in the number of families moving to the area due to the lack of affordable housing. By granting short-term rental permit for this property it will directly affect the availability and affordability of housing for families in the community. I would like to encourage the Planning Board to think about what is your vision for South Bristol now and in the future. By your decision to include short-term rentals in residential areas like ours because we build the community greatly impacts the kind of community South Bristol will be. We came here for residential for a family type atmosphere and by having rental property with people in and out it changes the dynamics of that property and desirability to be there. Please consider that while making your decision.

Diane Graham: Thank you.

Patrick Dormer: Good evening. My name is Patrick Dormer. I am owner of 6650 Phillips Road with Liz Dormer. I am opposed to short-term rental permit at 6652 Phillips Road. My observations and experience regarding short-term rentals are based on firsthand knowledge from family and friends living in Lake Placid, New York. Having unexpected and undesirable situation they and their neighbors are in. The Lake Placid area is a visitor destination in New York similar to the Finger Lakes and South Bristol. The local residential home community in Lake Placid had fundamentally and permanently changed by short-term rental properties. Families and homeowners in the residential neighborhoods of Lake Placid have left the neighborhoods due to the negative impacts short-term rentals had on neighborhood setting and been forced to move out of the neighborhood due to the cost of living in that neighborhood that has short-term rental properties. By cost of living this is what I mean. They increase noise and disturbances. A disproportionate property value. Loud parties. Inability or lack of initiative of rental home owners to maintain the property. The inability or lack of initiative to rental owners to enforce rental rules. Rental owners that have assets or cannot be contacted by affected neighbors, town officials or more importantly first responders. These are known problems that come with short-term rental properties. A short-term rental property on Phillips Road will have a direct negative impact on the Phillips Road neighborhood. A short-term rental does not belong on Phillips Road. Thank you.

Diane Graham: Thank you. Is there anybody else? Please state your name.

Alan Braun: Alan Braun, 6676 Phillips Road. We just moved in there in August. I just left a community of 39 years that I was with in South Bristol that accepted short-term rentals. I can tell you from personal experience I am against it. I have seen and experienced loud parties. It has been too much going on and we did not move away from a community to come to a neighborhood like Phillips Road that has short-

term rentals again. My wife and I are against this and by the way we did not get a letter about this. We found out through our neighbors. We live at 6676 at the other end of the road. Thank you.

Diane Graham: You mentioned 6676 Phillips?

Alan Braun: Yes.

Diane Graham: I wonder if I sent it to the previous owner.

Alan Braun: They have been out since July.

Elizabeth Dormer: We did not get one at 6650. We were not notified by a letter.

Diane Graham: It would have been a public notice that you would have received not a letter.

Rodney Terminello: We did not get one either at 6656.

Diane Graham: They were mailed out. I am sorry.

Chairman Sousa: Are there any additional comments?

Judy Voss: Judy Voss, 6620 St Rt 21. I live on the other side of the gully from everybody here. The one thing I do want to tell everybody is this neighborhood is a year-round neighborhood. This is one of the last neighborhoods that everybody is there all year long. It is a different scenario. I know of the other rental in Woodville that I have an issue with myself. When the applicant came here for the meeting, they mentioned that they could park four cars at that property. You all know Woodville. It is impossible to park four cars. Their answer was to be strategic with their parking. A couple Saturdays ago I was driving home at night and there were certainly more than four cars at this short-term rental in Woodville.

I do have a concern about the number of short-term rentals that are accumulating in this Town. We do have a comprehensive plan that does state we want to keep it rural. That is my thoughts on everything. Thank you.

Diane Graham: I did mail public hearing notice on 11/22 to the Dormers, Terminello, Granger, Jones, Gavelis and Morgan. You are in the immediate area of the property. If your address is not correct in our system, please come see me after or call me the next day and make sure it is accurate.

Chairman Sousa: Are there additional comments from the public?

Rodney Terminello: I am Rodney Terminello and I live 6656 Phillips Road, which is up the driveway from the house applicant here. It is supposed to be a shared driveway and six instances already we have had problems with what is happening at the house at 6652. Three times the driveway was blocked. I had to go over on to their property to get my wife to the doctors. A delivery was not made to a neighbor here on the screen [Zoom] because a truck was blocking the driveway. Three times someone has come to my house looking for their house. I am an eighth of a mile up the driveway from where they are. I am already having problems and they have not even taken possession or started the rental. Thank you.

Diane Graham: Thank you Rodney.

Chairman Sousa: Are there any additional comments on Zoom?

Diane Graham: Did you want to speak Mr. Granger?

Eric Granger: Well I think on behalf of my wonderful neighbors we have been here about three years and have enjoyed knowing them and the country setting coming from a city background. I think they said it perfectly. I would agree with them whole heartedly. Sorry I could not be there. I would cast my votes with my neighbors.

Evelyn Albanese: Same here. We live here at 6654 Phillips Road. We overlook the proposed chalet. We love living here. We have great neighbors. We love how peaceful and quiet it is here.

Eric Granger: I think Rodney might have stated that very well. There is one driveway for the three homes, four homes actually. That could become quite problematic in the near future. Thank you.

Diane Graham: Thank you.

Chairman Sousa: Would you like to read your letter?

Susan Glenz: Yes. I would like the opportunity. I know it is long so bear with me. I will try to go back. I will try to hit the main points to save us time. I would like start off before I read the letter by saying that we are not surprised we have a large crowd today. We know that it is a tightknit community. We were privy to a couple of the letters. I do not know if we got a copy of all the letters that came through. At least two. I do not know if we got all three.

Diane Graham: There was three.

Susan Glenz: There was three. Okay. I might have missed one. We want to make sure we voice that we hear your concerns. We want to be a great part of this community at large and locally. I will go ahead and read my letters. This is the one dated December 14th in response to the initial letters. I will skip over some pieces that we can breeze through.

My sister, Melissa Jones, her husband and I are partners. We own two other properties in Naples: a piece of vacant land along Route 21 near Bopple Hill Road and 7069 State Route 21 in Woodville. We received a short-term rental permit for the latter property in May of this year, permit #2021-0021. That is a typo. While we faced concerns from neighbors who appealed to the board to deny our permit because the homes are very close together in Woodville. They are right on top of each other. I am happy to report that we have not had any complaints from our neighbors since we started welcoming guests to our property. We have open and friendly lines of communication with those same neighbors, and several have thanked us for the way in which we take care of our property. Additionally, we have a very strict no party policy that we would, of course, extend to 6652 Phillips Road as well, and we go above and beyond to communicate with our guests what our expectations are.

My family and I are extremely responsive homeowners and hosts. We take huge pride of ownership in our properties, and we seek to support our local community by highlighting local businesses to our guests. As long-time residents of the Finger Lakes area and specifically Canandaigua Lake, our goal is to create beautiful and unique spaces for our family to enjoy and to share them with others who seek solitude in our beautiful region.

During the last few months, as we have been preparing the home for occupancy, I have received several phone calls from our neighbor up the hill from us who expressed concerns with activity at our property that caused some inconveniences for him and his discontent with our short-term rental intentions. I have gladly conversed with him and have attempted to address his concerns. While I do not think they have addressed. I do not think they met his expectations.

We have a shared driveway – he and one other neighbor have an easement through our property to reach their property. To summarize his concerns, several times and he reported tonight six in the last few months, the shared driveway was blocked for a few minutes at the same time he was coming or going, and I am going off of our conversation. On other occasions a few people drove past our house to his as they were looking for our property.

I would like the board to know that all of the activity at our property has been normal move-in activity. Anytime someone takes possession of a property, there is naturally more activity in the beginning. For example, as we have been preparing the home for occupancy, we have had many contractors at the house including to name a few:

- Finger Lakes Environmental & Canandaigua Watershed to inspect and replace the septic tank as required per code
- Valley Mechanical to repair the well and refresh the water treatment system to ensure water safety
- Spectrum to install internet
- Bishop Electric to install the hot tub
- FedEx/UPS delivering new furniture

Additionally, when we purchased the property, we included all of the personal property and contents to make it easy on the former owner who could just walk away. We have had 5-6 members of the public meet us at the property to pick up couches, dressers, etc. that we have sold online or donated for free. I'm told by our neighbor that a few of them drove past our house and entered his property. Admittedly, we failed to slow down and be specific about directions to our property. Our current signage failed us, and we have learned from that. I will get into a plan that we will address that.

While I can appreciate that our neighbors have enjoyed very little activity at this property in the past (I was told the former owner used it as a vacation home and was there only a few weeks out of the year and prior to that a single woman lived in the home), I also think that the activity we have had is reasonable move-in activity that comes with the process. I believe that our neighbor's disdain for the activity has been amplified because of our short-term rental permit application. If it were not for the short-term rental permit application I do not know if we would be having conflict. I believe he would be much more understanding or amicable if we were simply moving in to live there full-time.

It is very important to us that Phillips Rd continues to be a quiet neighborhood, and that people do not enter our neighbor's property. To address our neighbor's concerns, we will implement the following into our process:

1. We have purchased two bright green reflective signs that indicate our house number. One will replace the sign that is currently on the corner of our lot and Phillips Rd. The second will be added to the end of our private driveway that intersects with the shared driveway. They are reflective, so they will be easy to see at night as well as during the day. I included a picture in

the letter what the sign looks like and we would install them in the coming weeks before we begin advertising the property.

2. When we confirm guest reservations, we will include an aerial map drawing that clearly indicates where our property is located and explicitly states not to go beyond our lot lines.
3. When we confirm guest reservations, we will also include a video of how to access our property. The video will be taken from our vehicle so that the viewer can experience the drive up to our house.

My second letter dated December 15, 2022 today when we were informed of another letter written by one of our neighbors. I felt compelled to address a few points. First, I would like to share some information on our personal experience with our property in Woodville. I think facts always help shed light on what is actually happening. So since our STR permit was issued in May for the property at 7069 State Route 21 in-between the times we were using the property for our own personal enjoyment, we have completed 32 reservations and welcomed over 160 guests through our property. We have received zero complaints from neighbors and zero incident reports from the town. Rather, we have received compliments and gratitude from our neighbors on how well taken care of our property is and how nice the guests have been. This is a huge win for us, as we initially faced pushback from neighbors at the town's public meeting during the permit application process.

I would now like to pivot to the systems of communication we have in place with our guests. We have a thorough communication process with over six touch points with our guests prior to check-in and several standard touch points during their stay. These touch points include house rules, town noise ordinances, parking and more. Per town requirements, we have every guest sign a rental agreement that clearly outlines house rules, town noise ordinances, parking and more. Additionally, we have signage throughout the interior of the property along with a professionally designed welcome book that highlights house rules and provides our direct contact information. Upon booking, we require a copy of the lead guest's driver's license or photo ID for our records and we also collect cell phone numbers and emails for every guest so that we can reach them in case of emergency. As an extra step, for guests that are not personal friends of ours or referrals from colleagues and friends, we always check the online reviews of our guests from other hosts prior to approving a stay with us. If we see any negative reviews regarding partying, treatment of property or issues with the community, we block the guest from booking with us and decline their reservation request. While all of our guests have been different, what all our guests have had in common is that they've all been quiet, respectful, kind people who write us nice notes and take the time to compliment the local restaurants we recommend in their reviews. It is our goal that they love and respect the neighborhood and the lake as much as we do, and they want to return to peacefully enjoy it again in the future.

I'd now like to pivot to the systems of communication we have in place with our neighbors. When we first launched our property in Woodville on Airbnb, we sent neighbors closest to us a professional letter, above and beyond what the board requested us to send with a link to our website, the Airbnb listing site, our family mission and our contact information. We let them know that we desire to have open lines of communication with them and assured them that we will be responsive to any of their questions or needs.

Because we reside in the local area, Adam and my sister live in Victor and I live in the city of Rochester. We are 40-45 minutes away and my father lives on Canandaigua Lake about 20 minutes away. We personally respond to all issues with speed. We do not have a property management that is a liaison between us. We are the direct point of contact. For example, with the high waters last month, we were in

constant communications with our neighbors about the water levels and status of basement water entry in Woodville. We all felt for each other and looked out for each other. On another note, one of our neighbors, in fact it is one that was opposed to our short-term rental permit, has to park along Route 21 and constantly gets snow dumped on his car from passing plows during the winter. We have offered to let him take a spot on our property during the winter to avoid this headache. I only give these examples to show that we want to be good neighbors, and we truly desire to be a positive part of this community and add value.

I would now like to address several items that our neighbor, Mr. Dormer, addressed in his second letter to the board dated 12/12/21:

RESIDENTIAL NEIGHBORHOOD

With the approval of an STR permit, Phillips road will still be a residential neighborhood, That will not fundamentally change. An STR does not change the zoning or make it a commercial neighborhood. My family and I do intend to use this property as a vacation home to escape the city from time to time. We grew up in the country in Stafford, NY with more cows than people, and we appreciate the quiet. One of the places we hope to advertise this property is “TheQuietPlace.com” that showcases only wooded or rural cabin-like properties and appeal to guests seeking solitude in the Finger Lakes.

HEALTH

There were comments made about the septic and well condition on the property. I would like to address those. We had a full septic inspection performed prior to closing on our purchase of the property. The inspection revealed a leak in the septic tank, and the former owner had no idea how long it had been leaking. It was a shock to him and there is no record of a septic inspection when he purchased the property. Tyler from the watershed confirmed he did not have a septic inspection on file for some reason. Since closing on the property, we have invested over \$7,000 in a new tank and the Canandaigua Watershed has since passed the inspection deeming the septic system safe to use. It is clear that the septic system posed more of a threat to the watershed before than it does now after we came in and did the right thing.

We also had a full well inspection completed prior to our purchase of the property. The flow rate of our private well is 11 gallons per minute with a recovery rate of 6.8 gallons per minute. These are very healthy flow rates, and according to Valley Mechanical who inspected the well, that flow rate can support a family of “16 people”. He was likely exaggerating however he made his point clear that our private well is healthy.

In addition to the flow test, we had the water quality tested prior to purchase. Initially, it tested positive for Coliform and E. coli. Again, the former owner had no idea and had not done a potability test prior to his purchase. We had Valley Mechanical improve the well cap, reset the interior water purification system, and install a UV filter. We now have a negative test result for all bacteria in our possession. I did include that in an email to the board so you should see those test results. As responsible property owners, our intention is to have the water quality tested with frequency going forward. I know this is not information that the board normally collects, however, this is just example of how the property is now safer for our neighbors and the watershed since we have taken ownership.

SAFETY

In regards to Mr. Dormer's concern over an increased volume of deliveries, which could incentivize crime and attract porch pirates, we have a ring camera on our front door of our other property in Woodville so we can see who is coming and going from our property, and when our guests check in and check out. Of the 32 reservations we've held this year, only two received a delivery or package. This is a stark contrast to the 3-4 Amazon deliveries my sister and I each receive to our separate households on a weekly basis leading our day-to-day lives. Given this evidence, I would argue the neighborhood would be far more attractive to porch pirates if I were making this home my primary residence.

- In regards to garbage storage, not only do we have two bins on-site, we have an entire shed with additional bins that can securely house our refuse in-between garbage pick-up.
- Lastly, we have two cameras on the exterior of our property. The Ring doorbell that I mentioned and we also have a flood light so that we can monitor activity and respond quickly if there is an issue.

GENERAL WELFARE

I believe I addressed in my previous letter how we intend to minimize or eliminate the "lost renters" who disturb our neighbors as they attempt to locate our property.

In closing, as a seasoned Real Estate Broker in the Rochester & Finger Lakes area, I have not only personal experience with short term rentals, I serve many clients who invest in our region with intentions of welcoming guests to their homes as seasonal or year-round short term rentals. I mastermind with real estate professionals and investors locally and nationally on various topics, including short-term rentals. What we see locally and around the country is that, when managed properly with responsive homeowners who are invested in the community and have powerful systems in place, short-term rentals enhance a community, have a positive effect on home values and bring value to the local economy. It is our hope that with everything we have outlined, the board and our neighbors can see that we have taken every measure possible to mitigate the adverse effects of short term rentals thus far, and it is our promise that we will continue to engage in open dialogue around how we can improve the experience for all. Thank you.

Diane Graham: Thank you.

Chairman Sousa: Are there any comments from the board?

Jill Gordon: Yes. One of the contractors you did not list is Extreme Kitchen and Bath. What were they doing?

Susan Glenz: It is Make Your Mark Renovation. I have an email with Scott about that. They were installing built-in beds. I sent Scott a picture of that. He said that a permit was not required. Thank you.

Ralph Endres: Do you have a minimum age for rental?

Susan Glenz: I believe in our contract the minimum age and going from memory I believe we follow the guidelines of Airbnb so 21.

Ralph Endres: I am not impressed with that.

Susan Glenz: Okay.

Ralph Endres: I short-term rent in another state for the winter. Policy there is 29.

Susan Glenz: I would be open to changing. I am not married to that policy. We were just going off what was there.

Ralph Endres: What I am here to say is that when we took this short-term rental under advisement, it was due to the fact that there were abuses to short-term rentals here in the town. What this is showing me the fact that all these people are here that this is working because we have a lot of short-term rentals and we have not had to revoke one rental since this law has been passed. Before we had this law and Town Board adopted the law we had no control whatsoever. I think this is working and no matter how we vote on this particular unit you have problems if people abuse your rules and regulations and the town rules and regulations. We have ways to stop the rentals for a period of time. My feeling is I am glad that there is this many people here tonight. I think this is the most people we have had. I am thinking the town was smart in adopting this law and it gives us as a community some control. My basic feeling is you buy a piece of property you should be able to determine what you do with that piece of property within limits. I do not see that this particular property that you have exceeded any limits, but proof is in the pudding. If we get complaints, we will have to take action. That is all I have to say.

Chairman Sousa: Just to piggy-back off of that. I agree with Ralph that our short-term rental law has largely done what it was intended at the point of adoption. I would like to state that this law was adopted March 9, 2020. It has been not even two years. In that time largely it has done what it sought to accomplish was to eliminate noise complaints, parties, parking and safety concerns and provide the town with teeth to address a lot of those issues. What I am hearing tonight that I feel the law may not adequately address is the effect on community character that this law falls short of. That is not to say this is not an isolated incident although I would like to state that this has come up on other applications and over the 18 or 20 months that this law has been in effect with the amount of applications that have come to this board month in and month out it is becoming increasingly apparent to me that there are a lot of short-term rentals in this town. It is time that we start keeping track of how many they are and where they are located. We look further into potentially curbing the amount of permits issued so as to preserve community character. That is certainly the intent of this board and of this law. I value everyone's comments today and personally is what stood out to me the impact on community character this may have. I do not disagree that in certain numbers and in certain areas they could potentially impact the feel of that community. That is something we should be responsible for going forward assuming we make the correct recommendations or amendments to this law to address that although at present this law specifically we do not have any mechanisms to curtail amounts and numbers and limits. Are there any more comments?

Jill Gordon: I believe there are seven or eight homes in this community is that correct? Four of those people have shown up to say they are opposed to this. Unlike some of the other short-term rentals this is a community where everybody is a year-round resident. They are not vacation or seasonal. These are all year-round residents who have been there for number of years. This will definitely change the character of this neighborhood. Quoting from law it is intended *"to preserve and protect the health, character, safety and general welfare of the residential neighborhoods"* which this is. These are year-round residents. *"Where such uses may exist and to mitigate the adverse effects of short-term rentals."*

Chairman Sousa: Right. I believe this law does do that.

Jill Gordon: I just think to preserve and protect the character of the neighborhood is important in this situation.

Chairman Sousa: I agree.

Jason Inda: The number of parking space is there really enough room for six parking spaces up there? I drove by. I did not want to drive up the driveway. I know some of your neighbors had some issues with people driving up your driveway. That seems like a lot of parking spaces for a maximum sleeping occupancy of six.

Susan Glenz: Yes. We would not advertise six. We would probably advertise four parking spaces. The reason we applied for more in the application is because if someone had a guest during the day come over I did not want it to be an issue if there were six cars in the driveway not overnight, but during a short period of time. Yes. We have had six cars in the driveway between myself, my sister, my father, and contractors at one time. We would not advertise six.

Rodney Terminello: May I make a comment please?

Chairman Sousa: Yes. Please.

Rodney Terminello: I understand everything that is being said. I was on the Planning Board a while and was part the initial start to this short-term rental. They have already demonstrated that they cannot control what goes on at the house and nobody is even occupying the house right now. To compare this to Woodville or 50% of the houses I would guess down there are rentals. This is a residential neighborhood. There is only seven homes in this neighborhood. All of them are owned by the people who live there. We do not rent them out. They are not vacations. They are permanent residents. They have already demonstrated that we have a problem. It is twice now said that she is permitting me to drive on a shared driveway because I am crossing her property to get to my property. I already realize we are going to have problems. We are already experiencing.

Susan Glenz: May I respond? Thank you. In fairness our systems that we use when we welcome guests and all the communication that we have not been in place when we are asking contractors to come to the house or a member of the public. I did not know until maybe the third time it happened until I received a call from our neighbor Rod up the hill that there had been an issue or a blockage. I just want to make sure that it is shared that our systems have not been in place because we did not realize it was a problem until it was a problem. We realize that there is something to address and we feel we can address it. It is important to us to address.

Sam Seymour: Do you consider cutting back on the number of people who use the house from six to four? It is only two bedrooms.

Susan Glenz: I am all about a win-win. What I can say is that one of the bedrooms pretty much spans the entire house. It is a huge loft bedroom and so there is a spot where a queen bed is built-in and they put in two not bunkbeds but built in beds thinking it would be great for kids if there is a family that is renting. Ideally if there is four adults and two kids that is why we made the application for six to accommodate children. I am all about looking for a win-win.

Elizabeth Dormer: May I approach?

Chairman Sousa: Yes. Please.

Elizabeth Dormer: For us it is more about when do you draw the line because you just approved five other properties. We are asking you to really look at this residential. There are a lot of places you can have rental properties where there are other rental properties. People like having rental property people next to them, but we do not in a residential. Think of each one of you if you were going to have a house that you live right next door to and have to look at what they were doing every time there was a rental. Is that what you would want? That is what we are asking. If I want to rent down on the lake, I rent Airbnb, but I rent when I am on vacation. We are asking you to think about if this was your home where you lived where everyone of us is would you want to look at rental property every day? We have to look at what is going on. We just sided our house. We want to stay here. We love our property. We love our community, but this is not why we bought here. This is not what we want there. There are other places that you can buy and have a rental property. I think we are asking you as a Planning Board you have the power to decide what South Bristol is going to look like. What are these pockets of residential areas going to look like? Would you want to live there if this is what you are putting in there?

Ralph Endres: Do you believe in property rights?

Elizabeth Dormer: Explain what you mean by property rights?

Ralph Endres: You own a piece of property. Do you want the town to tell you what you can do on that piece of property? Do you want the town to tell you that they do not like your siding and you have to take it down?

Elizabeth Dormer: Well. I think you do have input as a Planning Board if it is affecting other people around you.

Ralph Endres: There are certain things that go higher than the Town of South Bristol, The State of New York. You have a constitutional right if you own property to do within limits what you want with that piece of property. For us to legislate wholly that we are not going to have rental property. We would all be in court and you might be in court also. If we are in court, you are in court because you are paying the court costs. What I am saying is I live in Bristol Harbour so I know what a short-term rental properties are. The only way you can control that is through a homeowner's association that bans it. You cannot use the properties for short-term rentals. That is not possible where you particularly live right now.

Elizabeth Dormer: I guess my question to you would be then why are we here?

Ralph Endres: We are here because we are trying to control as best we can as a town without violating anybody's rights. Your rights, their rights. The only thing I can find fault with right now in this particular application and it is my personal opinion that 21 is way too young. It should be at least 25.

Chairman Sousa: Does our short-term rental law specify a minimum age? It does not specify 25.

Sam Seymour: So Matt can explain this better. The board is obligated to what the law is today on whether this gets approved or not. We cannot express our opinion in our vote. It is really does the application meet regulation.

Rodney Terminello: They are asking for a zoning change.

Chairman Sousa: No.

Sam Seymour: That goes to a different question. The use of the property in a residential space is something we talked about when this law was created. Where does the residential property become a commercial property, a hotel like use?

Rodney Terminello: This is a commercial business that bought this property.

Sam Seymour: Exactly. Unfortunately, the time to address that concept was two years ago. It was not closely defined in the law as it is today. Matt can explain the details on that.

Martin Gordon: Can you read the first paragraph of the law?

Chairman Sousa: First paragraph of the short-term rental law?

Martin Gordon: Yes.

Chairman Sousa: *Legislative intent: The purpose of this section is to control and regulate the use of short-term rentals within the Town. The provisions of this section are intended to preserve and protect the health, character, safety, and general welfare of the residential neighborhoods where such uses may exist and to mitigate the adverse effects of short-term rentals.*

Martin Gordon: There it is.

Chairman Sousa: Yes. Please.

Patrick Dormer: Again, Pat Dormer. I have already mentioned my lack of support for this situation, but the permit itself how many bedrooms does property list on the application?

Chairman Sousa: Two bedrooms with a sleeping occupancy of six.

Patrick Dormer: So within the body of the document it states that the maximum occupancy for each short-term rental unit shall not exceed two people per bedroom. We have a permit application that has a problem with it? This is within the rules and regulations of the permit process so are we going to continue this permit with problems in it itself? This is small stuff, but seems like we are missing the point here. We are not taking that opportunity to look the current process that first paragraph that was just read and use that paragraph to help you make a decision. How many permits has this board denied since the permit process came into play?

Chairman Sousa: None.

Patrick Dormer: Is there every a time when this board would perceive a situation where they would deny a permit?

Chairman Sousa: There are absolutely situations in which that would occur. Those have not arisen. If that were to occur due to not meeting health, safety and welfare of the occupants. If it did not meet fire code or our code enforcement officer did not recommend it that it pass inspection. If there were site access issues. There have been issues that this board required be addressed for issuance of this permit certainly. If those were not addressed to our standards, we would not have issued the permit. In every instance where that has occurred they were adequately addressed to the standards that this board held. In the event they were not, no the permit would not be issued. I would also like to reiterate that just because a permit is issued today does not mean that the permit stays with the property forever. The purpose of this law is to give the town teeth so that in the event that there were regulations in the permit are violated or abused the permit can be revoked and that property can no longer be used as a short-term rental.

Patrick Dormer: Okay. Thank you for clarifying that.

Chairman Sousa: I would like to state for the record and Sam eluded to this a little bit. I do want to clearly state that issuing this permit does not result in a change of zoning. It does not even really result in a change of use for the property. I want to make that clear for everybody that we are in no way shape or form changing the underline zoning of any parcel when issuing a short-term rental permit.

Susan Glenz: May I add one thing?

Matthew Sousa: Yes. Please.

Susan Glenz: To address your comment earlier Ralph. The only reason I do not know off-hand the age limit is because my sister handles the reservations and that process on screening of guests. I handle more of the marketing and financial piece of the business. If the board feels that they would like the age raised, we have no problem with that. I want to make sure I put that on the table.

Ralph Endres: That is up to you. The fact is if I had this much money invested in a piece of property that I was going to rent out I would want to make sure that I did not rent it to some 21 year old that a big beer party there and cause me to lose my source of revenue for a year or two years. It is up to you.

Susan Glenz: I understand.

Ralph Endres: I spend three months every winter in a rental property and the age is 29. It was 25 and they raised it because they had problems. It is a different situation in that one year. I am in a high rise building on the Gulf of Mexico. It is up to you. We cannot tell you who you are going to rent to. That is not our interest or the town's interest. What we can tell you that may be a problem at some point. It is up to you.

Susan Glenz: Sure.

Sam Seymour: The point was raised about the number of occupants per bedroom. Is that spelled out in our code?

Chairman Sousa: I believe it is two per bedroom.

Diane Graham: Yes. It is E. (1)(i)

Chairman Sousa: Yes. It is two per bedroom.

Sam Seymour: This appears to have two bedrooms from the drawings.

Chairman Sousa: It is two bedrooms.

Susan Glenz: It is. Yes. I was not sure if that included young children or not. So if that includes even a six month old or something like that. I have no problem changing it to four. We are not looking to have tons of people there, huge parties or anything like that. We want a quiet place for people to escape the city with COVID and everything. It is just having a place to go and be peaceful is important.

Ralph Endres: I am not worried about a six month old. If somebody has a six month old renting the place, they are not going to have a huge party.

Susan Glenz: I understand. I want to make sure I understand the law because I know we have neighbors who have concerns and we abide by the law.

Chairman Sousa: In my opinion if the law really does stipulate the total, *shall not exceed 12 people based on a calculation of two people per bedroom counting all existing tenants and residents in the dwelling unit plus the possible number of renters of the short-term rental*, it really should be a maximum occupancy of four.

Susan Glenz: That is fine.

Chairman Sousa: Just going by the letter of the law. That admittedly might have been an oversight for us to get to this point with a sleeping occupancy of six without adequately addressing that.

Diane Graham: You are amending the application sleeping occupancy from six to four. Are you changing the parking as well from six to four?

Chairman Sousa: Yes. Parking is one car per two residents, correct?

Diane Graham: I do not know about parking. She is advertising four, but has spots for six.

Chairman Sousa: Right.

Diane Graham: If I am not mistaken, the outside parking looked sufficient for six, but if they are advertising four. The operating permit will show what it is. Are we keeping it the same?

Chairman Sousa: Yes. I think so. I am fuzzy on what I recommended and what is actually in the law during discussion. I have looked at so many drafts of this.

Diane Graham: So the parking stays at six?

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Chairman Sousa: Yes. Unless I can find somewhere where it limits the amount of parking per occupancy.

Alan Braun: Matt, may I say something?

Chairman Sousa: Yes. Please.

Alan Braun: As a Planning Board and we are residents here, we would have expected tonight for you to listen to us and understand our concerns. What I am hearing is the law is the law. We have to follow it no matter what the residents feel here. No matter what are emotions are. I think that is wrong. I think this should all be voted out. This is not how South Bristol works. I know Dan Marshall and Judy very well. We go to board meetings. We talk. We understand. We listen to our residents. What I am hearing here is you are not listening to the residents of Phillips Road. You are listening to the letter of the law. There is black and white and then there is gray. This is a gray area. You should look at it that way and be very conscious of who is paying the taxes. Who has been here? I have lived in the community for 39 years. People are here for 20-30 years. You are now ruining our homes. I just moved there to move away from a public at Bristol Harbour. So I can be on private road and not have Airbnb's. You are saying here and I am getting this feeling is you get approval because it is the law. You don't. You can challenge it. You can bring it to the Town of South Bristol, to Dan. What I am saying is listen to the neighbors. Listen to us who live. Ralph, I am sorry, but the law does not always need to be black and white. It could be gray. Thank you.

Ralph Endres: Alan, laws are written if you want an interpretation you get a lawsuit and have a judge who will interpret the law. Right now we have to go by what is in the law. It is not perfect. No law is. It is the best thing we have up until two years ago we had nothing.

Alan Braun: Now you have a chance to make a definitive statement to the community.

Ralph Endres: We can't go on feelings. Feelings are touchy feely stuff that should not even enter into it. I understand where you are coming from, but we cannot use your feelings because your feelings are hurt. We have to go with what is in the law.

Rodney Terminello: They obstruct our ability to get to access to our own homes. They have already done this. They are going to get rentals in there. They are going to park in the driveway and not allow us to have access.

Chairman Sousa: That is grounds for revocation of this permit.

Rodney Terminello: How do I put in a complaint to this?

Chairman Sousa: Code Enforcement Officer.

Martin Gordon: What is the first paragraph of the law say?

Chairman Sousa: That is a legislative intent that specifies the intent of the law.

Martin Gordon: Read every word. It says character of the neighborhood. In the law. No feelings.

Ralph Endres: The only way you can control what is going to happen in your neighborhood is to buy the piece of property when it came up for sale. Then you can guarantee that it is going to remain the same. I know it is hard. The world is changing. We have to try to control the growth that is going on in this town. The genie is out of the bottle. You cannot put it back. The best we can do is try to control what growth we have. That is what the intent of this law is. It is not perfect. It could be amended. We are thinking about certain amendments. As it goes now is this hearing, we have to go with what is in the law right now.

Jill Gordon: I believe the word character in this law and four out of the seven homes spoke against this saying that it will change the character of this neighborhood. I believe we are following the law in listening to the residents.

Alan Braun: Thank you.

Patrick Dormer: I know the board and group here have been talking about black and white, law and rules. You read the intent. That is a gray word. At the end of the paragraph where such uses may exist. That is also gray word. This board does have the ability to say no because within that first paragraph are not black and white. It is your decision because it is the intent. You may or you may not. It does not say you must.

Chairman Sousa: Are there any more comments? Any more comments from the members of the board? Anyone on Zoom? Are we ready to take a vote for this?

Diane Graham: Can we close the public hearing?

Chairman Sousa: Yes. We will close the short-term rental public hearing.

Matthew Sousa moved that based on a review of an short-term rental permit application 2021-0042 as amended to change the sleeping occupancy from six to four and the testimony presented at the Planning Board meeting on October 20, 2021 and public hearing on December 15, 2021, the Planning Board hereby approves the granting of a short-term rental operating permit to the owner. Jason Inda seconded the motion.

Roll Call Vote

Ralph Endres – Aye
Jill Gordon – Nay
Jason Inda – Aye
Sam Seymour – Nay
Matthew Sousa – Aye

Motion carried.

Appendix written comments.

Regular Old Business

Site Plan Approval Application 2021-0037 (Public Hearing)

Owner: Kenneth Hayward & Nancy R. Hayward

Representative: Kenneth & Nancy Hayward

Property: 6407 Old Post Road

Tax Map #: 185.14-1-18.311

Zoned: LR (Lake Residential)

Legal Notice of Public Hearing

Please take notice that the Town of South Bristol Planning Board will hold a public hearing on the following application:

2021-0037 for property owned by Kenneth Hayward and Nancy R. Hayward located at 6407 Old Post Road, Tax Map 185.14-1-18.311. The applicant/property owners are looking for site plan approval to add an addition to the two-story house and an addition to the garage.

Said hearing will take place on the 15th day of December, 2021 beginning at approximately 7:00 pm at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, NY 14512 or by joining Zoom Meeting ID: 882 5991 8537, Passcode: 859531.

All interested parties may provide written comments, appear in person or by representative.

Diane Scholtz Graham, Board Assistant

Chairman Sousa: Would you mind introducing your application briefly for the record please?

Ken Hayward: Yes. Diane did a good job of summarizing it. We have an existing home with a garage that is kind of attached. We would like to expand both of those structures. The garage will be getting an extra bay added to it away from the lakeside of the property where there are no neighbors who would be impacted by it. The house will have an addition again on the non-lake side where there are no neighbors who will even be able see it. The addition to the house will be adding two bedrooms, but we are going to be repurposing existing bedrooms there in the structure. One is going to become an office and the other will become a laundry room. The number of bedrooms will remain constant.

Chairman Sousa: You are not expanding the footprint of the home in any way?

Ken Hayward: No. We are.

Chairman Sousa: Sorry.

Ken Hayward: Yes. We are.

Chairman Sousa: Right. This is exempt from Ontario County Planning Board recommendations. We do not need any septic. No storm water control. You have your endangered species determination letter?

Ken Hayward: Yes.

Chairman Sousa: Archeological site determination said no impact.

Ken Hayward: Correct.

Chairman Sousa: Do not need AG data statement or floodplain determination. Did we receive any written comments?

Diane Graham: No.

Chairman Sousa: Is there anyone either on Zoom or in the public wishing to speak on behalf of this application? Any comments from members of the board?

Jill Gordon: No additional plumbing or anything is going to be needed, right?

Ken Hayward: No.

Chairman Sousa: If there no further comments, I can declare the public hearing closed. We determined this is a Type II action under SEQR requiring little or no impact.

Matthew Sousa made a motion that this is a Type II action under SEQR requiring little or no impact. Jason Inda seconded the motion.

All in favor.

Ayes: 5, R. Endres, J. Gordon, J. Inda, S. Seymour, M. Sousa

Nays: 0

Findings

1. The proposed project is consistent with the comprehensive plan.
2. The proposed project is consistent with the zoning district in which the project is located.
3. The proposed project will not have an adverse impact on the physical or environmental conditions of the district.
4. The proposed project will not adversely affect the character of the neighborhood.

Jason Inda moved to approve findings 1-4. Matthew Sousa seconded the motion.

All in favor.

Ayes: 5, R. Endres, J. Gordon, J. Inda, S. Seymour, M. Sousa

Nays: 0

Motion carried.

Matthew Sousa moved to grant both preliminary and final site plan approval for application 2021-0037. Ralph Endres seconded the motion.

Roll Call Vote

Ralph Endres – Aye
Jill Gordon – Aye
Jason Inda – Aye
Sam Seymour – Aye
Matthew Sousa – Aye

Motion carried.

Other

Request for Privilege of the Floor

Chairman Sousa: I would like to state for the record on the front end this is concerning, if I am not mistaken, short-term rental application 2021-0038 located at 6503 Mountain Side Drive and that the public hearing has been deferred to the January 19th meeting at which point the public will be invited to speak on behalf of this application. If you wish to attend that meeting that is when we will have an open discussion with the public and our final approval assuming the applicant gets all the necessary documentation in to be on that agenda. That said, the floor is yours.

John Manzer: Thank you. First of all I would like to thank the town for the short-term rental law and noise ordinance. Webster is the reason. He is the primary driver that this came to be. I think in October everybody got an example of how he operates. He came in 45 minutes late without a mask and sat up front like he owned the place. He evened turned to Phil Sommer at one point and said what is the description of my property? So that is a small sample of what I have been dealing with for six years. I believe, Diane, you mentioned that the letter I sent November 29th was distributed to all you folks?

Diane Graham: Yes.

Chairman Sousa: Yes.

John Manzer: Would you care for hard copies? I do have copies.

Diane Graham: Is this something you want, I will pass them out.

John Manzer: That would be great. Along with that I also have as part of the attachment to the letter that I submitted. I have copies of the letter from Messenger Post News siting the fact that Victor, NY kicked Webster out of their town for the exact same things he has done to me and my neighbors over the last six years. I guess not to overstate the legislative intent we went over several times in the prior discussions this evening. The legislative intent is intended to preserve and protect the health, character, safety and general welfare of residential neighborhoods and to mitigate the adverse effects of short-term rentals. I am sure we have all memorized that by now. I will go right to the bridge. The bridge has been partially collapsed since August 19, 2021 through no fault of anybody, but an act of God. So in four days it is four months that the bridge has been partially collapsed. By the way my wife and I drive over that bridge every day. I do not know if anybody took me up on my offer? Earlier today I had asked if you wanted to drive on over before the meeting or on your way to the meeting this evening. Was anybody able to do that this evening?

Ralph Endres: The pictures you provided pretty much showed us what you are dealing with.

Jason Inda: I actually did previously and met with one of your neighbors who was having trouble getting a delivery of furniture over that bridge.

John Manzer: Our new folks from Canada. Yes. Okay.

Jill Gordon: I also drove down there.

John Manzer: A little harrowing. Thanks Matt for the introduction. Just to go back to that. It is a question I do not expect an answer to tonight, but I guess I am a little confused. The meeting in October it was specifically stated you will come to the Planning Board with an engineered solution for that bridge. Not only did he not provide that apparently, but then he got right up in his wheel house and he got a delay into January. Why is that?

Chairman Sousa: There is no stipulation that says if he does not have stamped engineering drawings, but still states his intent to provide them, that he can defer the meeting. I would say there are limits to that in terms at a certain point the conditions could reasonably change enough that he would have to restart the process and make him reapply from the beginning.

Ralph Endres: You want the bridge fixed first, right?

Chairman Sousa: You are eluding to the fact that he is just delaying and delaying and kicking the can down the road while continuing to rent.

John Manzer: Yes.

Judy Voss: He was sent a letter to comply as well. He was not complying with the new law. We had to send a letter to comply. That is the only time he came forward with any application and that was probably early last summer.

Diane Graham: A year ago.

Judy Voss: Yes. A year ago. We sent out two letters to comply. One complied fully and Webster did not comply at all.

John Manzer: I will continue with my comments. I know it is unorthodox as he was not on the agenda today. If I may, just get through this. That was a big point. The minutes were not out. I kept checking every day over the last three days for the October meeting. I know they will be pretty clear that was the expectation for this meeting. Once again, he did not accommodate and he was able to move to January. I had a chance to talk with my neighbor who started this whole thing in process. I was a little upset with him for a little while. Finally, decided to call him and be a man about it. His name was Bob Hampton. Bob and Laura Hampton lived in the house that Craig Webster recently sold to the folks in Canada that you met. He said when they sat down he and his wife, Bob and Laura Hampton with the Webster's before they made the purchase that the intent of the property was a peaceful family getaway place. When I copied Bob on the six years of documents that I have with me today he was outraged. He almost cried. He came to tears on what he did to me and my wife in this neighborhood. I will make reference to a couple other things that are in the email that I sent and you now have a copy of. I requested a foil report in January 2021. There were 17 incidents of noise complaints from 2016 to 2020. Twelve of them after the South Bristol Noise Ordinance was in effect April of 2019. My wife and I know there were way more

than that and God bless the officers and so forth. They have a lot to do, but there are three times as many complaints. It was animal house every Friday. Welcome to the party. I will tie this into the actual short-term rental application, but we tried to contact Webster per their protocol on numerous occasions only to be told we will get to it on Monday. It is live and happening now. We need satisfaction now. What can we do? Ultimately 911 was are only reprieve. As it is tied to the application, which thank you for a copy of that earlier Diane. Myles Webster is listed as the local contact name. The 585-465-5000 number that is recorded is an answering service for Webster's main office in Brighton, NY. It only operates between Mondays through Friday 9:00 am to 4:00 pm. This is not a local name. This is not a direct line to Myles and this is not per the law they do not have ability to promptly remedy any violation. I lived it. It is not happening. I am about to wrap up here. Again, thank you for the time. I could not leave tonight without painting a picture for you with some of the instances we have dealt with. We called law enforcement for one particular incident and essentially as the people were exiting that Sunday late morning they were honking their horns in unison shouting profanities out to me and my wife like we were the devil because we want to enjoy our property. They had a 150 person wedding there. So the short-term rental became an event center overnight. I have had drones hovering over my home. I do not know about you guys, but most drones these days have cameras. I am not interested in my privacy being violated like that. There are many more examples that I am not going to bore you with tonight. Let's get down to the short-term rental application. A short-term rental law went into effect on March 16, 2020. Item 4. (C)(5) indicates you must apply within 30 days of the law taking effect. Webster's application date I have right here in my hand is nine and a half months later December 29, 2020. I think you are starting to get a picture of who this guy is and how he operates. April 6, 2021 letter from Ontario County Soil and Water Conservation District regarding the septic system. I quote "dire need of pumping, extremely undersized, inspection incomplete due to vacancy." Surprise no one was there to accommodate the inspection. My neighbor, Fred McIntyre, thank you very much for the information about the NYS Law. I would like you people to keep this document as well. Clearly states with a seven bedroom facility, which is what it is and what is advertised that he needs 2,000 gallon septic system to abide by the law. He currently has a 1,250 gallon septic system. I do not even know if a perk test has been done on this property. Furthermore, Webster's rental contract does not state the maximum number of guests permitted nor the number of onsite parking spaces, which I know is a requirement. Let's go back to the bridge. There is a very real possibility that there is a liability sitting there waiting for this town to have to deal with if somebody falls in the creek. If you look at the size of the creek at the low apex there is about four inches. We have six inches of snow and you could potentially slide. You should see the little rails. He did make an effort. He put rails on there, but it is kind of a joke. I do not know if you saw the rails. It is insignificant. I gave three warnings to Craig. I said, Craig not only is the bridge collapsed, but the pump house down on the other side of the bridge, State Route 64 side of the bridge, the pump house accommodates his former two properties now one of two. The electrical line from the pump house that goes all the way up to the two chalets up top has been disengaged. If that thing snaps and goes into the water, so imagine this scenario where somebody goes over the bridge slips and slides all over the place, falls into the creek and the electrical line falls into the creek and electrocutes somebody, I am going to say that the Town of South Bristol is going to be in a lawsuit. They are going to go to Craig first, but you know how lawyers are. They are going to go after where the money is. So I think there is a very real danger for the Town of South Bristol. I do not want your resources wasted on that potential. I guess I am looking for action. I am looking to shut him down. Based on how it is zoned he has the right to do what he doing, but just do it right. Six years, time after time after time, after time again basically thumbing his nose at this board and our neighborhood. When are we going to say enough is enough? I do not know how else to put it. My final concern with the bridge is I am retiring in two weeks from State Farm. Twenty years at State Farm Insurance. So that is exciting, but what is not exciting is we have a fire event or a critical situation where a fire truck needs to cross over the bridge and protect life and home cannot do it. So back to the legislative intent there is no way on earth

with that bridge and all the history that he has proven he has no regard. The word is apathetic. Look it up. That is what he is. It is all about the money. If you cannot get a fire truck over, we are going to have some really big problems here in this town. Somewhere between now and January or on that day in January or whatever you have to do maybe coordinating with the Town Board and Dan and those folks. There was a comment earlier with the other situation on Phillips Road about teeth. It is time to show our teeth on this guy. That is all I have.

Chairman Sousa: Thank you. I appreciate you taking the time to speak on this application. Like I said, in the event that this is indeed on January's agenda, we will have another public hearing and you can either make the same comments or make updated comments. Hopefully some action will be taken on the property between now and then.

John Manzer: Right.

Chairman Sousa: Thank you.

John Manzer: Thank you.

Appendix written comments.

Other

Board agreed to schedule one combined November/December meeting on November 16.

Michael Staub tendered his resignation effective the end of the month.

Jill Gordon will move from alternate to regular member position.

Mary Ann Bachman will be resigning due to a permanent residency in another state.

Discussion on short-term rentals and plans for review of town code. Code Enforcement Officer to issue violation letters to short-term rental properties renting without an operating permit.

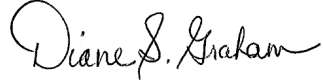
Board member training hours and NYS Compliance Discrimination and Harassment Prevention reminder.

Board discussion on looking to amend the town code to define event venues and decide what zoning districts it is a permitted use.

Motion to Adjourn

Being no further business, Matthew Sousa moved to adjourn the meeting. Jason Inda seconded the motion. The motion was unanimously adopted and the meeting was adjourned at 8:47 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Diane S. Graham".

Diane Scholtz Graham
Board Assistant

Appendix – STR Application 2021-0042 written comments

Appendix – STR Application 2021-0038 written comments

November 17, 2021

Town of South Bristol
South Bristol Planning Board
6500 West Gannett Hill Road
Naples, NY 14512-9216

Dear Members of the Planning Board:

We are writing to you with our concerns regarding the application for the Short-Term Rental 2021-0042, submitted by Adam M. Jones and Susan Glenz for the property located at 6652 Phillips Road.

We wish to reiterate the concerns expressed by our friends and neighbors, Elizabeth and Patrick Dormer in their letter to you.

In addition, since Mr. Jones and Ms. Glenz have taken possession of the property, we personally have been denied access to Phillips Road and Rte 21 using our shared driveway on three separate occasions. We had to cross over onto the Dormer's lawn in order to gain access to Phillips Road and Rte 21.

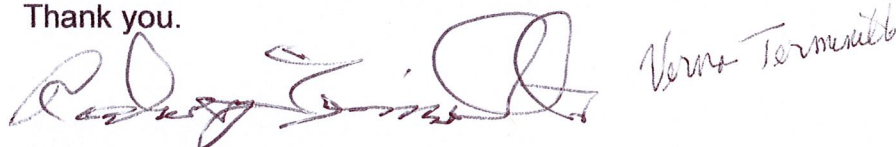
We have attempted to contact Ms. Glenz two times to express our access concerns and have not heard back from either Ms. Glenz or Mr. Jones.

Ms. Terminello has had a brain tumor and I suffer from osteoarthritis. We are infirm and we are older neighbors. We and our other neighbors who also share the driveway need to have continued unfettered 24/7 use of it for normal use, medical reasons and emergencies.

We have owned our property since 2003 and never had this problem. No one has moved in or used the Glenz/Jones property and already we are having issues. We believe short-term renters would only exacerbate this problem. The previous owners, Jim and Judy Schaefer, assured us that Ms. Glenz was only going to use the property for personal use and not turn the property into a rental.

We request the South Bristol Planning Board deny the application to change the status of 6652 Phillips Road from Residential to a Short-term rental property.

Thank you.

The block contains two handwritten signatures in dark ink. The signature on the left is more complex and stylized, while the signature on the right is simpler and more legible, appearing to read 'Verna Terminello'.

Rodney and Verna Terminello
6656 Phillips Road
Naples, NY
585-447-036

rodney@terminello.it.com

Elizabeth and Patrick Dormer
6650 Phillips Road
Naples, NY 14512

November 18, 2021

Town of South Bristol
6500 West Gannett Hill Road
Naples, NY 14512-9216

Dear Members of the South Bristol Planning Board,

We are writing to express our concerns regarding the application for the Short-Term Rental 2021-0042, submitted by Adam M. Jones and Susan Glenz for the property located at 6652 Phillips Road.

The Phillips Road residents have chosen to live on this road based on the quiet, residential setting with limited traffic. The residences on Phillips Road are a "community"; sharing common trails that have been made and maintained by the residents. This common interest in preserving and using the property around our homes has been a priority. Being that all but one resident on Phillips road is retired, this quiet road and trails have been a safe and comfortable place for them to walk without the worry of traffic and additional people. By zoning this property as a short term rental, the safety and welfare of the residents will be affected, by the increased volume of vehicle traffic from renters and the support service personnel and vehicles typically associated with short term rentals.

The Phillips Road community is a place where residents meet to enjoy Fireworks, Ring of Fire, the annual Phillips Road block party and sit to share stories around a campfire. The property located at 6652 Phillips Road is located in the center of our Phillips Road community and by zoning it as a short term rental property would change the character of our little community.

We would like to request that you consider keeping the property at 6652 Phillips Road zoned as residential. We feel this would "preserve and protect the health, character, safety and general welfare of the residential neighborhood" as referenced in 170-71A covering short term rentals..

Sincerely,

Elizabeth and Patrick Dormer
6650 Phillips Road
Naples, NY 14512

Elizabeth and Patrick Dormer
6650 Phillips Road
Naples, NY 14512

Dec 12, 2021

Town of South Bristol
6500 West Gannett Hill Road
Naples, NY 14512-9216

Dear Members of the South Bristol Planning Board,

Here are some additional observations related to the Short-term rental permit review process that the South Bristol Planning Board should consider in a vote to deny the Short-Term Rental 2021-0042 submitted by Adam M. Jones and Susan Glenz for the property located at 6652 Phillips Road

\$ 170-71 Short term-rentals

- A. "The provisions of this section are intended to preserve and protect the health, character, safety and general welfare of the residential neighborhoods where such uses may exist and to mitigate the adverse effects of short term rentals."

This is and always has been a residential and agricultural neighborhood and the residents who moved here or built homes here specifically did so to live in a residential and agricultural neighborhood

The presence of a short term rental property will fundamentally change the neighborhood and it will cease to be a residential neighborhood. Short term rental properties only exist as a business to make a profit and have no vested interest in being part of a residential neighborhood. A short term rental cannot avoid having adverse effects to the neighborhood and the owners of the rental property won't mitigate those effects on the neighborhood as any efforts cost money and that would reduce profits

HEALTH

- The property has only been used for a seasonal residence with a typical occupancy of 2 people during those times
- The groundwater supply in this area is limited in volume and quality. The septic system leach field hasn't been evaluated or upgraded. Extended high volume occupancy would likely overwhelm the leach field and become a source of pollution entering the Canandaigua Lake Watershed

CHARACTER

- All houses on Phillips road are full time or seasonal residences. The residences were purchased for summer homes, retirement homes or family homes
- There are no short term rental units on this road.
- Phillips road is a low vehicle volume & low speed road that typically has people walking on the shoulder, taking family dogs on walks or riding bicycles
- The neighbors look after each other and the neighborhood. Short term rentals can't help the neighborhood and the renters aren't invested in taking care of the neighborhood and their neighbors

SAFETY

- The short term rental process doesn't review the habits or behaviors of the renters so the likelihood of problematic or illegal activities will increase with a direct effect on the neighborhood
- Renters are unfamiliar with their potential impacts on the local wildlife in the area
- Traffic hazards and unfamiliarity with merging to Rt 21 from the north and south ends of Phillips road
- Higher volume and higher speed of vehicle traffic on Phillips road due to renters
- Unintentional or intentional trespass on neighborhood properties and trails
- Seasonal hazards that renters from other areas may be unfamiliar with (bicycle races, running races, vehicle/motorcycle rallies, weather conditions, deer hazards, hunting seasons)
- Increased volume of deliveries (food, FedEx, UPS) and support services to the rental unit could attract porch pirates or provide cover/opportunity for people to surveil the area for illicit activities or potential burglary opportunities
- Insufficient on site garbage storage or procedure will lead to human-wildlife contact & conflicts (animal bites, skunks, raccoons, bears, crows, ravens) . Nuisance animals attracted to poor sanitation or unsecured garbage are more likely to have contact and potentially spread disease to the neighborhood residents' pets

GENERAL WELFARE

- The character and expectations of the neighborhood will change with a short term rental property
 - Security needs and cost will increase for nearby residences
 - Safety and welfare of the residents will be reduced
 - Social media posts from renters of a short term rental will likely have a negative effect on the neighborhood
 - Lost renters stopping at private residences and disturbing/worrying the residents
- Current property owners will have diminished value and use of their properties if a short term rental property is permitted

December 14, 2021

Town of South Bristol – Planning Board

admin@southbristolny.org

6500 Gannett Hill Rd

Naples, NY 14512

Dear members of the Board:

I am the owner of the property located at 6652 Phillips Road, and I am writing to address the letters from my neighbors in response to my permit application for a short-term rental for this property. I am grateful for the opportunity to read my letter at our public hearing tomorrow, December 15th. I will be present via zoom, and my brother-in-law, Adam Jones, will be physically present for the meeting.

My sister, Melissa Jones, her husband and I are partners, and together we own FLX Collective, LLC. We own two other properties in Naples: a piece of vacant land along Rt 21 near Bopple Hill Road and 7069 State Rt 21 in Woodville. We received a short-term rental permit for the latter property in May of this year, permit #2021-00221. While we faced concerns from neighbors who appealed to the board to deny our permit because the homes are very close together in Woodville, I am happy to report that we have not had any complaints from our neighbors since we started welcoming guests to our properties. We have open and friendly lines of communication with those same neighbors, and several have thanked us for the way in which we take care of our property. Additionally, we have a very strict no party policy (that will extend to 6652 Phillips Road as well), and we go above & beyond to communicate with our guests what our expectations are.

While I know this is not relevant to the board for the permit, I feel compelled to share that from the moment we put the offer in on 6652 Phillips Road (I was the selling Broker), I was very transparent with the listing Broker and the seller about our intentions with the property. I was informed that there were multiple offers on the property, and others were also interested in applying for a short-term rental permit for this property. I was told that another neighbor on Phillips Road also had some interest in making it a short-term rental. It is an appealing property because it has a beautiful view of the lake, is conveniently located between Bristol Mountain and a public boat launch so it can be enjoyed during all seasons. It is also a smaller property so it is easy to maintain and does not appeal to large groups of people who tend to party. These are the properties we love.

My family and I are extremely responsive homeowners and hosts, we take huge pride of ownership in our properties, and we seek to support our local community by highlighting local businesses to our guests. As long-time residents of the Finger Lakes area and specifically Canandaigua Lake, our goal is to create beautiful and unique spaces for our family to enjoy and to share them with others who seek solitude in our beautiful region.

During the last few months, as we have been preparing the home for occupancy, I have received several phone calls from our neighbor up the hill from us who expressed concerns with activity at our property that caused some inconveniences for him and his discontent with our short-term rental intentions. I have gladly conversed with him and have attempted to address his concerns.

We have a shared driveway – he and one other neighbor have an easement through our property to reach their property. To summarize his concerns, several times in the last few months, the shared driveway was blocked for a few minutes at the same time was coming or going, and on other occasions a few people drove past our house to his as they were looking for our property.

I would like the board to know that all of the activity at our property has been normal move-in activity. Anytime someone takes possession of a property, there is naturally more activity in the beginning. For example, as we have been preparing the home for occupancy, we have had many contractors at the house including to name a few:

- Fingerlakes Environmental & Canandaigua Watershed to inspect and replace the septic tank as required per code
- Valley Mechanical to repair the well and refresh the water treatment system to ensure water safety
- Spectrum to install internet
- Bishop Electric to install the hot tub
- FedEx/UPS delivering new furniture

Additionally, when we purchased the property, we included all of the personal property and contents. We have had 5-6 members of the public meet us at the property to pick up couches, dressers, etc. that we have sold online or donated for free. I'm told by our neighbor that a few of them drove past our house and entered his property. Admittedly, we failed to slow down and be specific about directions to our property. Our current signage failed us, and we have learned from that.

While I can appreciate that our neighbors have enjoyed very little activity at this property in the past (I was told the former owner used it as a vacation home and was there only a few weeks out of the year and prior to that a single woman lived in the home), I also think that the activity we have had is reasonable move-in activity that comes with the process. I believe that our neighbor's disdain has been amplified and presented to the board solely because of our short-term rental permit application. I believe he would be much more understanding or amicable if we were simply moving in to live there full-time.

It is very important to us that Phillips Rd continues to be a quiet neighborhood, and that people do not enter our neighbor's property. To address our neighbor's concerns, we will implement the following into our process:

1. We have purchased two bright green reflective signs that indicate our house #. One will replace the sign that is currently on the corner of our lot and Phillips Rd. The second will be added to the end of our private driveway that intersects with the shared driveway. They are reflective, so they will be easy to see at night as well as during the day. (See the photo below that illustrates the type of signs we purchased). They will be installed in the coming weeks before we begin advertising the property.
2. When we confirm guest reservations, we will include an aerial map drawing that clearly indicates where our property is located and explicitly states not to go beyond our lot lines.
3. When we confirm guest reservations, we will also include a video of how to access our property. It will be taken from our vehicle so that the viewer can experience the drive up to our house.



(Example of signs purchased)

In closing, I understand that many people do not welcome short-term rentals into their neighborhood, and there can be a lot of fear attached to them. My family and I are committed to showing residents and the board how short-term rentals can and should be managed – professionally, courteously and with respect for all.

Thank you for your time and consideration.

Sincerely,



Susan Glenz
FLX Collective, LLC

December 15, 2021

Town of South Bristol – Planning Board

admin@southbristolny.org

6500 Gannett Hill Rd

Naples, NY 14512

Dear members of the Board:

I am the owner of the property located at 6652 Phillips Road, and I am writing to provide additional insights to the board about my experience and track record thus far as a short-term rental permit holder.

Property: 7069 State Rt 21 in the hamlet of Woodville, STR permit #2021-0021, dated 5/26/2021

Since our STR permit was issued in May, in-between the times we were using the property for our own personal enjoyment, we have completed 32 reservations and welcomed over 160 guests through our property. We have received 0 complaints from neighbors and 0 incident reports from the town. Rather, we have received compliments and gratitude from our neighbors on how well taken care of our property is and how nice the guests have been. This is a huge win for us, as we initially faced pushback from neighbors at the town's public meeting during the permit application process.

I'd now like to pivot to the systems of communication we have in place with our guests. We have a thorough communication process with over 6 touch points with our guests prior to check-in and several standard touch points during their stay. These touch points include house rules, town noise ordinances, parking and more. Per town requirements, we have every guest sign a rental agreement that clearly outlines house rules, town noise ordinances, parking and more. Additionally, we have signage throughout the interior of the property along with a professionally designed welcome book that highlights house rules and provides our direct contact information. Upon booking, we require a copy of the lead guest's driver's license or photo ID, and we also collect cell phone numbers and emails for every guest so that we can reach them in case of emergency. As an extra step, for guests that are not personal friends of ours or referrals from colleagues and friends, we always check the online reviews of our guests from other hosts prior to approving a stay with us. If we see any negative reviews regarding partying, treatment of property or issues with the community, we block the guest from booking with us and decline their reservation request. While all of our guests have been different, what all our guests have had in common is that they've all been quiet, respectful, kind people who

write us nice notes and take the time to compliment the local restaurants we recommend in their reviews. It is our goal that they love and respect the neighborhood as much as we do, and they want to return to peacefully enjoy it again in the future.

I'd now like to pivot to the systems of communication we have in place with our neighbors. When we first launched our property in Woodville on Airbnb, we sent neighbors closest to us a professional letter with a link to our website, the Airbnb listing site, our family mission and our contact information. We let them know that we desire to have open lines of communication with them and assured them that we will be responsive to any of their questions or needs. Because we reside in the local area, we personally respond to all issues with speed. For example, with the high waters last month, we were in constant communications with our neighbors about the water levels and status of basement water entry. We all felt for each other and looked out for each other. On another note, one of our neighbors has to park along Rt 21 and constantly gets snow dumped on his car from passing plows during the winter. We have offered to let him take a spot on our property during the winter to avoid this headache. I only give these examples to show that we want to be good neighbors, and we truly desire to be a positive part of this community and add value.

I would now like to address several items that our neighbor, Mr. Dormer, addressed in his second letter to the board dated 12/12/21:

- **RESIDENTIAL NEIGHBORHOOD:**

- With the approval of an STR permit, Phillips road will still be a residential neighborhood, that will not fundamentally change. An STR does not change the zoning or make it a commercial neighborhood. My family and I do intend to use this property as a vacation home to escape the city from time to time. We grew up in the country in Stafford, NY with more cows than people, and we appreciate the quiet. One of the places we hope to advertise this property is "TheQuietPlace.com" that showcases only wooded or rural cabin-like properties and appeal to guests seeking solitude in the Finger Lakes.

- **HEALTH:**

- We had a full septic inspection performed prior to closing on our purchase of the property. The inspection revealed a leak in the septic tank, and the former owner had no idea how long it had been leaking, as there is no record of a septic inspection when he purchased the property. Since closing, we have invested over \$7,000 in a new tank and the Canandaigua Watershed has since passed the inspection deeming the septic system safe to use. It is clear that the septic system posed more of a threat to the watershed before than it does now after we came in and did the right thing.

- We also had a full well inspection completed prior to our purchase of the property. The flow rate of our private well is 11gpm with a recovery rate of 6.8gpm. These are VERY healthy flow rates, and according to Valley Mechanical who inspected the well, that flow rate can support a family of “16 people”. He was likely exaggerating however he made his point clear that our private well is healthy.
- In addition to the flow test, we had the water quality tested prior to purchase. Initially, it tested positive for Coliform and E. coli. Again, the former owner had no idea and had not done a potability test prior to his purchase. We had Valley Mechanical improve the well cap, reset the interior water purification system, and install a UV filter. We now have a negative test result for all bacteria in our possession. As responsible property owners, our intention is to have the water quality tested with frequency going forward. I think this is another example of how the property is now safer for our neighbors since we have taken ownership.

- **SAFETY**

- In regards to Mr. Dormer’s concern over an increased volume of deliveries which could incentivize crime and attract porch pirates, we have a ring camera on our front door of our other property in Woodville so we can see who is coming and going from our property, and of the 32 reservations we’ve held this year, only two received a delivery or package. This is a stark contrast to the 3-4 Amazon deliveries my sister and I each receive to our separate households on a weekly basis leading our day-to-day lives. Given this evidence, I would argue the neighborhood would be far more attractive to porch pirates if I were making this home my primary residence.
- In regards to garbage storage, not only do we have two bins on-site, we have an entire shed with additional bins that can securely house our refuse in-between garbage pick-up.
- Lastly, we have two cameras on the exterior of our property so that we can monitor activity and respond quickly if there is an issue.

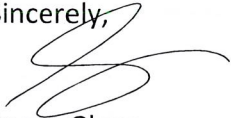
- **GENERAL WELFARE**

- I believe I addressed in my pervious letter how we intend to minimize or eliminate “lost renters” who disturb our neighbors as they attempt to locate our property.

In closing, as a seasoned Broker with Keller Williams Realty in the Rochester & Finger Lakes area, I have not only personal experience with short term rentals, I serve many clients who invest in our region with intentions of welcoming guests to their homes as seasonal or year-round short term rentals. I mastermind with real estate professionals and investors locally and nationally on various topics, including short term rentals. What we see locally and around the country is that, when managed properly with responsive homeowners who are invested in the

community and have powerful systems in place, short term rentals enhance a community, have a positive effect on home values and bring value to the local economy. It is our hope that with everything we have outlined, the board and our neighbors can see that we have taken every measure possible to mitigate the adverse effects of short term rentals thus far, and it is our promise that we will continue to engage in open dialogue around how we can improve the experience for all even more.

Sincerely,

A handwritten signature in black ink, appearing to be 'Susan Glenz', written over the word 'Sincerely,'.

Susan Glenz
FLX Collective, LLC

Hello Folks,

The purpose of this correspondence is to challenge the approval of 6503 Mountain Side LLC's (Craig Webster, sole member) Short Term Rental (STR) application.

Before providing the specifics of our challenge, I wish to thank the Town of S. Bristol for passing the noise ordinance and STR law!

The following was taken directly from the STR Law:

"Legislative intent. The purpose of this section is to control and regulate the use of short-term rentals within the Town. The provisions of this section are intended to preserve and protect the health, character, safety, and general welfare of the residential neighborhoods where such uses may exist and to mitigate the adverse effects of short-term rentals."

Craig Webster's management of 6503 Mountain Side LLC has not met the legislative intent above.

Webster recently sold 6475 Mountain Side Dr. (MSD) and still operates 6503 Mountain Side LLC. Those two properties and ours are the only three dwellings on MSD. Access to his STR property requires traffic to cross over a bridge, go past our driveway and continue up the hill. Judy and I, plus our neighbors, have had a history of challenges with Webster and his guests since 2015.

Here are bullet points of some, not nearly all, of our experiences with Craig Webster and additional, relevant information:

- Webster was forced out of their Victor, NY rental property (see attached Messenger Post article from 6/17/2019) due to persistent violations of Victor's noise ordinance
- I received a F.O.I.L. report in January, 2021 about noise complaints from Webster's properties on MSD showing 17 incidents from 2016 - 2020 (12+ incidents occurred AFTER S. Bristol's noise ordinance was in place April, 2019). My wife and I know there were many more incidents not specifically reported. We contacted Webster's answering service several times with frustrating results, including no communication back for updates. Calling 911 during these "Animal House" incidents became our only option for relief.
- Incidents communicated to Webster include guests retaliating with profanity and horn honking following visits from law enforcement; golf balls landing on our property from guests up above; guests parking on our property without permission and more.
- On 8/19/21, the bridge to our home, and Webster's rental, collapsed from rushing Mud Creek waters. Webster is responsible for the maintenance and costs of bridge repair. Over three month's later, and permanent bridge fix has not even started.
- Ask Phil Sommers how the process has been working with Webster on the STR process, including the inspection and paper trail of communications (at the 10/20/21 Planning Board meeting, Webster actually turned to Phil Sommers to ask about the details of his own property!; Webster's answers to additional Board questions were intentionally vague); ask Dan Marshall about his dealings with Webster. Essentially

circumventing details to avoid accountability, and disrespecting the Town by not following required protocols.

- Regarding Webster's STR application and the STR Law:

- STR Law effective 3/16/20: Item (4), C., 5., "...must apply, within thirty (30) days...". Webster's application date was 12/29/20 (9 ½ month's past due date!?). Yet another example of Webster's lack of respect and cooperation!
- 4/6/21 letter from Ontario County Soil and Water Conservation District regarding the septic system: "...dire need of pumping...", "...extremely undersized...", "... (inspection) incomplete due to vacancy...". STR Law item E., 1. j., "...occupancy shall be defined by the capabilities of the septic system...". Should occupancy be less than maximum of 12?
- Webster's Rental Contract does not state maximum number of guests permitted or number of on-site parking spaces.
- Myles Webster is listed as "Local Contact Name", however the 585-465-5000 number is a recorded answering service for Webster's main office outside of normal business hours, M – F, 9 AM – 4 PM. This is not a "Local Contact Name" and is not a direct line to Myles to "...promptly remedy any violation..." as required by the STR Law.
- STR Law, Section 2., A., "Legislative intent": "...intended to protect the health, character, safety, and general welfare of the residential neighborhoods...". A collapsed bridge with a temporary, unpredictable fix does not meet the legislative intent particularly when health and safety are at risk (no way a fire truck crosses that bridge in an emergency!)

We love S. Bristol and are simply asking for Webster to "play by the rules" and respect the Town and the neighborhood. If compliance fails to be timely and as prescribed by the STR Law, enforcement must include fines, suspensions or revocation.

Sincerely,

John and Judy Manser

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By Julie Sherwood jsherwood@messengerpostmedia.com

Thursday

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South Bristol puts a noise ordinance on the books after persistent neighbor complaints

SOUTH BRISTOL — Persistent complaints of noisy and unruly crowds at a short-term rental led the South Bristol Town Board to crack down with a new local law. Now on the books is a noise ordinance that town officials hope puts an end to the disturbances. The town Planning Board is also in the process of crafting a separate set of rules that would govern short-term rentals.

The upset that prompted the new law isn't the only concern as there are other situations as well when "guests are not being considerate," said Town Supervisor Dan Marshall. The town is home to lake properties that attract renters and often big, overflowing crowds, as well as Bristol Mountain Resort that has nearby vacation rentals.

"There are neighbors who want to enjoy their own properties," Marshall said.

At issue last fall were renters of luxury lodges at 6475 Mountainside Drive on the hill across from Bristol Mountain. The Mountainside Lodge vacation rentals under the Webster Properties Company advertise a five-bedroom lodge sleeping 22 guests with amenities including game room, pool and hot tub, wrap-around deck with propane grill and fire pit along with other features. The real estate company has multiple properties in Monroe, Ontario and Livingston counties.

A few years ago, Webster Properties operated a rental in the town of Victor that's no longer in business over run-ins with the town, according to Victor Town Supervisor Jack Marren. Victor initially put a noise ordinance on the books in 2012 to combat disturbance from dirt bikes in neighborhoods. The law came in handy when noise from vacation rentals became a problem, said Marren.

"Sometimes you have the second coming of 'Animal House,'" Marren added — referring to National Lampoon's raunchy frat house comedy.

"We kind of forced our hand ... we pushed the enforcement," said Marren. The town took Webster Properties to court over the problems that started in 2014 and persisted over more than two years, he said. Eventually, the company closed that rental site, he said.

"A noise ordinance is not always easy to enforce, but it is good to have it on the books," Marren said.

Craig Webster, owner of vacation rentals for Webster Properties, said Tuesday the company wants to be a good neighbor. Webster said South Bristol has a lot to offer vacation guests with its outdoor recreation and attractions at Bristol Mountain. He said the company is in conversations with town officials and neighbors to work out differences.

Marshall said South Bristol used the Victor noise ordinance as a model for its new law that details acceptable and unacceptable sources of noise, time periods and noise levels. The town code enforcement officer enforces the law during business hours; after-hours complaints are handled by the Ontario County Sheriff's Office. The penalty for a first violation is a fine of up to \$250; for a second violation committed within three months from the prior offense, it's a fine of up to \$500.

The South Bristol Noise Ordinance is posted on the town website, <https://www.southbristolny.org/> at <https://bit.ly/2YdSGUe>