

**SOUTH BRISTOL TOWN BOARD PUBLIC HEARING**

July 10, 2023

**PUBLIC HEARING**

The Public Hearing of the South Bristol Town Board was called to order July 10, 2023 at 7:05pm 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**

Nathan Hayes, Alison Meyers, William Sledge, Kevin Stahl, Meghan Fuller, Dan Fuller, Ginny Latka, David Bowen, Lindsay Bolton, Steven Hickey, Joe Kohler, Sally Berry, Jeremy Schrader, Lisa Messineo, Tom Hawks, Shaun Ritchie, Gloria Harrington, Liz Dormer, Pat Dormer, Tom O'Rourke, Thomas Burgie, Sally Berry, Sabine Steinbrecher, Joe Kohler, Amy Merrill and Jill Gordon, et al

Online: Lori Flaherty, Amy Hickey, Catherine Battle, Serge Weiss, David Whittaker, 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 July 10, 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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### PUBLIC HEARING

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

Supr. Marshall noted that there was a Public Hearing last month and the next day the STR committee met and went over all of the suggestions from that meeting. It was decided that we would not go with the 2-bedroom, +2 as suggested; not adopt the language suggested regarding Shared-Driveways. We believe that issues with Shared-Driveways are to be dealt with by the property owner and not part of the Short-Term Rental law. The requirement that a septic inspection dated within 4-years of the renewal of a STR Permit. We also spoke of a 3-person panel in case there were issues and disagreements determined by the CEO, a 3-person panel would have been made up by a member of the Town Board, Planning Board, and a resident of Town as the 3<sup>rd</sup> member. Removal of the 12-person limitation in paragraphs 141-6. This removes the ambiguity that led residents to assume, regardless of the 2-bedroom per person, that 12 people could occupy the premises.

Joe Kohler, of Bristol Harbor, speaks to you from the perspective of having lived 49 years with rentals, here and abroad. Thank you for the hard work. Doing a great job. I just came from Bristol Harbor, we have people that in some cases consider us the No-Tell Motel. They are supposed to book for a week, and the problems when the owners are not on property are really bad, so please consider enforcement and consider really careful scrutiny.

Amy Hickey of Cedar Drive, the last part you said about the 12-person rental, you said “wage” so trying to understand. What did you decide, I know that was something new that was put in as far as a maximum of anybody that has a Short-Term Rental. Including the owners, so that means all day, anytime, evening, night, everything which is different from before is that accurate?

Clerk Voss noted that it was a 12 person limit in the previous law.

Mrs. Hickey asked, there was a meeting in March, that stated that there was 79 Short-Term Rentals that were having permits, 30 identified as being Short-Term Rentals without permits. So that is 109, that you have identified. And you are approving 110, including the 30 that have been identified without permits. Is that accurate and have you identified more since the March Meeting than the 30 currently that don’t have permits.

Supr. Marshall, No, that is not accurate at all. The number of 30 was merely an estimate of what we think could be still out there. We don’t know if 30 is a hard number at all.

Mrs. Hickey said it was also stated somewhere that you allow between 110 – 149 that you would go up to at this point, and you said if there was anybody that opposed it being 110, you’d be open to that number be higher, but it looks like now you’ve gone with 110 and anybody after 110 would be first come first serve, in line, waiting for others to drop out after they are approved. Up to 110, is that accurate.

Supr. Marshall said there is nothing in there about 149 by any stretch of the imagination. 110 Short Term Rentals is the max.

Mrs. Hickey continued, at one point in your meeting you said if there were a lot of people that came to the Town meeting to oppose that, that would be something you’d look at. But what you are stating right now is we are going to hold this forum, I’m only asking because it has never been brought up anything above 110 so it looks like that is what you are going with, is that correct.

Supr. Marshall agreed, that is correct. 110 is the maximum allowed.

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Mrs. Hickey said she is just asking because it is an open forum tonight, I am just making sure that is what you stuck with in the bylaws. Anything above that would be something for the future after you get your 110. If you have 30, maybe more, out there you will get to 110 pretty quickly, and once you reach 110 it is a first come, waiting on a waiting list.

Alison Meyers, an Executive Director of Writers & Books, our headquarters is in Rochester. Our literary arts organization has been around for years, and since 1987 we have owned a 24-acre property in South Bristol with a Naples address. 6581 West Hollow Road, Naples, New York. I am here to speak to go on the record that we believe that our property, Gell Cottage, which we historically have rented, for peaceful, artistic residencies with zero, negative incidences. That we should not be subject to the Short-Term Rental Law. The reason that I am bringing this up is that there was some confusion about this when I spoke with your colleagues at Town Hall. One of the reasons there was confusion is that we were actually not operating for over a year during Covid when we closed the property. And we also were building our resources to do a comprehensive exterior and interior upgrade of Gell Cottage, a \$480,000.00 project. We were closed to residencies I know that there may have been some correspondence presumably sent out to us about the Short-Term Rental law, however we never did receive any correspondence which I would have addressed at the time. The Short-Term Rental law seems more specific for private homes becoming AirBnBs. Our intention is to honor our mission of Kenneth E. Gell Foundation which provides us with and endowment fund for maintaining the property. Ideally, we would like to make the Cottage available to those that would like to give us a donation and a fee for staying there. Obviously, there are many operating costs involved and we need to charge for use of the Cottage for that. We basically want a greenlight to go forward in doing so under the category and classification of Planned Development. What, procedurally, are my next steps?

Supr. Marshall noted that there are other Planned Developments within the Town and are still required to live by the Short-Term Rental Law. This Board will have to have more of a discussion with the Code Enforcement Office.

Tom O'Rourke, full-time South Bristol resident, Blackberry Drive, I've listened to some of the Zoom meetings, the number of permits that will be available, 110, minus permits all ready issued. When you lift this moratorium, and you get a flood of these applications and they exceed the number of permits that are available, what is the procedure to then decide which of those applicants you are going to issue to.

Supr. Marshall, it is first come first serve.

Clerk Voss answered that the application that is being submitted has to be complete in full, no application will be accepted until is fully complete. If the permit comes in partially filled out you are not getting on that list at all.

Mr. O'Rourke agreed, and said there are a lot of interested parties here who I am sure will be smart enough to fill out that whole thing. Suggest maybe think about that, are you going to be able to submit it over, online.

Clerk Voss said as long as the permit is completed in full. These are a few things that will be added to the job following this law and that is why we are here is because it is so much work.

Mr. O'Rourke agreed, realistically I think you could just get a ton of people showing up at the door, we are just assuming we are not going to get that many and we can manage it.

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My name is Linda, I own the property at 19 Spyglass. My first question is if we have questions about the application, to insure we fill it out correctly before it is due, what is the process for making sure we are filling it out correctly?

Supr. Marshall said the Administrative Assistant for the Code Enforcement Office, Diane Graham, and she would be the one reviewing the applications.

The owner continued, for the 110 permits, let's assume you fill out to 110 and someone comes up on their 2-year renewals?

Supr. Marshall said they stay on the active permit list within that 110.

The owner asked how the new application will be announced, how will we know the new applications are available and the dates, etc.?

Supr. Marshall said the new application and the new law goes into effect once it gets filed with NYSDOS in Albany. The day it is filed is the day that the moratorium ends.

Pat & Liz Dormer, Phillips Road, asked if there is going to be a review of the number of permits that were issued, or in place, every 2 years, every 3 years, to see if that number is going to adjust up and down? Is this a hard, fixed number that will exist from the time it is adopted to whenever they decide the law will need to be adjusted?

Supr. Marshall said that hadn't been discussed. If we found ourselves with a waiting list of 40 applications, we may need to do a review. As of right now, we are comfortable with 110. We also believe that setting a cap, it serves the current owners and their ability to rent. If we add up to 150 STR in the town, it is going to be that much harder to rent their property. The STR law is about the neighbors.

Mr. Dormer asked if the Board ever considered or looked at a density per square mile or per acre of these Short-Term Rentals to see if it is overly affecting a given area? We understand that there are some areas that are much more desirable for a Short-Term Rental permit.

Supr. Marshall noted that the STR committee did not speak about capacity at all. It is certainly something to consider.

Mr. Dormer agreed, just for an example, in our area, in a ¼ mile radius, there are 6 residents and out of those 6, one all ready has a Short-Term Rental permit, recently there was a transfer of ownership of another property and the plan to convert to a Short-Term Rental, in that ¼ mile radius 6 residents, 33% of the properties in that area, that is a pretty high density and our big concern that is something that could help the committee and future members decide is this something that works or not. Is this affecting the neighbors more than intended.

Mrs. Liz Dormer said one of things she wanted to bring up as an employee of the Naples Central School District, and South Bristol being part of that. In the last few years we have seen a significant decrease in our enrollment. Three years ago the incoming class was 45 students, this year it is 13. So we also have employees that want to bring their families here, they work here, but they are getting out-bid on single-family homes because they are going to Short-Term Rental. Just something to consider because we feel like it significantly impacts the district. We employ an awful lot of people in South Bristol and Naples that, with the decrease in enrollment, they will no longer have a position.

Supr. Marshall said we are very much aware of that situation, and it is a hot topic. It is a very low number in comparison to the past few years.

Shawn Ritchey, of Blackberry Drive, currently building a home and was wondering in the future I know all the pros and cons of the rental law and definitely in favor of the recognize the need

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for it and appreciate all the work that has gone into it. Unfortunately, it does kind of capture casts a wide net over everyone or someone out of state buying property, snatching up property and renting and turning it into a business, profits going to California. That's genuinely frowned upon, I would support that. For somebody who has a house in their family they want to keep it, they use it but they need to rent it so they can afford it, maybe their parents have moved on. Trying to cast a law the captures all that is difficult at best. So I would think if there is a possibility in the future to think about is there excepts, they are always tough but a situation where if a family lives in the property for a certain percentage of the year, actually uses it and then rents it partially, that could be a potential enforcement criteria and it would be a different person because that person is respectful, knows the neighbors, is in touch with people around him versus someone who is out of state. So again, an owner who has 6 properties would be one that wouldn't qualify. Just a thought, suggestion.

Ben Swett, of Granger Point, thinking back to the school district person and the gentleman from Blackberry Drive, I thought it was great the people have to wait 2 years after a certificate of occupancy before they can apply for a Short-Term Rental to discourage people. I was surprised and curious that you didn't have a similar thing where a new purchaser has to wait for 2 years to apply for a Short-Term Rental. If they have to wait for 2 years, that would potentially keeps them from bidding a property out of means of local people.

Supr. Marshall asked, are you saying within our law we have a 2-year requirement before they can rent?

Clerk Voss noted that the 2-year waiting period is for a new build requires the waiting period.

Planning Board member David Bowen answered, the last comment, essentially the 2 year waiting to do that for somebody that is out of town living in California but you don't do it for somebody here violates the commerce laws of the U.S. Constitution. The Town would be in legal hot water. When you look at all the restrictions put in here, I am an attorney, and I was on the committee and a lot of these things that came up we had to take a look at just from what could stand up legally. The Town Attorney attended a number of committee meetings as well.

Lori Flaherty, of County Road 33, my question is to clarify a bedroom and the maximum occupancy per bedroom 2-people per bedroom. My question is are we considering 2 people adults, have a master bedroom and then have an infant crib, those scenarios are very normal and want to clarify. There are often times where you have 3 kids and clarify if these are adults or children.

Supr. Marshall said the committee did not discuss this but that an infant in a crib might not qualify as an individual.

Clerk Voss said right now it is not clarified in the law, it's adults, it's people, it's children.

Ms. Flaherty said that her property has over 40 acres and I understand the rules and laws to the consideration of our neighbors and noise issues and what-not. Certainly when you have 40 plus acres of land that there is not a neighbor that close that is going to hear much of anything rather than 4 people in an apartment. I encourage this as we move forward to consider the size of property that be in consideration with an exception process.

Clerk Voss noted that it is all about the septic.

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Ginny Lalka, of Andrews Way, asked how do you plan to punish those people who are renting without rental permits? What are you going to do about the 30 or so who are renting without permits?

Supr. Marshall said they would be issued a citation and an order to remedy and to remedy would be to apply for a permit; a notice of appearance to court.

Lindsay Bolton, of Finger Lakes Premier Properties, and also the Finger Lakes Vacation Rental Alliance. First of all, thank you so much for yours and the committees for the ongoing dedication to this. We participate in a lot of different Town Boards throughout the Finger Lakes, these are really well done. One to be clarified, the fire extinguishers are to be inspected monthly, is that by the permit holder or could that be a rental company and how is that going to be recorded? Do we send that in monthly?

Councilman Cowley answered, yes, someone inspects it and it is up to the Code Enforcement Officer to enforce.

Ms. Bolton said that on Conesus Lake their law is the same and it has been a huge task on their resources to have it monthly instead of yearly.

Supr. Marshall said the fire extinguishers are generally inspected annually, we will have to take a look at that.

Ms. Bolton, asked in terms of off-road parking spaces, it says a minimum of one parking space per bedroom. We have a lot of multi-families that stay with us, multi-generational families that stay with us and for the folks that are renting their homes out, in order to cover the taxes of their homes, it can be hurtful if they can't have the accommodations so that they can get the maximum amount of rental rate. We manage 280 vacation rentals and we recommend to our owners, we set the occupancy at 2 people per bedroom plus 2 people. That is generally what we do because in most cases there are bunk beds or there is a pull-out couch. If those accommodations are available, then we typically do 2 people per bedroom plus 2. That is really just to help the owners out making sure they are able to get the maximum occupancy and cover the costs for their homes.

Supr. Marshall said the committee had a lengthy discussion of the 2 plus 2 concept and are likely not to go with it.

Ms. Bolton continued, a question about the letter that is going to be sent to the neighbors. In it, it says the contact person for the rental property will be in that letter. I just want to make sure that the property manager, if there is a property manager, or a local representative, because you do have it in here that they have to respond within 60 minutes, which is really quick.

Councilman Cowley said it is not impossible.

Ms. Bolton agrees, just nervous, and we take it extremely seriously. We make sure the education is going out to the guests, the education is the primary thing and was thrilled to see that it does need to be communicated to the guests ahead of time. For a general comment, because we do have a real estate arm of our company, I can tell you that the real estate market in general, the inventory is not what it has been in the past. With the rising costs of interest rates, it's slowed down the trends of people even thinking about moving because if they move, they then are going to have a higher mortgage, because the interest rates are much higher. With that, a lot of people just aren't moving, we have data that shows that the number of people that are keeping their homes, the length of time that people keep their homes, majority are owning their homes 10-20 years and up. And that is the bulk of the population, so they have all ready aged out of having kids. We've also seen a decline in number of investment buyers in the area, we are educating buyers about the regulations that are happening in the area. We also provide investment buyers with a CMA, a rental projection

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of what they are going to be making. They are now understanding more and more that they are not going to be make a quick ROY on these homes that they initially thought. So we project we will see more of these homes going up for sale because of saturation of the vacation rental market has gone up nationwide and here locally. We've actually seen a plateau in the demand for vacation rentals as well.

Clerk Voss asked Ms. Bolton to inform everyone of the alliance she has formed.

Ms. Bolton explained, that in partnership with Haven Rental and other Short Term Rental owners, we've established the Finger Lakes Vacation Rental Alliance. What we are doing is promoting reasonable regulations but more importantly responsible renting. Our website has not only all of the regulations across the Finger Lakes so people are informed, but more importantly we are providing resources, monthly webinars, to Short-Term Rental owners so that they have a clear understanding that they are entering into the hospitality industry and there are expectations that they need to uphold with their guests, with their neighbors. Really getting to the core of the issue of not being an absentee owner and renting it and forgetting it and being responsible.

Adjourned: 7:50pm

Respectfully Submitted,

Judy Voss  
South Bristol Town Clerk