

SOUTH BRISTOL TOWN BOARD PUBLIC HEARING

June 12, 2023

PUBLIC HEARING

The Public Hearing of the South Bristol Town Board was called to order June 12, 2023 at 7:00pm at the Town Hall, 6500 W Gannett Hill Rd., Naples NY 14512.

PRESENT

Daniel Marshall, Supervisor
Stephen Cowley, Councilman
Jim Strickland, Councilman
Donna Goodwin, Councilwoman

ABSENT

Scott Wohlschlegel, Councilman

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Meghan Fuller, John Manser, Ginny Latka, David Bowen, Dan Crowley, Galina Campanella, Joe Kohler, Sally Berry, Amy Hickey, Steve Hickey, Jeremy Schrader, Lisa Messineo, Tom Hawks, Shaun Ritchie, Rich Smith, et al

Online: Ron & Kathy Fortin, Alan Braun, Susan Glenz, Jessica Wagner, Sam Kiernan, Serge Weiss, Ann Jacobs, Lori Flaherty, et al

**TOWN OF SOUTH BRISTOL
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of South Bristol on June 12, 2023, at 7:00 p.m., at the South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York, regarding the adoption of a Local Law of the Town of South Bristol for the year 2023, which would amend the Zoning Law of the Town of South Bristol by repealing the regulations dealing with short-term rentals and would adopt a new Short-Term Rental Law as a separate chapter of the Code of the Town of South Bristol, such new law to establish regulations pertaining to short-term rentals that will require a permit to be obtained before a dwelling unit can be used for short-term rentals, that will establish requirements for the maintenance of such permit and for how a short-term rental can be used and that will establish enforcement and penalty provisions.

Any person shall be entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for public review at the Town of South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York.

This by Resolution of the Town Board of the Town of South Bristol.
Judy Voss, Town Clerk

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Supr. Marshall asked if anyone wished to speak with regard to the proposed law for Short Term Rental regulations.

Dan Crowley, County Road 34, briefly I would like to take a minute and thank the Code Enforcement Officer's, Mr. Bowen and others. As other people know, I've had a number of interactions that relates to this law and I appreciate this for the Town and I think the willingness to really examine what was in place and take seriously the input of the community is really commendable. I thank you as I am sure many other people do.

Mr. Crowley said he understands that they really focused on the things that matter to me. In those things involve dealing with a Short-Term Rental near my property with an operator of that rental that has, albeit my opinion, sort of runs roughshod over what would have been some of the regulations in good practice and good neighbor policies that I think everyone should follow. In trying to deal with that situation, the sage advice I was given by a number of people is that the law in its current form was not able to really address those problems. It didn't have specific remedy or relief in there as it related to penalties or enforcement capabilities of the Town or of the Code Enforcement Office and I think that a lot of the feedback I've given up to this point has been on that in order to give the law and give the Code Office and the Planning Board the ability to enforce the law. That being said, the specific sections I had submitted changes in writing for the Board to review and I trust they will become part of the record as written. The concept here in my specific situation, you'll note that a lot of the comments are aimed at the situation where a Short-Term Rental permit has been issued where the property has to be accessed via a right-of-way arrangement. In my specific instance, there's a right-of-way that was granted over my property in 1965, it's very vague, it's very general, lacking in details. And it has been my contention that the granting of Short-Term Rental permit really changes the major of the use of that right-of-way. I try to focus my attention in part there on top of the specific remedies and enforcement as related to activities which I'll get to in a second. But I think that in concept, if I as a property owner, made the decision to operate my property more or less as a hotel, I think that is up to me. I think that the Town has done a good job and allow people to engage in this activity while trying to also put sensible limits on it. And if I make that decision, I am doing it for my own profit, more or less, that I am compensated kind of for my trouble if I am deciding to assume the risk of having multiple out of town guests, at multiple different times, accessing my property. And if I have made that decision for myself, I assume that risk. In this specific situation, someone else has assumed the risk, and I as a property owner have not. I am forced to bare risk, and potential liability and specific to my case, trespassing and property damage and nuisance, quite frankly. And as I was advised, the original law, said that one of the reasons for revoking it was, if it created a public nuisance. But that because the nuisance was on private property it didn't qualify. So you'll note that I changed it to a public or private nuisance in the law which I think is appropriate because I was very frustrated by that comment. So where I want to focus is on risk and liability, ok? If I got someone operating a Short-Term Rental unit and there is an issue. My driveway in particular is steep, they slide off the road, they get stuck in a ditch, it is a snowstorm, if there is injury, if there is any other issues, the need to, for example, access that property with an ambulance or emergency vehicles, anyone who is familiar with my driveway, they can't get up there. So in this situation, by granting this permit to someone, who is using my property, I am assuming their risk and I am assuming the liability associated with the operation of their hotel on their property and in many ways I don't think that is fair. I think that I should have the ability to have some input on what goes on my property even if it is a right-of-way

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that has been granted for use. I'll close up with my comments related to actions specific actions that can result in the revocation of a permit. I very personally press forth trespassing and destruction of property and I've added some language in here to say that, personal property and improvements on real property should be counted and considered as, if there are damages from a Short-Term Renter to an adjacent property I think the definition of who causes that damage is also appropriate, whether it is the owner of property, rental guests, maintenance people, pest control, HVAC, anyone connected to the operation of that Short-Term Rental needs to be covered by No Trespassing, No Property Damage or anything else.

Jeremy Schrader, I own 6442 West Hollow, I echo the sentiments of the previous speaker, I understand and appreciate the value of having a responsible owner and people that are invested in their property. Read through everything you guys put together and appreciate the committee doing the work that they did. One piece I take Umbridge with is the capacity component, we have a 4-bedroom home that has 2,500 square feet. NYS Fire Code affords us, in that case, almost 15 people. Completely agree that is excessive, I have 3 small boys and a wife that loves her sister, and their 2 kids and while I would love to have a law in place that kept my in-laws out ever coming here, the reality is that my family and my family of 4 would not be allowed under the current rules. And the cap of 12 is completely reasonable, but for us in a 2,500 square foot home with 2 per bedroom, my family plus in-laws, etc. is 9 and that kind of pushes us. What we've seen in our experience has been, 2 per bedroom plus 2. So, a home that has a one-bedroom home could have 4, 2 bedroom could have 6, up to the limit of 12 which makes complete sense so I guess I am appealing to the Board to consider that as possible provision for families. There's a lot of ways you could also reevaluate that whether it be through the existing Fire Code of 200 square feet per person, or as well as doing something similar to 3 per bedroom or disqualifying kids. We understand the letter of the law here, the intent of the law is to limit large parties, that is not our intent, I promise you that is not the intent of the majority, overall majority of Short-Term Rental owners. My headaches are your headaches, the same stuff we deal with is the same problems homeowners deal with. Secondary, the parking situation, I am just looking for clarity on that. Even if we consistently say that we can only support 8, 10, 12 whatever the number is, parking right now is written cars per room. Just to know if we have capacity that the Town would consider space, not a problem I currently have, but more clarity in that case.

Galina Campanella, and my husband and his two sisters and husbands own 6069 Hicks Road. I kind of want to follow right after that gentleman only because looking at what you put out I have absolutely no issues with. I think Susan Glenz mentioned this early on in meetings, that restrictions and regulations will allow the cream to rise to the top. Owners like myself care very much about our properties. When we purchased the home the goal was to make it ours for our children, multi-generation home here. We are short-term renting it with the limit of 2 people per bedroom. It restricts us by a lot. We are one of the very few homes that can house 7 people and I just ask that you look at that and also look into, cause when we purchased the home, we had the septic inspection, we have the well checked, we spoke to multiple people about how many people can we house in this home without issues with the well, without issues with the septic. Also according to HUD, a 3-bedroom house can live 7 people if there is a living room. We have the living room, we have a 3-bedroom. We are not asking for 4 or 5 in a bedroom, but just one or two. So that is really honestly, the parking for us, not really much an issue. I'm just going back on our rentals for last year and this year, we've had far too many families with 7 people rent because we

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allow 7. Cause it's not only 6. One that sticks out that's important to me was the family that came in for a funeral, and to restrict that it just, we need the 7 person for us to be able to market ourselves and continue renting. So whether that could be looked at in the square footage I don't know. Square footage, I mean if you guys know the Caprini Beshi House and you've have been in it, that master can sleep 6, we could put 3 kings in there. We don't. We have only one bedroom that has a full and the twin, and we'd like to just continue to rent that 7 people. Honestly, the only reason we did was because we spoke to well and septic people. When we bought, Leo was our Realtor and said ok, our plan is to have this in the family many, many years. We want to buy your house eventually, but we going to rent it are you okay with it. And we spoke about 7 people and he was very comfortable with that. So losing that one extra person for us is probably about 1/3 of our renters. With the winter we had at Bristol, the non-existent winter, we're struggling. So if we took away our summer and fall renters that are at 7 people, which we have several of, all ready booked, I mean that just makes me nervous, it makes me nervous that we don't, we can't provide housing, short-term rental housing for people who do come, like 2 couples with 3 children, it's just too restrictive. I understand the, cause I also have a short-term rental in Rochester. I understand the tiny apartments sleeping 10, that's nuts, that's not okay. But the 2 per bedroom, if we could just look at that a little bit further possibly going by HUD standards, it's 7 people for a 3-bedroom house if there is a living room. I am fearful of losing that one extra person in our case because that takes away about a third of our renters. We had a family come in that brought their mother from South Korea, how lucky are we that they are bringing her to South Bristol, but had we not been 7 people, they wouldn't have rented our home. We are a unique property because we allow people to have lake view, but not pay the lake front. Our biggest concern personally is our neighbors, we don't allow dogs because we are worried about Leo's horses, and Mr. Field's bison. It is important to us to have these regulations, I'm grateful for them, I really do think you guys did a wonderful job, my only gripe is that one for, that one extra person.

Joe Kohler, of Cliffside Drive, Thank you for this privilege. Two comments, I really want to thank anyone and everyone that's had any part in putting together these regulations. Your vision, your hard work, I've experienced the other side of this as both a renter for some 52 years, now, down in the Caribbean, from Bermuda to Barbados. I'm chairman of a Coalition of Concerned Citizens down there representing 1,780 condominiums, and I tell you tonight, the same conversation are happening and I must tell you as a resident of Bristol Harbor Village with pride, for the last 49 years now, I have lived the Short-Term Rental abuses and I cannot thank you enough and salute you enough and that's it. If you don't get ahead of it, as you have, it will get ahead of you.

Sally Berry, of Lower Egypt Road, I have talked once here before about another option that I am reading more and more about, and that is to allow "Accessory Dwelling Units" on properties. Those are small mother-in-law suites or apartments over garages, or tiny homes and one of the advantages I am reading about is that, obviously it increases capacity without taking housing away from residents, and it is a cost effective way for some people that all ready have short-term rentals to maybe add another rental to the property they are all ready paying for without taking anything out of our housing stock. It is a trend and obviously it requires zoning, conversations, because it is a change from a single-family homes on properties, but different states are looking at this as well because it is a way to work from both sides. It allows more vacation rentals as well as possibly allow additional housing as well as allow the current homeowners to perhaps have additional income on their property by added a "ADU" Unit. I will leave the articles with Judy. The other

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thing I would like to say or echo others, is thank you so much for the work you've done because I live in the first house in South Bristol, the rest of the homes on Lower Egypt are in Bristol and we are losing houses one by one to Short-Term Rentals. There are no kids getting on the school buses anymore, there's no neighbors at that end of the road anymore, so I see firsthand every day what happens when you don't get ahead of this. I appreciate all the work you are putting into this to make it work for all of us. Thank you.

Susan Glenz, said she has not reviewed the documents so going off of a conversation I've had with Deputy CEO Alan Pearce, who has been phenomenal. I have 2 properties, one in Woodville and one on Phillips Road. And recently Dan I had sent you an email thank you for putting that in front of the committee. I wasn't sure if there is anything in relation to this in the documents that you are all talking about, and I would love to know how to get my hands on it. Just specifically, the comments earlier, there was a conversation with Alan about housing availability. Maybe in the future, if property transfers ownership that the new owner the new owner would have to wait 2 years waiting period before they are able to apply for a permit. I understand that the intention behind that to help keep housing available for primary resident owners. My question is in regards to the new builds and if there is someone who purchases a property and intends to put a new construction, dwelling on the property that is creating housing, not hindering the issue with housing availability, and I would ask the Board to consider allowing that person to apply for a permit right away, just as you would allow a business coming into town to apply for a permit and start their business right away. Thank you.

Supr. Marshall said I think your last point was to allow a permit on a house that is being constructed?

Susan Glenz answered, correct, a new build.

Sam Kiernan, new owner of 6656 Phillips Road with a business partner, of mine, Jessica Wagner, who is also online tonight. I did not hear about that 2 year waiting period before asking for a permit, is that for any new purchasers and would that disqualify us from applying. We just want to make sure we've been waiting very patiently and just to reiterate what everyone else said we thank you so much for writing the new regulations I think they are going to be helpful for everyone. We've just been waiting to be able to apply for a permit and to start getting renters in there under these regulations. My second question, when are you going to be excepting new Short-Term Rental applications?

Supr. Marshall answered, once the new law is passed. The moratorium allows up to September to pass the new law.

Supr. Marshall said the Board will be discussing Short-Term Rental a little later in the meeting to basically to discuss some of the suggestions made this evening, plus there are few changes that the committee has looked at. We cannot act on the proposed law tonight, this has to go to the Ontario County Planning Board for review. With any changes, the law will have to go back to the County Planning Board and another Public Hearing would be scheduled.

Adjourned: 7:26p.m.

Respectfully Submitted,

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Judy Voss
South Bristol Town Clerk