



**Town of South Bristol**  
6500 West Gannett Hill Road  
Naples, NY 14512-9216  
585.374.6341

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## **Planning Board Meeting Agenda**

**Wednesday, February 16, 2022**

**Short-term rentals will start at 6:30 pm with the regular meeting immediately following**

Meeting in-person or by joining Zoom

<https://us02web.zoom.us/j/83258228230?pwd=bGJzNW4vWXVMT0o2bkF3Q2gxM0JQZz09>

Meeting ID 832 5822 8230, Passcode 667640

### **Call to Order**

### **Pledge of Allegiance**

### **Reading of Vision Statement**

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

### **Meeting Etiquette**

### **Minutes**

Approval of December 15, 2021 and January 19, 2022 Planning Board Meeting Minutes

### **Short-Term Rental Old Business**

#### **Short-Term Rental Application 2022-0001 (Public Hearing)**

Owner: Gordon W. Ellis, Cassandra Elizabeth Haff & Sarah Anne Haff  
Local Contact Name: Emily Thompson  
Property: 6517 Longs Point Drive  
Tax Map #: 185.17-2-3.000  
Zoned: LR (Lake Residential)  
Sleeping Occupancy: 10

### **Short-Term Rental New Business**

#### **Short-Term Rental Application 2022-0002 (Preliminary)**

Owner: Martin R. Szczepanik  
Local Contact Name: Thomas Gunter-Kremers  
Property: 19 Golfside Circle  
Tax Map #: 168.15-1-29.190  
Zoned: PD (Planned Development)  
Sleeping Occupancy: 4

Short-Term Rental Application 2022-0003 (Preliminary)

Owner: Leyla Anderson & Philip Kauffman  
Local Contact Name: Leyla Anderson  
Property: 3 Harbour Lane  
Tax Map #: 168.74-1-10.000  
Zoned: PD (Planned Development)  
Sleeping Occupancy: 6

Short Term Rental Law Review and Discussion

Event Venue Discussion

**Regular New Business**

Site Plan Approval Application 2022-0004 (Preliminary)

Owner: Shouting Hill LLC  
Representative: Wade Sarkis  
Property: 5771 Blake Acres Drive  
Tax Map #: 168.12-1-4.000  
Zoned: R-3 (Residential 3 Acre)

**Other**

**Motion to Adjourn**

## **Town of South Bristol Planning Board Meeting Minutes Wednesday, February 16, 2022**

**Present:** Ralph Endres (Zoom)  
Jill Gordon  
Jason Inda  
Michael McCabe  
Sam Seymour  
Matthew Sousa  
Kevin Stahl  
Gregory Shaffer  
David Bowen

**Guests:** Martin Szczepanik (Zoom)  
Leyla Anderson  
Philip Kauffman  
Wade & Peter Sarkis  
Charles Blake  
Alice Nichols (Zoom)  
Judy & Al Voss  
Scott Martin

### **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.

### **Reading of Vision Statement**

Jason Inda read the Comprehensive Plan Vision Statement.

### **Other**

Chairman Sousa welcomed Gregory Shaffer, Alternate 1 and David Bowen, Alternate 2 to the Board.

### **Minutes**

Jason Inda moved to approve the December 15, 2021 and January 19, 2022 meeting minutes as written. Ralph Endres seconded the motion. The motion was unanimously adopted by all Board members present.

### **Short-Term Rental Old Business**

#### **Short-Term Rental Application 2022-0001 (Public Hearing)**

Owner: Gordon W. Ellis, Cassandra Elizabeth Haff & Sarah Anne Haff  
Local Contact Name: Emily Thompson  
Property: 6517 Longs Point Drive  
Tax Map #: 185.17-2-3.000  
Zoned: LR (Lake Residential)  
Sleeping Occupancy: 10

Owners were not present. Application was rescheduled for March 16.

Jill Gordon: As I was reading through that septic report the septic was put in for a three bedroom home. The inspector thought it was a four bedroom home, but it actually a five bedroom home. He said the system was substandard. Could we get clarification that the inspector does think that the system can handle a five bedroom home, Scott?

Scott Martin: We can ask him. It is my understanding that he thought it would be alright if they kept to a regular pumping schedule. Like have the tank pumped every six months.

Chairman Sousa: That is a lot. Anything more than a year is a lot. I do not know if that would pass the watershed inspection. I deal with a lot of septic tanks in my professional job around Keuka Lake. Anything less than a year is considered substandard. We can table the discussion for when the applicant is here tabled to March. Point well taken and something certainly that should be brought up.

Jill Gordon: Okay.

### **Short-Term Rental New Business**

#### **Short-Term Rental Application 2022-0002 (Preliminary)**

Owner: Martin R. Szczepanik

Local Contact Name: Thomas Gunter-Kremers

Property: 19 Golfside Circle

Tax Map #: 168.15-1-29.190

Zoned: PD (Planned Development)

Sleeping Occupancy: 4

Chairman Sousa: Martin, could you quickly for the Board introduce your application and give us a couple details please?

Martin Szczepanik: Sure. I am applying for 19 Golfside Circle for a short-term rental permit. I have been living there since December of 2020. My circumstances have changed and I have to move to NYC so I wanted to put it up for rent. Is there anything specific that I have to walk through, type of building or anything like that?

Chairman Sousa: Yes. Type of building, occupancy, parking just a generic overview.

Martin Szczepanik: Sure. I live in a two bedroom townhouse in Bristol Harbour. I have two bedrooms, two full baths. Occupancy would be four people total. I have two parking spaces that are dedicated for 19 and they have the numbers written on them. There is an additional overflow spot within the parking spaces that I have here. Then there is an additional overflow lot in the community center at Bristol Harbour that can be used.

Chairman Sousa: You mentioned you are moving to NYC. Obviously you are not going to be immediately local. Do you have a local point of contact in the event that issues arise during your renting period?

Martin Szczepanik: Yes. I am doing a property management contract with Thomas Gunter-Kremers. He is my neighbor. He owns 18 Golfside Circle. He is the representative of Brixwood Rental Property Management and so he is in the area.

Chairman Sousa: Okay. He has experience with short-term rentals and dealing with that type of thing?

Diane Graham: He has a short-term rental operating permit.

Martin Szczepanik: He has a rental himself. He owns the rental next door.

Chairman Sousa: Okay. Does anybody have any other questions? I know we have two new board members, but we also we have had a lot of applications from Bristol Harbour of a very similar nature. Hearing no further questions.

I move that the Planning Board accept the short-term rental permit application 2022-0002 as complete and set the application for final review/public hearing on March 16, 2022.

Motion was made by Matthew Sousa and seconded by Ralph Endres.

All in favor.

7 Ayes: R. Endres, J. Gordon, J. Inda, M. McCabe, S. Seymour, M. Sousa, K. Stahl

0 Nays

Short-Term Rental Application 2022-0003 (Preliminary)

Owner: Leyla Anderson & Philip Kauffman

Local Contact Name: Leyla Anderson

Property: 3 Harbour Lane

Tax Map #: 168.74-1-10.000

Zoned: PD (Planned Development)

Sleeping Occupancy: 6

Chairman Sousa: Could you please briefly introduce your application for the Board?

Leyla Anderson: Yes. We are applying for 3 Harbour Lane. It is a townhome that we just purchased at the end of November we would be using as a vacation home. In the times we are not using it we would like to go ahead and rent short-term.

Chairman Sousa: Okay. You say occupancy is six. This is in Bristol Harbour I presume.

Leyla Anderson: Yes. Correct.

Chairman Sousa: Do you have a lot of experience with short-term rentals?

Leyla Anderson: I do not have a lot of experience. I do own another property in Irondequoit that I have been renting out over ten years now. I do have experience in taking care of homes and upkeep, making sure that electric and plumbing and any emergencies that arise are taken care of.

Chairman Sousa: Speaking of emergencies will you be available in the event that something was happening during a rental period to be onsite quickly?

Leyla Anderson: Yes.

Chairman Sousa: You are not running through a property management company or anything?

Leyla Anderson: No. I am forty minutes away from the property so we go out to the property and been working on the house. We would be on premise if something were to come up.

Chairman Sousa: Okay.

Leyla Anderson: We have local carpenters, electricians, electricians and people lined up out here.

Chairman Sousa: Are there any other questions?

Jill Gordon: How many bedrooms, bathrooms and parking?

Leyla Anderson: So we have up on the third floor there is a main bathroom. One the lower basement we have a half bath that has a small shower. On the main floor we have a powder room. So that is two and a half. We have two bedrooms. We feel like it can sleep six folks simply because we a futon that opens up to a two person sleeper in the living room.

Philip Kauffman: We have a carport for the one spot. A dedicated spot across from it like the gentlemen mentioned on the prior call. Overflow lot and parking at the community center as well.

Chairman Sousa: Per the short-term rental code we only allow two people per bedroom. So if it is a two bedroom home occupancy would be capped at four with possible wiggle room for a child, but four adults.

Leyla Anderson: Okay.

Jason Inda: Is the futon on the lower level basement area?

Leyla Anderson: No. It is in the living room.

Jason Inda: On the second floor?

Leyla Anderson: Yes. We were not really sure how we were approaching that.

Chairman Sousa: Yes. It says two adults per bedroom.

Leyla Anderson: Okay.

Chairman Sousa: That is done for rightsizing for septic systems, etc. Does anybody else have any more questions? Hearing none.

I move that the Planning Board accept the short-term rental permit application 2022-0003 as complete and set the application for final review/public hearing on March 16, 2022.

Motion was made by Matthew Sousa and seconded by Michael McCabe.

All in favor.

7 Ayes: R. Endres, J. Gordon, J. Inda, M. McCabe, S. Seymour, M. Sousa, K. Stahl  
0 Nays

**Regular New Business**

Site Plan Approval Application 2022-0004 (Preliminary)

Owner: Shouting Hill LLC  
Representative: Wade Sarkis  
Property: 5771 Blake Acres Drive  
Tax Map #: 168.12-1-4.000  
Zoned: R-3 (Residential 3 Acre)

Chairman Sousa: Please introduce your application to the Board.

Peter Sarkis: My name is Peter Sarkis. I am with Mark's Engineering representing Wade Sarkis. This property is located off of Coye Road. It is accessed off a private drive, Blake Acres Drive. Currently it is mostly vacant land woods. There is a small cottage and dock down by the water. It is mostly summer use/accessory structure. At the top there are additional accessory structures none of which are livable. None have utilities that are functioning year-round maybe just electricity to some of them. Beyond that there is an existing septic system that was recently installed and as well as an existing accessory structure barn. So that is located right up here. This would be approximately the location of the bluff or the cliff side. These are all the existing buildings and we are proposing the removal of these two structures right here. We are proposing a three bedroom, two story house with an attached garage. There would have to be slight changes to storm water redirecting to allow for crossing of this small gully here. A couple of retaining walls. One located below the house and one located above the driveway. We are proposing two rain gardens to mitigate for an increased in impervious surface. Also we will also tie into the existing septic system that is currently not being used. Water would be taken in from the lake and treated inside the house. Beyond that I would be happy to answer any questions that you might have.

Chairman Sousa: Diane, I know you mentioned that we reviewed this application before. We did not review this application before?

Diane Graham: We reviewed the pole barn application.

Chairman Sousa: That is right, just the pole barn.

Wade Sarkis: We got approval for the septic at the time I was engaged with Bill Grove designed the septic which is now installed and the barn. It ninety percent complete. We got weathered out of this site.

Chairman Sousa: It has been a common theme.

Wade Sarkis: My wife and I purchased this property about fifteen acres in 1998. We have basically used it as a summer camp in and out over the years. Very seasonal usage. When the onsite waste water treatment new ordinance came into effect our little outhouse was condemned and rightly so. That is when we started the process of getting a septic design and there is going to be a small bathroom in the barn structure so that we have somewhere to use onsite rather than the porta potty we have been using the last couple of years because there is no other facility on the property. While we have been waiting for a couple

of years now for the property next door to have a clear vision that was the Everwilde site. We have elected to permanently move down to South Bristol from Canandaigua that is the genesis of this project.

Chairman Sousa: You said you are installing two rain gardens for storm water runoff. You do not anticipate any issues with that steep slopes you are building on?

Wade Sarkis: I think the entire area is designated steep slope, but it is the flattest part of the property.

Chairman Sousa: Okay. I see there is a tram here, correct?

Wade Sarkis: We designed it for a site where it would come off.

Chairman Sousa: Do you have plans for installing that right now or is that at a later date?

Wade Sarkis: Not right immediately. I have not even spoken with Finger Lakes Tram or any other installer. We would have to site it in a proper place. They would have to tell us that is the right place.

Chairman Sousa: We do not regulate trams. It was for my own edification. Does anybody else have any questions?

Ralph Endres: I looked at your driveway. Is that going to be paved or stone? What is the consistency of the driveway?

Wade Sarkis: We are getting some modification to the driveway currently well again that is on hold right now to take some pitch out of the corners and widen it so that emergency vehicles can get down and construction vehicles. It will not be paved. The final surface will probably be the crushed dolomite compacted.

Ralph Endres: Crushed stone?

Wade Sarkis: Yes.

Ralph Endres: Okay. The other question I have is the house is going to be a two-story with how many bedrooms and bathrooms?

Wade Sarkis: We are debating two versus three bedrooms. We have not done the interior stuff yet. Let's call it three and then there would be three and half bathrooms, Ralph.

Ralph Endres: You say that your septic system is already been approved and made new from what it was?

Wade Sarkis: It is installed. Yes. We kind of overbuilt it. It is a seven bedroom capacity system.

Ralph Endres: Okay.

Jason Inda: Are there any plans to finish off the barn into living space?



Wade Sarkis: No. That will be definitely barn space and maybe a shop. There will be a bathroom in there, but that is it.

Jason Inda: No bedrooms?

Wade Sarkis: No heat. No.

Ralph Endres: You probably need a shed to get out of there in the winter to keep something four wheel drive in there.

Wade Sarkis: A tank. You got it Ralph.

Chairman Sousa: Are there any more questions?

David Bowen: Rain gardens does that take everything off from the house?

Wade Sarkis: Yes. I specifically want to be a little bit more environmentally friendly. We are not planning to have gutters. We will have the French drain along the skirting of the house with pea gravel. I do not know if you have seen these things before. I guess they are actually old fashioned and now they are new again. So that everything coming off the house will go into these drains and lead to rain garden on one side or the other.

David Bowen: The retaining wall along the driveway how tall is that supposed to be? Is there some sort of deflection?

Peter Sarkis: It is about six and half to seven feet is the high point.

David Bowen: Is there some sort of deflection of surface water that is getting rooted someplace?

Peter Sarkis: Yes. We have graded in these swales here to divert water to either side of the wall or in this case the garage. It will come down this hill and be pushed out this way or come down this hill and pushed down this way towards this culvert.

David Bowen: Does that go down to the edge of the bluff and off the edge?

Wade Sarkis: It does now. Everything feeds off either the larger building to the north or the smaller one to the south. The goal will be to catch everything impervious into the rain garden areas.

Sam Seymour: Where is the larger gully to the north? Is it off the page?

Wade Sarkis: See these lines here.

Sam Seymour: So it runs right down through there.

Wade Sarkis: We have a pretty active waterfall on the bluff if you ever go by boat.

Sam Seymour: Your cottage at the beach in relation to the house, where is that? It is down over that way, okay.

Wade Sarkis: Yes. Down in that area.

Peter Sarkis: This is the mean high water line shown here. This whole dash line.

Gregory Shaffer: Is the site all ready for the construction of the house or do you have to remove trees?

Wade Sarkis: It is still raw. There are two cabins there. One is the old bathroom cabin that is functionless. Then a small one bedroom cabin. Those two in red there, but beyond that there is a power line and some old remnants of camping. Those cabins were built in the 1920s and 1930s as part of an old gentleman's hunting camp. That is where Shouting Hill came from a long time ago. Although they are cute and everything they are not in great shape. We intend to hold onto the ones to the south. So hopefully keep them in good order.

Jill Gordon: Is there just one to the south there?

Wade Sarkis: There is one there with a deck and then there is one right almost to the property line to the south. We are hoping to keep that as a buffer to the property owners to the south.

Jill Gordon: Did I read bunk room or something you were going to put in there?

Wade Sarkis: This one further south is kind of a bunk house. It is a rectangle with a dividing wall. One side there is some beds and the other side there are some beds.

Jill Gordon: Neither one has bathrooms or anything.

Wade Sarkis: No.

Peter Sarkis: No bathrooms. No insulation. No water.

Jill Gordon: You like roughing it, huh? Are there plans to put a bathroom in there?

Wade Sarkis: I do not believe that would work very well. It is a slightly lower elevation. They will have to walk again to the bathroom. It will not be an outhouse.

Diane Graham: Did you mention the one with the deck is going to be used for?

Wade Sarkis: That was the old main cabin off the deck. It did have a kitchen, but since there is no water flow through there. Thinking about what that structure might become is like outdoor gazebo, open air or perhaps even taking it down. That is the one place that is kind of excavated on the property. It could be a nice green house or something like that too. Our barn is all in dark shades that is the goal for the house too.

Chairman Sousa: To kind of blend into the natural scenery.

Wade Sarkis: We have some renderings, but they are all with white trim and that would not fly with my bride. It will be very bright inside, but not outside.

Diane Graham: Do you want the road project to be part of the site plan that you are approving? It is not in the site plan.

Chairman Sousa: Is it all tied into one project? Like will the road be occurring concurrently with the house construction?

Wade Sarkis: Mark Engineering did the road work redesign to make it compatible with code and big vehicles. I brought all that into Phil Sommer. His determination at the time was it is not requiring a visit to this Board. It is really an upgrade to the existing driveway. We have it and can give it all to you.

Chairman Sousa: Is that what we have here, Diane?

Diane Graham: Yes. I did not know if you wanted it as part of the approval process.

Chairman Sousa: If is not a reviewable action by this Board, we do not necessarily. Since it is in front of us if any of the board members have questions regarding it and fold it into the application file as a whole that is fine. I would like to state for the record that we are reviewing the site plan for the home and not specifically the driveway improvements. That being said, if there are any questions with the board members who have had about five minutes to look at this please by all means.

Wade Sarkis: We know we have to come back.

Chairman Sousa: Yes. That too. We will get you a second time. I do not have any questions specific to the driveway at the moment. Maybe that changes in March.

Diane Graham: I was not sure because it is the access road.

Chairman Sousa: If it has been reviewed by Phil Sommer and he had no concerns at the time of his inspection that is part of the application for his driveway then that is satisfactory to me. I do not know if any board members have other thoughts.

Wade Sarkis: It is quite a driveway.

Chairman Sousa: It is quite a driveway. I hope you have a plow.

Wade Sarkis: I am told it is going to be much nicer when we are done. Soften the turns, real drainage and real surface.

Chairman Sousa: Exciting. Are there any more questions regarding this application? If not, I will set this for a final review and approval at our March 16 meeting.

Jill Gordon: Just not knowing how this goes. Do we need special use permits or something for all the buildings on the property?

Chairman Sousa: It is a permitted use. It is conforming to all the zoning, setback requirements as far as that is concerned. You are not applying for any variances?

Wade Sarkis: No.

Chairman Sousa: So we are good to go.

### **Regular Old Business**

#### Event Venue Discussion

Chairman Sousa: I know we gave you all an abundant time to review this sending it out today as well. I apologize. I did put together some event venue language that could be folded into the zoning code. I decided to call it special event venue. So actually this is pulled from a community in the Hudson Valley. Their zoning code called it rural events venue. I found that to be an appropriate way to frame our event venue discussion. I changed it to special event venue. I kept the definition intentionally vague just so that it was an umbrella statement that would capture a lot different things. Their definition full disclosure included concerts as a listed permitted use. I omitted that. That was also intentional on my part. I do not think what we are trying to permit is a concert venue. I think it is an event venue. I kept some things similar. I liked under the use standards and an acre lot minimum that include proper setbacks from other adjacent properties. It gets into screening and buffers from adjacent properties in the use standards it also obviously has to conform to the noise ordinance that the town has adopted. Their law had a maximum attendee list of 500. That is a lot of people. I am more than willing to move off of 500. I think 300 might be applicable. People have a lot of friends. My wedding was like 30 people. I left 500 in there because that was in the law that I was reviewing that I liked. Purposely leaving that open for discussion as this meeting to see where we want to adjust that. Again, it requires all inspections by the Department of Health, by our code enforcement officer. It would have to abide by all of the regulations and what this does it gives the Planning Board during the special use permit review process a lot of ability and leeway to ask questions and make adjustments as we see fit. I am proposing that this be added as a special use and defined use in the Neighborhood Commercial (NC) District on State Route 64 and nowhere else at least for now.

Judy Voss: That corridor is huge.

Chairman Sousa: That is great for it. It is a good location for it. It conforms to adjacent uses. What I did is I fleshed it out so to give this specific use a little more Planning Board control. I like this. It then goes on to talk about event barns. Every application will be required to have a special use permit and they would be required to notifying the town within 30 days of hosting an event. We would know every single time they were having an event and anticipate it. It asks for egress locations for emergency vehicles. It has parking standards and requirements that I feel are fairly adequate. I really like this. This is what I envisioned. Hyde Park the town that I took this from. In reading of a lot of laws go Hyde Park. From the shutters I feel we should knock down the maximum attendees from 500 to something smaller.

David Bowen: Where does Cummings Nature Center fit into this? I know they started this past summer in 2021 with events similar to this. Did they come to the board?

Chairman Sousa: No. This is not adopted language. This is something I am proposing we adopt.

David Bowen: Do they have to come for some special?

Chairman Sousa: Maybe or they are preexisting use. They might have preexisted the zoning law. I do not know if they would fall under the definition of special event venue.

Jason Inda: What about a wedding?

Chairman Sousa: If they host weddings, then maybe. If so, they would be grandfathered in.

Jason Inda: It is not that new. I was married there eighteen years ago.

Chairman Sousa: Even so they would be grandfathered in I think so they would not be subject to this.

Ralph Endres: It was there before zoning.

Judy Voss: The thing about the Boy Scout Camp is they have all the boy scouts.

Chairman Sousa: Maybe under this regulation they would be required to notify us of those events when they are occurring. They certainly would not be required to appear before this board for approval because they would be grandfathered in. If there were ever to intensify that use, like build a new structure specifically for weddings then yes maybe they would have to apply for a special use permit under this provision. I do not think they are bothering anybody are they?

Judy Voss: I did not even know they were doing them.

David Bowen: What is the inspiration for this?

Chairman Sousa: The inspiration for this is actually we have an applicant that has very patient in this board wanting to create an event venue. It was an undefined use in our zoning code. Something that it did not even begin to address. What they wanted to do is very innocuous. It basically fits exactly into what the spirit of this regulation is. Although the previous chair and I now as chair were a little bit hesitate to just approve something where there was no mechanisms for the town to regulate it. They have been amazingly patient in us adopting language and folding it in then going through the process that we establish for them. Also for future applicants in the event someone else wants to have a wedding venue in the town. That is the impetuous for this. It was an undefined use and something that is trending. Something to see more of in the future. Something that I think is a blind spot in our zoning code that we needed to address in my opinion. I would really like to hammer down this language if everybody is amenable to it. I do not want to force this down your throats by any means. If everybody is okay with this, I would like to refer it to the Town Board for review and adoption in March. I would imagine we would see that application for those individuals very shortly after. They did come to the board to talk preliminarily about their ideas, but it was not a formal application. It was a presentation. I know about ninety percent of this room was not there.

David Bowen: Tell me what that property is?

Chairman Sousa: It is directly across from Bristol Mountain. I do not know the exact address. It is a vacant parcel of land.

David Bowen: Would current uses be grandfathered?

Chairman Sousa: It is unused property. It is vacant land right now that they would develop.

David Bowen: Say the bed and breakfast down on Co Rd 12 or Bristol Mountain places that do have weddings currently.

Chairman Sousa: Anything that exists would be grandfathered in. They would not be subject to this. It is only new applications. Is just how it works.

Ralph Endres: I just got it this morning and read it two or three times. Other than the amount of people I was impressed because it really does do what we are trying to do. It has already been crafted. When I first went to work for the state, I worked not too far from Hyde Park. I can see why 500 might be fine for them, but not for us.

Chairman Sousa: I left it in there knowing that was going to be knocked down. I did not want to throw a number out. I figured we would discuss it here.

Ralph Endres: I think it does everything we need to get done. It gives these people that were before us in July a template and reason to go forward with their plan.

Chairman Sousa: Again, this would only be subject to properties in that Neighborhood Commercial (NC) District right now with immediate plans to expand that although that is an option. It would only be allowed in that State Route 64 corridor.

Sam Seymour: What about the commercial zone around Bristol Springs right here?

Judy Voss: Not enough parking and space.

Chairman Sousa: I do not know if there is space enough.

Judy Voss: I think we have a new resident who bought the Gray's house on State Route 21 and has a long driveway. They used to have horses there. They are thinking about a wedding venue because Bristol Harbour is closed and there is no longer that scenic view. They have that scenic view, but I have not heard anything otherwise.

Chairman Sousa: Again, my thought is that we could recommend this to the Town Board. If they are amenable to it, they can adopt it in that neighborhood commercial district and if we see reason to add it as an allowable use in other districts in the future that is very easy amendment because we have the bulk of the language written and adopted. It is just a matter of adding to a use table, which is easy-peasy. We are doing all the heavy lifting right now. Are there any thoughts or opinions on this right now?

Diane Graham: Do the times correlate with our noise ordinance?

Chairman Sousa: That is something I did add. [*Draft Section I. was read.*] That is a good question. We can certainly amend those times if we see fit. I think ten am is fine. That is the earliest they could have an event. I do not see an issue with that. If somebody wanted to rent for a wedding or baby shower something like that a more traditional daytime event. Terminate no later than midnight. We can make that a hard midnight. The noise ordinance is ten pm. They could terminate by midnight, but they would they would be subject to the noise ordinance. Meaning if they wanted to have an event that ended at midnight that is fine, but it cannot be a loud event. If they want fireworks, you are not having it at 11:00 pm.

Jill Gordon: I think that opens us to problems. I would just stick with the noise ordinance.

Chairman Sousa: They would have to be terminated at 10:00 pm?

Jill Gordon: Yes.

David Bowen: Events do not usually end at 10:00 pm.

Chairman Sousa: My thought is not every event in the night is a loud event.

Jill Gordon: Sunday to Thursday is 10:00 pm.

Chairman Sousa: The venue they are proposing is an indoor wedding barn. It is not an outdoor open air wedding. It is inside.

Diane Graham: It depends if they are going to have an outdoor patio or rooftop deck.

Chairman Sousa: Yes. Again, this gives us a lot of leeway thought. They have to prepare an event management plan that they submit along with their application that gives the Planning Board a lot of discussion to require less attendees. We certainly could curtail the timing on a site by site basis. I am open to workshop that. I think 1:00 am is too late. Is midnight still too late? I do not find midnight to be totally unreasonable. This is immediately adjacent to Bristol Mountain. There is activity there at night. There is nighttime skiing. Snow guns are going. The lights are on. That is not an innocuous use.

Diane Graham: There are some houses and short-term rentals in that area.

Chairman Sousa: They would be directly across from the parking lot of Bristol Mountain.

David Bowen: This would be predominantly summer?

Chairman Sousa: Yes.

David Bowen: They have seasonal noise now. Now you are making it year-round.

Chairman Sousa: This is a 32 acre property that they would have. I would have to look at what the nearest property house.

Diane Graham: It is in the middle of a FEMA flood zone and Mud Creek. They would have to jump through those hoops.

Chairman Sousa: They would need floodplain development permits. They would have to get all that. We are not reviewing that application. We are reviewing the law that the application would then be subject to. We can ask a whole slew of questions when they come before us. That is the cart before the horse. I have the parcel ID.

Diane Graham: There is two cabins on one side and a house on the other side.

Chairman Sousa: The reason for noise I have a ten acre lot minimum. I would be amendable to setback from adjacent structures like a 1,000 foot setback. I would be fine with that. I do not want to be overly

restrictive because I do not want no application to be able to conform to this law. The Town Board might have thoughts as well. As far as the end time for events is midnight okay or 11:00 pm?

Ralph Endres: Midnight is fine.

Jill Gordon: I know Wren's Roost is 11:00 pm.

Chairman Sousa: If an event venue currently operating in the area like Wren's Roost or Sonnenberg are 11:00 pm. I am good with that. That makes sense to me. Just by going with what they have. Eleven is a nice compromise between midnight and our noise ordinance. One hour past our noise ordinance. That can make sense.

Diane Graham: So are you saying 11:00 pm Sunday through Saturday?

Chairman Sousa: All day. Every day. We are not going to stipulate Sunday-Thursdays are later. I think that is kind of silly. Events shall commence no earlier than 10:00 am and shall terminate no later than 11:00 pm regardless of day. Total number of attendees? Is three hundred too many?

Ralph Endres: Three hundred I think.

Diane Graham: In I. do you want to change because it says "The Planning Board may in its discretion require the events with 300 or more attendees."

Chairman Sousa: Let's do more than 200 because we are saying no more 300 so anything over 200 the Planning Board may at its discretion require events with 200 or more attendees provide adequate onsite ambulance coverage. I think anything between 100 and 200 is a fairly standard wedding amount. Two hundred is a big wedding. Three hundred is a very big wedding. Five hundred you have too many friends.

Kevin Stahl: You can have other events there?

Chairman Sousa: Yes. I am sorry. You are absolutely right. I keep saying weddings because that is what is in my head.

Kevin Stahl: If you have a fundraiser, I would think 500 you would want to stick close to that number.

Chairman Sousa: That is a lot of people.

Kevin Stahl: I know it is.

Diane Graham: Parking for that amount too.

Chairman Sousa: That is the real concern too is parking for the site. You have to have parking for 500 people if you are going to allow 500 people. I do not know if this site accommodates that. I do not know if any site could accommodate that. They would have Bristol Mountain across the street. They could easily cut a deal and use all that overflow space. That is a lot of traffic on State Route 64.

Gregory Shaffer: That is going to create a problem with pedestrian crossing if they did that too.



Sam Seymour: How many people show up at Bristol Mountain's big events?

Diane Graham: They are having a ski jump competition event in March so you can drive by and see.

Chairman Sousa: If it were my event and there was alcohol consumption, I would have shuttles to and from wherever my guests were staying. That is me and how I would plan my event.

David Bowen: How big of a structure are they talking?

Chairman Sousa: It is a large modern style pole barn. That is the very ultra-grain of salt preliminary drawings and renderings that they gave.

David Bowen: There is going to be a capacity limit to that.

Chairman Sousa: I do not think the capacity limit would be more than 300 anyway just based on what they are showing me. I am curious because they have to submit a management plan what our ability to on a case by case basis kind of issue an amendment to their permitted use and extend it on a case by case basis. If someone has a 150 acre parcel, they are 50 acres away from the nearest property line and have a massive place. Could we amend this to go up to 500 on that specific case? Maybe, I do not know. I think 300 is an okay number for right now.

Diane Graham: That is just guest, not staff?

Chairman Sousa: That is guests. Yes. It says maximum number of attendees. I would interpret attendees to mean guests and not workers and staff. It does say the Planning Board may set a lower maximum number for an event venue in its discretion, which means we could put a higher number. At our discretion limit it. That is a thought too. If we wanted to keep it at 500 or 400 to allow some wiggle room or is 300 good?

Jill Gordon: I like 300.

Chairman Sousa: I am good with 300. Does anybody have any more questions? Those were the main things. I really like hammering out the time. I am comfortable with the 11:00 pm especially if that is what other similar venues do in the area. I am okay with 300. It does say they have the ability to put up an outdoor tent if they want. That would have to be totally reviewable soup to nuts by the Planning Board at the time of review of the application. I think this specific application that we might here they are constructing a brand new indoor wedding barn facility. I do not think that would be in their plans. Are we good? Do we like this?

Jill Gordon: Yes. You did a good job Matt. Thank you.

Chairman Sousa: Hyde Park did a good job.

## **Resolution 1-2022**

A motion was made to recommend that the Town Board take appropriate steps to add a local law on Special Event Venue in the Neighborhood Commercial (NC) District as per the following:

## **SPECIAL EVENT VENUE**

**Definition:** The limited use of a parcel or part of a parcel of land, for celebratory, cultural or educational activities such as conferences, banquets, festivals, weddings, or other similar activities.

### **Use standards.**

A special event venue must demonstrate compliance with the following standards in addition to the special use standards set forth in §\_\_\_\_\_ of the Zoning Law:

- A. The rural event venue shall be located on a site with a minimum of ten (10) acres.
- B. The site of the rural event venue shall have at least two means of egress, at least one of which is adequate for emergency vehicles, as determined by the Planning Board in consultation with emergency responders based on its width, length, surface and ability to support the gross vehicle axle weight of emergency vehicles.
- C. The maximum number of attendees at a rural event venue shall be three hundred (300). The Planning Board may set a lower maximum number for an event venue in its discretion.
- D. The applicant shall demonstrate that all required parking can be accommodated on-site. This requirement shall not preclude a rural event venue from utilizing shuttle buses or other methods of guest transportation.
- E. All events shall be provided with adequate potable water and sanitary system as determined by the CEO and/or the Department of Health.
- F. The Planning Board shall require appropriate buffers between the rural event venue and adjoining properties, given the size of parcel, the natural topography, and vegetative cover.
- G. Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn meeting the standards below.
- H. Locations for proposed temporary fabric structures must be included on the site plan. All buildings and structures, including fabric structures, to be used as part of the rural event venue shall, where required, obtain a certificate of occupancy for their intended uses, including an event barn meeting the standards in the section below.
- I. The Planning Board shall determine the permitted hours of operation of a rural event venue. Events shall commence no earlier than 10:00 a.m. and shall terminate no later than 11:00 pm. However, the Planning Board shall have the power to modify the commencement and termination times for a particular site based upon the specifics of the application before it provided the modifications do not impact the health, safety and welfare of the neighborhood and the surrounding community. All events must conform to all provisions contained in the noise ordinance for the Town of South Bristol. For purposes of this section, "termination" shall mean the termination of food, drinks, service and entertainment, with the understanding that attendees and servers will need a reasonable amount of time after termination to exit the premises. An event management plan shall be prepared and submitted to the Planning Board for review and approval. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, toilet facilities and maximum number of guests. The plan shall also include a list of contacts for specific distress or emergency situations to be used by the

guests shall be provided at each event and the legal name and address of an emergency contact person at the site shall be provided. The Planning Board may in its discretion require that events with two hundred (200) or more attendees provide for adequate on-site ambulance coverage. The event management plan shall be incorporated into the special use permit and site plan approval.

- J. The application, site plan and event management plan shall be referred by the Planning Board to the appropriate fire district, fire department or other fire and safety provider for comment and recommendations with regard to fire and safety issues associated with the operation of the rural venue and the use of an event barn, if proposed.

### **Event barns.**

Rural event venues may utilize former agricultural or accessory structures as a place of public assembly, such as a barn, provided the following criteria are satisfied:

- A. The use of an event barn shall be permitted only after issuance of a building permit and a certificate of occupancy for public assembly by the Town's Code Enforcement Officer.
- B. The applicant shall provide the Code Enforcement Officer and Zoning Administrator with a plan prepared by a registered licensed design professional to improve the event barn to enable it to obtain a certificate of occupancy for an assembly area, where none exists. A copy of the plan shall also be submitted to the Planning Board as part of site plan review.
- C. The occupancy of the event barn shall not exceed occupancy load and exiting provisions of the New York State Uniform Code and those occupancy load limits shall be posted at the premises by the Town's Code Enforcement Officer.

### **Special use permit.**

- A. The special use permit and site plan for a rural event venue must include:
  - (1) The maximum number of attendees permitted during any event.
  - (2) The hours of operation of the special event venue and whether amplified sound is permitted.
  - (3) Any other conditions on operation, design and layout reasonably necessary to ensure compatibility with surrounding uses and to protect the natural, historic and scenic resources of the Town.
  - (4) Items in Subsection A(1) through (3) above shall be determined by the Planning Board based on the size of the parcel, location, topography, parking, proximity of neighbors, emergency access and the ability of existing and proposed buffers to provide sound attenuation.
- B. Once a special use permit has been granted to permit a rural event venue at a particular site, individual events may be held at the site without further review by the Planning Board so long as such events are compliant with the limitations in the event management plan and special use permit.
  - (1) Notice of individual events shall be provided via electronic mail to the Town Zoning

Administrator, Town, County and State police departments and the applicable fire district 30 days before each event, or as soon as possible for events scheduled on less than 30 days' notice.

Motion was made by Matthew Sousa and seconded by Ralph Endres.

All in favor.

7 Ayes: R. Endres, J. Gordon, J. Inda, M. McCabe, S. Seymour, M. Sousa, K. Stahl

0 Nays

Chairman Sousa: I am more than happy to attend the Town Board meeting in the event there are questions regarding this recommendation.

#### Short-Term Rental Law Review and Discussion

Chairman Sousa shared the following information:

- NYS Department of State clarification
  - Where and how they are permitted
    - *Chris Eastman - Laws giving the residents and owner occupant preference over speculative owners who do not live locally is a tendency of many regulations, but because zoning regulates the property of the owner there is vulnerability in laws that make distinctions between types of owners.*
    - It leaves the town legally vulnerable to challenges if we were to regulate that way.
    - At the advice of Department of State we do not go that route.
- Questions for town attorney
  - Comprehensive Plan and language in preserving community character and legislative intent in our law was enough to deny an application assuming that application met all the provisions in the law.
    - *No, that would not hold up because of the equal protections clause in the 14<sup>th</sup> Amendment saying that you have to apply laws equally to everybody if they meet all of the requirements.* The legislative intent of our short-term rental law is basically the intent of the law and forthcoming provisions in that law is what holds up that intent. Whether the law is doing what it is intending or not is subjective and up for debate, but that we would really have no standing to deny an application that meets all of those requirements because according to our law, if they meet those requirements then the legislative intent was upheld. That is coming directly from our town attorney. We cannot then point to the comprehensive plan and say community character if we have already issued permits that meet all of the same requirements and all the same provisions. It would be arbitrary and thrown out in a heartbeat. So that is not an option.

Chris Eastman went on to say that *the most success laws are simpler laws and ones that potentially address short-term rentals through zoning.* That was always one of my recommendations although that gets a little complicated when you actually start getting into the nitty-gritty of how we regulate short-term rentals via zoning. One would think we would have to determine which zones they are allowed, which zones they are not permitted. If you look at our zoning map, that way easier said than done. I really do not know where we should go from here. I guess that can be a discussion that we have tonight knowing that two of the options we have discussed are not really necessarily advisable. Well, one completely is not

advisable. We cannot just do nothing and point to the comprehensive plan. Our town attorney said we cannot do that. We cannot deny applications like that. The other just heeding the advice of the Department of State and not making distinctions between types of owners. I do not think that is a route we want to take. Chris Eastman did say that Skaneateles went so far as defining short-term rentals in their zoning codes as commercial lodging. All of a sudden with one swoop of the pen they were only permitted where commercial lodging is permitted. I do not know if we necessarily want to do that because it is wildly limiting to where short-term rentals would be permitted. New York State does not acknowledge short-term rentals as a specific use of a property. It does not mean that we cannot, but they do not. That would be the route I think we could go just define it as an actual use or an accessory use and then decide where it is permitted and where it isn't. If you are going to allow it in agricultural/residential is 70% of the town.

David Bowen: What are you trying to provide?

Chairman Sousa: Our law was adopted with the intent of basically giving the town teeth to address bad actors in terms of short-term rentals with no noise and disturbances, etc. We set up a system whereby you had to apply for a permit. Then you have to abide by the stipulations in the permit. If you violated them, it was grounds for permit revocation. Then you could not operate legally a short-term rental in the Town of South Bristol without that permit. All it did is it gave the town a mechanism to say you are noisy and not meeting the parking requirements that you stipulated you would. You are not abiding by xyz of our law. We are revoking your permit or certainly not going to reissue it on a bi-annual basis that they have to apply for it on a bi-annual basis. That was the point. The issue two years later is that we had was it 82 permits we have issued?

Jill Gordon: I think it is 52.

Diane Graham: We have had permits that they immediately sold it and the new owner came forward or they did not choose to do one.

Chairman Sousa: We are running into the issue now where there are some areas of the town like Woodville where we have had several applications and one resident of Woodville brought this up and I do not disagree with him. At a certain point we can issue enough permits in Woodville if enough properties are sold and enough people buy them and turn them in short-term rentals the community character of Woodville is altered. Maybe not the way the town really intended or would like, but that said our law does not really give us much ability to regulate that as written. It was not really the intent of the law two years ago. Two years ago the intent of the law was to regulate bad actors, noise, parking and unlicensed events. It does a really good job of that and still does. Now we have seen volume of permits issued and starting to become an issue. Do we want half residential structures in Woodville to be short-term rentals? We had an application on Phillips Road. If two more homes sell on Phillips Road and now they operate as short-term rentals. Does the character of Phillips Road change? I would say yes. It probably does a little bit. Is the town fine with that? That is a question worth asking. Maybe we are. It is the town not fine with that? If we are not fine with that, then we should do something in our law to address it. Currently it does not address it. I have thought a lot about this and there is not a straight forward and easy to address it.

Sam Seymour: What about looking at the frequency of rentals? Number of rentals a year?

Chairman Sousa: What Jeff Graff also mentioned which I did not hate, but he said it would require a lot more discussion with him and the Town Board. We could add a provision very simply to say that a short-term rental cannot operate within x amount of feet of another one. It is what towns do with adult uses. So

you do not have strip club, strip club, etc. We could use a similar provisions. A 1,000 feet is an arbitrary number I just threw out. That would require a lot more discussion with town attorney and Town Board to see what the appetite is for that and what that would actually mean. Any short-term rental permit that we have issued would be grandfathered into that. So if there are two adjacent short-term rentals, they would be compliant as long as the property did not change hands.

Ralph Endres: What is the possibility of that group of houses up there forming an association with rules and bylaws so that they can prohibit it after a certain amount of rentals?

Chairman Sousa: That is a good question. I do not know.

Ralph Endres: They want us to do the heavy lifting. Maybe they should be a part of the heavy lifting.

Chairman Sousa: Again, what I have thought about and thought about this a lot. I understand where the residents of Woodville are coming from. I understand where the residents of Phillips Road are coming from. It is very difficult to take their specific situation and then amend a law to address that specific situation, but then apply it to the entire town where it works just seamlessly.

Ralph Endres: They could form a homeowner's association to accomplish the same thing.

Chairman Sousa: They could. Yes.

Ralph Endres: The litigation would be on their part and not on the town.

Chairman Sousa: That is an option. That is a really fantastic solution. They have a very specific situation by the nature of the location of their homes and the little road that is unique to this town. Crafting a town wide law to address their unique situation is difficult. That would be a way for them to empower themselves to address it without us. I do not want to amend a law that applies town wide and inconveniences 95% of the town so this 5% has their needs met.

Sam Seymour: Look at the Skaneateles situation where they determined when a rental becomes a commercial entity.

Chairman Sousa: They just defined it as a commercial use. It is not when it becomes. It just is. That is how they defined it.

Sam Seymour: Could it be defined on a frequency basis? So if you rent more than 25 times in a year it is a commercial facility and applies to the commercial taxation and all that.

Chairman Sousa: I think that gets a little close to what Chris Eastman was advising against in terms of treating types of renters differently.

Ralph Endres: I think you are going to be hiring a lot of attorneys if we handle the situation in this way.

Chairman Sousa: That is something I want to avoid too. We can address it through zoning. That is just not clean. I will say if we are going to adequately address it through zoning, we would have to rezone certain parts of the town.

Ralph Endres:

Chairman Sousa: Woodville is part of lakefront residential is it not?

Diane Graham: It is C-1 and LR.

Judy Voss: The marina and then down towards the end of the lake is all commercial.

Chairman Sousa: Is all commercial? The residential is...

Judy Voss: Residential is LR.

Chairman Sousa: It is a split district, but LR applies all the way up the lake. So we cannot then say short-term rentals are not allowed in the LR district then that applies all the way up the lake. That is not what we want to do. That would require rezoning Woodville. All we can do is make recommendations to the Town Board. I do not know what their appetite is for this as far as a major rezone of the town purely to address short-term rentals. It gets very complicated. We are not the only ones dealing with this.

David Bowen: I think you are over complicating this to some degree. You have created an ability to control. You are not trying to ban anything. You are trying to mitigate problems. It is very effective at that because it gives everybody the ability to complain. If there are complaints, you can restrict the permit. The fact that you have 85 applications is not that you created a law and now everybody wants short-term rentals. You have short-term rentals coming out anyway. It is not increasing because you created this law. The law is what it is. It allows you that ability to control that you never had before. I get what the Phillips Road people were all hot about it. You have the same situation right down on Longs Point where the people did not show up today. You have a very distinct neighborhood with two rental properties. There is a couple who rent to families and friends, but they do not do as a commercial use. There is no money changing hands. We have an annual meeting. We do not have a homeowner's association. Some people have tried to create one and couple of people have said, no way. You cannot tell me what to do. We subtly say maybe you can tell your renters no fireworks after ten o'clock or maybe no more than so many cars. Now we have something here that you have created, which you can control it. It would be nice to have a homeowner's association, but that comes with all the headaches. The problem is this is not in the zoning law you tell the people on Phillips Road that nobody can rent there. You have everybody in Woodville renting and you cannot tell people on Longs Point they cannot rent.

Chairman Sousa: We cannot deny an application that meets all the requirements of our law.

David Bowen: You cannot create these arbitrary distinctions among neighborhoods unless you are going to go to rezoning.

Chairman Sousa: That is my point.

David Bowen: Then it boils down to use. If you are not going to regulate use because it is too complicated in this town because it is not diverse enough. You are stuck with this nice law that allows you to control it. It is relatively new. It is not like hearing a whole bunch of complaints.

Chairman Sousa: We have never revoked a permit before.

Judy Voss: Have they ever considered a change of use from a residential to a commercial going to the Zoning Board of Appeals instead of you guys? To me it makes more sense that it would go in front of the ZBA then to come here. It changes the use of the property.

Chairman Sousa: It doesn't though.

Judy Voss: It doesn't in the law, but it literally does.

Jason Inda: It is not the way it is written.

Judy Voss: I know it is not the way it is written.

Sam Seymour: Where is the definition of the crossover? If I rent my house two weeks out of the year, I have to have a short-term rental permit, right? I am not renting 52 weeks out of the year to different people each week. One is a commercial entity like a hotel and one is let your cousin come and stay at the house.

David Bowen: With the parking and bedrooms limitations here the use does not change.

Chairman Sousa: No. It is a residential use.

David Bowen: If I am in there with my family, have two cars and three kids. If I rent to four people and I have a five member family. I am more intrusive on my neighbors than four people coming in for a long weekend.

Sam Seymour: Same difference.

David Bowen: It is just people cannot wrap their heads around that. They want to see the same next door all the time.

Chairman Sousa: The use is residential and remains residential regardless of who is residing.

Judy Voss: Okay.

Sam Seymour: That is the way the state approaches it.

Chairman Sousa: Yes.

David Bowen: The Phillips Road thing is just an unfortunate episode.

Chairman Sousa: It is a tightknit community.

David Bowen: You had people coming in that did not know where to go and they go to the wrong place.

Chairman Sousa: That is something this board can address when we review their permit to make sure if it is a split driveway that they put adequate signage up. They do everything in their power to clearly mark which house is being rented.



Judy Voss: I talked to my neighbor for 45 minutes about this.

Diane Graham: It is not short-term related. They are not renting it right now.

Chairman Sousa: What is the nature of the complaint?

Judy Voss: They had propane delivered at night and they went all the way up the driveway.

Chairman Sousa: The propane delivery truck went to the wrong place.

Judy Voss: Nobody is there.

Jason Inda: That could happen if somebody bought the house and was not there yet.

Chairman Sousa: That could happen if I was out to dinner.

Diane Graham: They share the same access driveway. There is no agreement.

Chairman Sousa: We are not responsible for managing that. I am not going anywhere near a shared driveway agreement.

Jason Inda: Our neighbors do not have a driveway agreement. We just talk it out.

Chairman Sousa: Before we pack up and go home. I want to leave off where we go from here. Would we like to explore the possibility of creating a 1,000 feet in between rentals and see what that would mean? They use it with adult uses all the time. We would have to consult the attorney further.

David Bowen: That is a community standards thing as opposed to community uses.

Ralph Endres: How are you going to enforce that?

Chairman Sousa: It would be permitted issuance and part of our review. Are you within a 1,000 feet of another short-term rental then you are not eligible to rent your property.

Jason Inda: How would you do that on the lake?

Chairman Sousa: It would be first come first served. It would preserve that community character on the lake so as to say not every parcel all of a sudden is a short-term rental because they cannot be.

Diane Graham: Golfside Drive neighbors. How would that work? They have short-term rentals in the same building.

Chairman Sousa: I do not know how we would do that. I thought a lot about this and there has not been a good solution that has popped into my head. I like the homeowner's association by all means and empower yourselves. I do not see any clean simple straight forward way of doing the small things we are trying to accomplish.

Ralph Endres: By doing a homeowner's association you take the litigation away from the town and it becomes a private matter. If you try to legislate this right now, you are going to end up with all kinds of litigation. The town is going to spend a fortune on litigation.

Diane Graham: I have a question about revoking a permit. I have not reread the law. We have not had one, but when and if that does occur does it come back to this board or it all in the code enforcement office.

Chairman Sousa: Don't they have to reapply every two years?

Diane Graham: Yes. They do not have to come before this board after they get their initial permit and they have to renew every two years.

Jason Inda: I think it is a hearing before this board after they have gone through the code enforcement officer.

Chairman Sousa: I think there is a hearing.

Jason Inda: If a neighbor wanted to complain, they would file something in writing with the code enforcement officer. I do not know if it is one or two offenses and then it would come before us for a hearing.

Chairman Sousa: We would have a hearing to decide whether to revoke the permit.

Jason Inda: I think it said we can do stipulations.

Chairman Sousa: I think it said you need to do xyz.

Jason Inda: Like you have to reduce yours cars from four to two.

Chairman Sousa: If complaints occur again, then we would have another hearing and then I imagine it rise to a level of revocation. They would no longer be able to operate their short-term rental.

Diane Graham: So the complaints we are starting to get are not going through the property channel of local contact.

Chairman Sousa: If there is a complaint relative to a short-term rental. It is specifically a short-term rental. We do not have to hear about shared driveway disputes. We are not arbitrating neighborly disputes or issues. That is not what this law does. If it relative to their short-term rental operation and any of the stipulations in the short-term rental law and there are complaints relative to those issues then yes they submit a formal complaint to Scott Martin.

Diane Graham: The neighbor should contact the local contact to rectify.

Chairman Sousa: You would think a reasonable person would contact their neighbor and say you have too many cars.

Diane Graham: If they rectify it, then it should be over.

Chairman Sousa: If it rises to a level they want to submit a formal complaint that it has not been rectified that is their prerogative. There is nothing that stops them from doing that.

Sam Seymour: In the event that the propane guy gets lost and the neighbor wants to call somebody. If he calls the town first. The town should direct him to the manager of the property.

Chairman Sousa: Correct.

Scott Martin: They already have the information and that is who they are supposed to call first.

Chairman Sousa: You would think that a reasonable person if they have an issue, a first time offense, they would contact the owner of the property first instead of going through the town. That would be the quickest way of resolving it in my mind. If they want to submit a formal complaint relative to a short-term rental then they would go through our code enforcement officer.

Diane Graham: We do have a general formal complaint form.

Chairman Sousa: Then where would that go? Review it and write a letter to the homeowner saying this has merit? This is assuming that every complaint has merit.

Diane Graham: You would have to follow up on it. It cannot be anonymous. They have to put who they are.

Scott Martin: Exactly. Do I take their word for it?

Chairman Sousa: That is what I am saying.

Scott Martin: Someone calls to complain.

Chairman Sousa: Then you call the property manager and outline.

David Bowen: It sounds like it is supposed to be in writing.

Jason Inda: I hope people would say let's talk about and we can work it out neighborly. If is not, then I think it needs to be in writing for it comes up before this board. That is what you should tell them if they want to talk your ear off for thirty minutes. Say send us something in writing.

Sam Seymour: Scott Martin should collect the written complaints for hearing at the renewal of permit.

Diane Graham: Are you saying it would be a public hearing?

Chairman Sousa: We are not Judge Judy. I do not want to become like Jerry Springer. This is not for us to have two neighbors and say state your case what is your issue with him and have it out. This board will decide who they believe. That is really not the process that I want to pursue.

Sam Seymour: There has to be a mechanism for gathering all that data, all those complaints and presenting them at the renewal time.

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Chairman Sousa: If there is something obviously provable like noise or cars being parking there. Something you can take a picture of then we will review that and if it is grounds for saying your permit allows for four cars and you clearly have eight – knock it off.

Judy Voss: If they are going to complain, write it down.

Chairman Sousa: If they are going to complain, they need to go through the proper channels. It is the point of the law.

Jason Inda: It is easier when Judy picks up the phone and will talk to them for 45 minutes.

Chairman Sousa: I think we can revoke a permit.

David Bowen: The complaint goes to Scott. Scott then gets a written complaint and refers it to the Planning Board. The Planning Board puts the owner and complainant on notice. It is not a public hearing. Then you hold the hearing and you make a decision. Then if you revoke the permit, then they have to wait a year to reapply.

Chairman Sousa: Depending on the nature of the complaint I do not think it would be permit revocation immediately. I think it would be hey stop it and then if they do not and we have them back before us with a complaint that we find has merit then yes maybe we would say you have lost your permit.

David Bowen: These are the options you can attach reasonable conditions to the permit or you can suspend it or revoke it.

Diane Graham: Thank you for the discussion.

Chairman Sousa: We have not gone through that before. Have we received a formal written complaint? We have had calls to poor Judy.

Diane Graham: Please refer them directly to the local contact.

Chairman Sousa: Stop entertaining them for 45 minutes. If they really care about it, write it down and submit it. I do not want to arbitrate neighborly issues. If is an issue with a shared driveway, figure it out.

Scott Martin: I listened to one for half an hour today.

Chairman Sousa: Things like too many visitors.

Diane Graham: Septic.

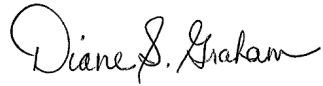
Chairman Sousa: Septic is a huge one. If they are renting to ten people and it is only for four. The septic is designed for a two bedroom home. Yes. That is a massive concern.

Diane Graham: They will have to do the renewal process through Scott and not come to this board. We will have renewals this year.

**Motion to Adjourn**

Being no further business, Ralph Endres moved to adjourn the meeting. Jason Inda seconded the motion. The motion was unanimously adopted and the meeting was adjourned at 8:03 pm.

Respectfully submitted,

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

Diane Scholtz Graham  
Board Assistant