

STATE OF NEW YORK SKANEATELES VILLAGE BOARD
COUNTY OF ONONDAGA VILLAGE OF SKANEATELES

In the Matter of

to Consider Proposed Local Law No. 2 of 2015
ADOPT A LIMITED MORATORIUM of Chapter 225,
Article IV and Article X,

PUBLIC HEARING in the above matter, conducted
at the Skaneateles Fire Station, 77 West Genesee
Street, Skaneateles, New York before JOHN F.
DRURY, CSR, Notary Public in and for the State of
New York, on September 1, 2015 at 7:30 p.m.

TOWN BOARD MEMBERS PRESENT:

- MAYOR MARTIN HUBBARD
- TRUSTEE JAMES LANNING
- TRUSTEE SUE DOVE
- TRUSTEE CAROL STOKES-CAWLEY
- TRUSTEE MARC ANGELLILLO
- BOARD ATTORNEY MICHAEL J. BYRNE, ESQ.
- BOARD CLERK PATRICIA COUCH



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ATTACHED EXHIBITS

NUMBER	DESCRIPTION
1	Letter from Bob Eggleston
2	E-mail from Lee Klosoweki
3	Letter from Alan B. Dolmatch
4	Letter from Linda L. Goodman-Dolmatch
5	e-mail from Michele Tarnow

Mayor

1
2 THE MAYOR: It's 7:30, we'll start
3 with the Pledge of Allegiance.

4 (Pledge recited by everyone).

5 Thank you everyone for coming to the
6 special meeting of the Village Board
7 with regards to holding of a public
8 hearing which was legally notified in
9 our paper, our legal paper.

10 "Notice is hereby given, Board of
11 Trustees of the Village of Skaneateles,
12 Onondaga County, New York, will hold a
13 public hearing at a Special Meeting of
14 the Village Board of Trustees, on
15 Tuesday, September 1st, 2015 at 7:30
16 p.m. at the Skaneateles Fire Station,
17 77 West Genesee Street, Skaneateles.
18 To consider proposed Local Law Number 2
19 to adopt a Limited Moratorium of Chapter
20 225, Article IV, Land Use Regulations,
21 and Article X, Conditional Uses and
22 Special Use Permits of the Village Code."

23 I would first like to make sure that
24 everyone who is attending here tonight
25 has signed in with their names in the

1 Mayor

2 sign in sheet. And we have had extra
3 copies of the Local Law, it's a single
4 sheet of paper. And there are more
5 copies available if anyone wants more
6 copies.

7 I want to emphasize that because
8 this hearing is strictly limited to
9 Districts C and D of the Commercial C
10 District and the Downtown D District
11 tonight.

12 For the record, we will enter into
13 the record several e-mails and a letter
14 that we have received. One from Bob
15 Eggleston, one from Lee Klosowski,
16 another one from Alan Dolmatch, one from
17 Linda Goodman, and one from Michele
18 Tarnow.

19 I emphasize, all those letters, in
20 essence, were about residential. And I
21 know there are people here tonight that
22 may want to speak about residential.
23 But the purpose of this hearing is about
24 the consideration of a moratorium for
25 Districts C and D. We have put them up

Mayor

1
2 on the big screen so there is clarity of
3 the geographical location area of C and
4 D. If there is anyone has any questions
5 before we start about what the
6 definition of those districts are or
7 those geographical land areas.

8 I only want to emphasize that in the
9 interest of time. Of course anyone is
10 welcome to speak, I'm not intending to
11 cut any, curb anyone off in speaking.
12 But it would be much easier if we could
13 stick to the subject matter. And that
14 is again, I emphasize District C and D.

15 Is there any discussion of the
16 Trustees before we open this hearing up
17 to hear from the public?

18 MR. LANNING: Marty, can you
19 elaborate on the boundaries of D
20 District. What is the eastern boundary,
21 Legg Hall?

22 THE MAYOR: I don't know.

23 MR. LANNING: Then I'm seeing that
24 it goes to Elizabeth Street to the north.

25 MS. DOVE: John, do you know the

Mayor

1
2 exact?

3 MR. CROMP: South of Legg Hall on
4 the south side. On the north side it
5 goes from Leach Avenue to Hannum.

6 MR. LANNING: Thank you.

7 THE MAYOR: Any other comments or
8 discussion of the Trustees before we
9 open this to the public? Okay, I'll
10 open the floor to the public hearing.

11 Anyone is welcome to speak. I would ask
12 in this area that you will stand and
13 state your name and your address,
14 please, so that you can be identified
15 for the record. We are trying to keep a
16 legal record of tonight's meeting. And
17 I will ask just safe-handedly in the
18 essence of everyone to have an
19 opportunity to speak, that we be
20 reasonable and we be fair to others,
21 someone doesn't dominate the floor
22 forever. I don't want to set in to have
23 time frames, I hope we don't have to go
24 there. Let's just all be reasonable,
25 neighbors and friends.

Luchsingher

1
2 it all. This is just a moratorium,
3 which means things stop. I'll try to be
4 that way. I'm not an attorney, I'm just
5 an average Joe here. No pun intended.
6 This moratorium, as I understand it,
7 would just have things stop. It would
8 not only stop the application process
9 but it would stop the jurisdictional
10 process as it speaks of.

11 This in substance, I can't emphasize
12 enough, this is all that this hearing is
13 about. So I don't want to represent it
14 to be any more or less. When you ask
15 what's going to happen on January 1st,
16 only if a Local Law were to be enacted
17 or considered between now and then would
18 something change.

19 ELOISE LUCHSINGER: So the
20 moratorium would continue on?

21 THE MAYOR: The moratorium will end
22 December 31st.

23 ELOISE LUCHSINGER: Then what?

24 THE MAYOR: If nothing has changed
25 in the interim, as far as the adoption

Luchsingier

1
2 or the introduction may I say of Local
3 Law that would change the existing Code,
4 then you would be back to square one,
5 nothing would have changed. The
6 moratorium deadline would have exhausted
7 and we would be back with the same Code,
8 as I understand it that we currently
9 have.

10 But it's our intention to stop the
11 applications currently coming in here.
12 And it's to stop the executive side of
13 going out and administering the current
14 Code, and allow us the opportunity to
15 draft new, and have consideration of a
16 new Code or regulations.

17 ELOISE LUCHSINGER: So you will be
18 meeting in the interim to discuss what
19 should be done?

20 THE MAYOR: It's my personal opinion
21 that the initial outset of this, this
22 entire matter should be turned over to
23 the Planning Board. But again, I
24 emphasize, that's my own personal
25 opinion. I don't want to make

Wiles

1 conjecture about what the Trustees are
2 going to do if this moratorium were to
3 be passed here tonight. Then the
4 Trustees will have to decide on the
5 exact process. I'm just telling you in
6 my personal opinion, our first goal
7 would be to turn this over to the
8 Planning Board for their consideration
9 and review.

10
11 ELOISE LUCHSINGER: Okay.

12 THE MAYOR: Go ahead, Peter, be
13 brave.

14 PETER WILES: Peter Wiles, 11 or 13
15 Jordan Street. I guess I'm at a little
16 bit of a loss as far as the purpose of
17 the moratorium. As far as I understand
18 it, the moratorium simply means nothing
19 happens for 30 days.

20 THE MAYOR: So until the end of
21 December.

22 PETER WILES: Or excuse me, 90 days
23 or to the end of December, whatever the
24 period of time is for the moratorium.
25 But it doesn't either give a structure

Wiles

1 or guidance or anything toward what
2 would happen or needs to happen between
3 now and then. So my concern is this.
4 That if you have a moratorium, those
5 people in the C and D Districts who feel
6 that they should very rightfully get an
7 application and a permit for special
8 use, if the Codes Enforcement Officer
9 determines that their property or their
10 use requires Special Use with the
11 statutes the way they are. That all
12 it's going to do is make it, instead of
13 today, be some time down the road.
14

15 True, you may end up changing,
16 clarifying, adopting, modifying,
17 whatever, the Local Laws between now and
18 then. But if you don't, or you can't
19 come to any conclusion on January 1st,
20 I'm right where I am now. Except that I
21 don't know how to rent my property.

22 Right now under my interpretation of
23 the existing law, I, as a resident of my
24 building, having a lease in my building,
25 and having one other apartment, I offer

Wiles

1
2 it for rent. I'll offer it for six
3 months. I'll offer it for a year. And
4 when I don't get that I offer it online
5 on a website that would be whatever term
6 an individual wants. I live in the
7 building, I police the activities in the
8 building. And to the best of my
9 knowledge, other than apparently a
10 letter that came in to the Board citing
11 my address, because it does advertise on
12 a website, although -- incorrectly, but
13 that's beside the point, they've got the
14 wrong address.

15 You know, I don't know how I'm
16 supposed to move forward. How do I
17 enter into leases? How do I make any
18 kind of marketing or business plan or
19 whatever without the knowledge?

20 In my opinion, what I'm doing is not
21 in violation. The use of the phraseology
22 that brings up this 30 day and transient
23 and whatever, is actually within the
24 definitions of exclusions for uses of
25 dwellings that were hotels, motels,

Wiles

1
2 rooming houses and that type of thing.
3 I don't think that I'm running something
4 that isn't a dwelling. The Codes
5 Enforcement Code apparently disagrees,
6 and perhaps the Village Attorney
7 disagrees. But I don't think that I am
8 in violation.

9 My question then would be, is the
10 issue that we're discussing now, an
11 issue regarding the enforcement of
12 public nuisance that is occurring at the
13 site where a number of rental activities
14 are taking place? Many of which happen
15 to be short term rentals. Or is it that
16 there is a problem with the zoning law?

17 And if it's the latter, is the
18 problem with the zoning law clarity or
19 is it which area it's in or whatever?
20 And when I say that I'm questioning its
21 clarity, I tended to try to get to the
22 definition of it. But for the
23 definition of a dwelling, it has a very
24 peculiar sentence at the end.

25 The terms dwelling, dwelling unit,

Wiles

1 one family dwelling, two family
2 dwelling, multi family dwelling and
3 townhouse dwelling shall not be deemed
4 to include a motel, hotel, rooming
5 house -- and then a very confusing and
6 unclear phrase -- or other
7 accommodations used for more or less
8 transient occupancy of less than 30
9 days. What does more or less mean?
10

11 If I have somebody renting my
12 apartment for a year at a time, and a
13 year at a time, and a year at a time,
14 and somebody wants to rent it for 29
15 days, that would put me in violation of
16 the use? Or is it more or is it less?
17

18 I mean I'm saying that there is no
19 clarity to the existing law. If there
20 was clarity to the existing law, and
21 then there was reallocation perhaps of
22 if the type of rental that I do, which
23 is essentially one apartment in a
24 building with more than one apartment,
25 that occasionally is rented for periods
of time less than 30 days, in a D

Wiles

1
2 District, what is wrong with that?

3 I live there, I police it. I
4 completely understand the horrors of
5 neighbors gone wild. But that doesn't
6 happen in a number, and I would say the
7 majority of rental cases. If it does
8 occur, it seems to me that that is a
9 police issue. And quite frankly if its
10 happens where I live, I'm going to call
11 911 or I'm going to go knock on that
12 person's door and discuss it.

13 So I'm a little concerned that the
14 ~~is~~ that there isn't discussion about
15 what's going to happen between now and
16 when the moratorium ends or is it simply
17 time is going to pass? Because at this
18 point I haven't heard any discussion
19 giving me a sense of what the
20 resolutions are, what the possible
21 resolutions are.

22 And I think that frankly I would
23 just as soon fill out an application,
24 which I was told not to, pending this
25 hearing, and that's fine I can certainly

Wiles

1 wait until today, and it may be moot
2 after today. But to me I would just as
3 soon get going, get going and put in my
4 application. I think I've got a very
5 strong case, and I quite frankly would
6 be stunned if I get turned down.

7
8 And I suspect that there are a
9 number of people in my position or in
10 similar circumstances that right now
11 would rather deal with it, rather than
12 wonder what's going to happen and then
13 have to figure out what to do January
14 1st. So that's my 2 cents or 10 cents.

15 MR. LANNING: Peter, I would like to
16 clarify that the Code Enforcement
17 Officer doesn't issue the use permit,
18 that would be the Zoning Board. And
19 sort of put John in an awkward spot.
20 And I think that's the purpose of the
21 moratorium, is to review the language in
22 the Code and to take a look at it and
23 see if there is a way to clarify it, see
24 if there is a way to improve it.

25 PETER WILES: Well, I haven't heard

1 Wiles

2 that discussion about where -- what
3 process happens to get that information.
4 This is the second meeting I've been at,
5 the only intercommunication I've heard
6 between the two meetings was, I think
7 the letter in the paper from you, saying
8 that it's a crisis that just came up and
9 whatever.

10 MR. LANNING: And also I think it's
11 important to note that the moratorium
12 suspends enforcement for that 90 day
13 period.

14 PETER WILES: Fine, suspend the
15 enforcement now, so we can put in the
16 applications.

17 THE MAYOR: Who else would like to
18 speak?

19 KATE SEVERAN: My name is Kate
20 Severan, and my address 34 State Street.
21 I understand Peter's concern and I can
22 understand why, because he's trying to
23 look at the future and understand what
24 do I do if somebody asks me tomorrow for
25 next June? What do I do. He's going to

Severan

1 be to be, basically he's got, say a
2 business, that now he needs to sit back,
3 close his doors. It would be like going
4 down to Imagine, and saying, close your
5 doors, you can't open until the end of
6 the year, you can't do anything until we
7 tell you what you can do.
8

9 So I guess I empathize for you in
10 that, the situation to be in. But my
11 question is, how, between now and then,
12 I understand why you need the time
13 frame, and that also makes sense, but
14 what would be done between now and then?
15 Who will the discussion be? Will it be
16 open discussion? Because it is a public
17 matter. Or will it be closed hearings?
18

19 It's a public matter. My feeling is
20 and my knowledge is, as far as New York
21 State law is, it must be public. I just
22 would like the answers to that as to how
23 all the discussion or what is going to
24 be decided upon is going to happen.
25 What is the plan for the next, from now
until the end of the year?

Walker

1
2 THE MAYOR: I'm going to apologize
3 for answering Eloise, I set a precedent
4 here that shouldn't be set tonight. We
5 should not be responding. This is not
6 question and answer. And I'm in no
7 position, nor is anyone at this table to
8 in a position to offer conjecture on
9 what will happen if this is passed
10 tonight. Okay, I'm not in a position to
11 do that. So we need to refrain from
12 this question and answer type of
13 exchange.

14 I emphasize again, it's about one
15 piece of paper here. It's about this
16 consideration, this consideration only.
17 So we really shouldn't be letting
18 ourselves get into the question and
19 answer type exchange. That being said,
20 who else would like to speak?

21 DAVID WALKER: David Walker, 2183
22 West Lake Road also 21 West Elizabeth
23 Street. Interesting, keep it a short
24 story, but my parents moved here in
25 1975, I was 12 years old. And the

Walker

1
2 reason they were able to move to an
3 expensive community such as Skaneateles,
4 they bought a two family house, their
5 rent covered their mortgage in a large
6 portion of that, and very small taxes.
7 Those days, as we all are well aware,
8 are gone. I don't think you can find a
9 one or two and there is only count them
10 on my hand, three family homes in this
11 area to invest in, with 20 or 30 percent
12 down and break even on it, if it was in
13 good repair, got lucky.

14 Because I had to buy my relatives
15 out after my mom passed. I've got well
16 over 50 percent equity in there. I
17 break even and I take expenses out of
18 pocket, I had to pay 3,200 bucks for a
19 water line, contractors for this and
20 that and whatever.

21 And what keeps happening there is a
22 problem with Peter's point policing
23 relief. I don't think anybody knows the
24 answer to this, not to be an answer
25 session. But isn't there a way, a quick

Walker

1 expeditious way for the Local Law
2 Enforcement to find a landlord that's
3 not diligent? Because I'm the same way
4 with Peter, I live four miles up the
5 road. I'm there in 20 minutes.
6

7 Ultimately that's how I was brought up,
8 my parents did it, as a long term rental
9 for many years to help pay the property.
10 There's good landlords and bad
11 landlords.

12 It doesn't matter if it's nightly,
13 weekly, monthly or long term several
14 years, there is two different types.

15 And I think realistically we need to be
16 generous in certainly the existing
17 places where there is intent to rent.

18 I would have never bought my mom's
19 house for a long term rental for a long
20 term. I bought it because it's going to
21 be part of my retirement financial, as a
22 weekly or whatever, and it's going to be
23 policed. And that makes a difference.

24 Isn't there an expeditious facility
25 available legally to rapidly bind

Tarnow

1
2 absentee landlords for the lack of
3 diligence that they show? That really
4 created this to stir the pot, if you
5 will, but I understand the residents
6 concerns. Anybody know the answer to
7 that or?

8 THE MAYOR: I can't keep repeating
9 myself, it's a public hearing. We're
10 listening only. Who else would like to
11 speak?

12 MICHELE TARNOW: I'm going to ask to
13 expound outside of C and D, and ask for
14 the Board that they consider as they're
15 looking, if they go forward with this
16 moratorium, and if they engage the
17 Zoning and Planning Board, to think of
18 this as a situation that extends beyond
19 the immediate Commercial District.

20 I'm sorry, I'm Michele Tarnow, I
21 live at 6 Lakeview Circle. My family
22 has been here since the very beginning,
23 before Skaneateles was Skaneateles. My
24 family on the Kellogg side goes back to
25 the very earliest founding of

Tarnow

1
2 Skaneateles, as well as changing the way
3 America eats breakfast. My grandfather
4 was the founder of Sage, and the first
5 president of Sage. Our family has been
6 a part of this community and thinks it's
7 very important. Tried to give back and
8 good stewards of the community. I've
9 been a Rotarian for ten years and Youth
10 Exchange Officer.

11 We unfortunately have fallen under
12 very difficult economic times. Welch
13 Allyn moved my husband's job to the
14 Netherlands. Which at first sounded
15 great, except they didn't support the
16 move. We were not able to sell the
17 house based on the market conditions.
18 And we were not able to afford to put
19 our children into school in the
20 Netherlands. So we are living across
21 oceans trying to keep a family together.

22 My company that I work for, Gaylord
23 Brothers, decided to move its jobs to
24 Wisconsin. We have struggled to make
25 ends meet, to keep up our property, to

Tarnow

1 pay bills. And recently things have
2 gotten more difficult as jobs are
3 leaving the community faster than
4 they're coming in. And I'm working two
5 jobs.
6

7 And I have found that in order to
8 try to keep my house out of foreclosure
9 and meet the upcoming school taxes,
10 which all of you can relate to, I have
11 started renting my house on a short term
12 basis.

13 When I bought the house I wasn't
14 interested in renting my house. So I
15 didn't read the title close enough as
16 probably everybody in this room doesn't
17 have a copy of the title that they can
18 read or the codes or whatever. I didn't
19 know that I was in a District where I
20 couldn't rent. There has been a rental
21 next to me the entire time I've lived
22 there, long and short term, mostly long
23 term. There is a short term rental
24 across the street from me.

25 I have become the object of

Tarnow

1
2 persecution in my neighborhood. No one
3 can pull into my driveway without their
4 license plate being snapped and sent to
5 John Crompt.

6 I ask you to consider the changing
7 makeup of the country, of this
8 community. What are the long term plans
9 that we really want, truly want to be a
10 community long term? Do we want to be a
11 community of people who live here two or
12 three months out of the year and then
13 are gone the rest of the year? Lakeview
14 Circle is certainly starting to look
15 that way. In two months there will
16 probably be at least 11 vacant houses on
17 the street.

18 There are some of us who are trying
19 to hold on. We love this community and
20 want to make this community as strong as
21 possible. The school population is
22 going down. The community struggles in
23 the winter time to keep stores and
24 restaurants open. I ask, this is a big
25 task in front of you, please take a long

Barker

1
2 term broader view as you go forward of
3 what is long term implications for
4 economic sustainability for the
5 community as a whole. Thank you.

6 BECKY BARKER: Becky Barker. I've
7 lived here in town for almost a few
8 years, recently purchased a rental at 41
9 Jordan Street in the Village of
10 Skaneateles. The rental, when we
11 purchased it, was quite dilapidated. It
12 was beyond a gut job. And we have
13 successfully put two two bedroom
14 apartments into that unit, and have
15 received many accolades from people who
16 are actually sitting right at that table
17 up there about the quality of the
18 remodel that we did and the amount of
19 time and attention that we spent in
20 making the property beautiful again.

21 I would like to concur with the
22 woman from Lakeview Circle. I think
23 that we have some serious issues in this
24 town which are driving, in many cases,
25 the needs for short term rental to be

Barker

1 "on the champing block." Those serious
2 issues include an overload of traffic in
3 the Village, which has never been
4 considered to be diverted or made more
5 attainable for residents only. Parking
6 on Village streets. Parking on Village
7 streets in many resort communities is
8 open to residents only through a stickler
9 process. That would be a possibility
10 for people who are living close to town
11 and do not wish to have their street
12 utilized as a parking lot for tourists.

13 The other problem that we are
14 experiencing in town is a very high
15 degree of pedestrian foot traffic. And
16 I think that we can all look around this
17 room, we're pretty much all locals here,
18 and say that we've all come close to
19 hitting someone in town because of the
20 excessive pedestrian foot traffic and
21 the jaywalking.

22 People are experiencing a heightened
23 sense of anguish over this. People are
24 angry and annoyed that they can't go to
25

Barker

1 their bank, they can't find a place to
2 park to go to their bank. What few
3 Village spots we have are not enforced.
4 So they truly are not for the residents
5 of Skaneateles.
6

7 As an owner of short term rentals we
8 were challenged in our permitting
9 process to meet an expectation for the
10 Village Board. And that expectation was
11 to provide off street parking, provide a
12 safe environment, provide housing in a
13 District that makes sense for Skaneateles.
14 Since the late 1800s this Village has
15 been consumed with tourism. I don't
16 know how it got to be such a dirty word.
17 '30s, '40s and '50s, Medford Crucible
18 (phonetic) used to rent a camp here, we
19 have many Village officials in the Town
20 to this day, to this day, rent their
21 camp on a short term basis in the
22 summer. I know that's Town business and
23 it's not Village business, but it is
24 applicable to this discussion.

25 Due to the fact that we have become

Barker

1
2 a community of people who do not live
3 here and reside here 365 days a year, we
4 are becoming a wealthy elitist community
5 for downstaters and for people from New
6 Jersey. As a result of that our school
7 system enrollment is going down. Please
8 don't mix up the taking away of
9 affordable homes in the Village of
10 Skaneateles with our school system
11 numbers dropping. Because our school
12 system numbers dropping are right in
13 line with everything that's happened
14 across the United States.

15 This is the hottest issue right now,
16 for mayors. And Mr. Hubbard, I'm
17 wondering if you happened to attend the
18 Mayors Conference this year?

19 THE MAYOR: Not a question and
20 answer.

21 BECKY BARKER: I'll assume you did
22 not. The Number 1 item at the mayors
23 conference this year was dealing with
24 short term rentals in your community.
25 This is the topic which is happening

Barker

1
2 throughout the United States. And I
3 feel that if you don't spend the time to
4 realize that you're dealing with a lot
5 of local people here, and a lot of
6 people's livelihood, and a lot of
7 people, family and friends who come to
8 visit this town, that it's a
9 shortsighted view of what this town is.
10 We've never been someone -- we've never
11 been in a town, people who have
12 discounted the entrepreneurial spirit,
13 we welcomed that, fought for that, the
14 free enterprise system here has
15 something that has always been nurtured.
16 And in order to keep that going you have
17 to give people business opportunity in a
18 community our size.

19 The Skaneateles area Chamber of
20 Commerce makes properties available to
21 the outside public for rent on a short
22 term basis, period. It's been done for
23 decades. And thank you for your time
24 and consideration on this matter.

25 THE MAYOR: Anyone else?

Rubenstein

1
2 ARNOLD RUBENSTEIN: Arnie Rubenstein
3 2 East Genesee Street, Skaneateles. I'd
4 like to submit that we're really
5 discussing or focussing on the wrong
6 issue. The rate of a rental isn't the
7 real problem, the problem is inappropriate
8 behavior. And that's what we ought to
9 be focussing on. And I'd like to submit
10 that our laws, our police can deal with
11 inappropriate behavior, whether you're
12 here for 2 days or 20 years. They
13 should recognize it and deal with it.

14 There should be some way though that
15 the property owner, who is not policing
16 his property, can stand some type of
17 liability, whether it's a financial
18 liability or some liability. And just
19 as an offhand suggestion, I don't even
20 know if it's legal, but if you get two
21 complaints within one season or one
22 year, next season you lose one month
23 where you can't rent. If those numbers
24 go up you get three complaints, maybe
25 next year you can't rent for two months.

Walker

1
2 But that's what has to happen. There
3 has got to be a liability on the
4 ownership to police their property. And
5 I think that should be the focus.

6 DAVE WALKER: Dave Walker, 2183 West
7 Lake and 21 West Elizabeth Street.
8 You're absolutely right, and it almost
9 would, I think, be incumbent of a good
10 landlord. Because you've got people
11 live a long ways from here, to have a
12 local agent that's able to execute a
13 prompt eviction in the presence of the
14 police, on short notice. That agent in
15 the absenteeism of the owner, to have
16 24/7 cell number/contact number.

17 Because if you've got somebody
18 living 200 miles away, you're not
19 getting the problem out of the house
20 that night. If it's out of control,
21 unless there is something heinous and an
22 arrest takes place, you need to have a
23 facility, a vehicle by which to get
24 these people out. The owner is not
25 around, they should be required to have

1 Pornbeck

2 an agent.

3 KATE SEVERAN: Someone that lives in
4 the Village, someone lives in the
5 Village or very close by.

6 DAVE WALKER: You need to incur the
7 expense if you're going to be a long
8 distance, you know, bill for that long,
9 you need to go through the expense and
10 process of having an agent who is
11 entitled to the privilege of evicting
12 that person in the presence of the
13 police in the event this happens.
14 At that point it becomes a policing
15 matter, you're absolutely correct.

16 BOB PORNBECK: Bob Pornbeck, I own
17 50 to 52 East Genesee Street. I am from
18 Binghamton, I've been coming up to
19 Skaneateles for over 40 years, I plan on
20 retiring here. I made a major
21 investment in the community here. And I
22 can see both sides of this situation.

23 There are some troubled buildings.
24 And being from Binghamton, we have in
25 the City of Binghamton we have, like the

Pornbeck

1 gentleman said over here, there is a
2 point system. If they want to lock down
3 a building, trust me, we have a lot more
4 serious problems in Binghamton than in
5 Skaneateles.
6

7 They have a point system for locking
8 down a building. And it's rated on the
9 number of police calls that come into
10 that building. And the way I would
11 interpret that would be, if you have
12 annoyance calls, say someone is not
13 doing what they should or you have a
14 rowdy bunch of people in the building,
15 and someone calls the police, there
16 should be some kind of a point system
17 that is kept for that. It's kind of in
18 line with what he was saying over here,
19 and this gentleman back here was saying,

20 And I think the only way you're
21 going to actually solve this problem is
22 with -- through compromise. You've got
23 a lot of people with major investments
24 here. And I've only got one rental
25 unit, but I have other friends that have

Barker

1
2 many units. And they have built their
3 buildings with the assumption that this
4 rental agreement, the short term was
5 going to go on. And they've done a damn
6 good job at redoing these buildings, and
7 keeping the image of Skanateles what it
8 should be and up to the standards that
9 it is.

10 So I think that most of these
11 problems I think can be resolved. It's
12 just a matter of coming to some kind of
13 conclusion with, like he said over here,
14 some kind of a point system like I
15 suggested.

16 BECKY BARKER: There are certainly
17 many examples of hundreds of situations
18 like this across the country. I would
19 urge you to find out where the most
20 successful relationships between
21 property owners and village or town
22 officials are being borne. Some of them
23 are very local; Cooperstown. This is
24 not a problem that is exclusive to
25 Skanateles or even resort communities

Rubenstein

1
2 in general. This is a problem in every
3 community. Most people would not
4 consider Fayetteville a resort
5 community. Fayetteville is experiencing
6 the same problems that we do.

7 So there is a lot of legal precedent
8 for you to review. And a lot of it is
9 very good. And the compromises have
10 been fair. And we would urge you to
11 take a look at those.

12 THE MAYOR: Anyone else care to
13 speak? I'm trying to give other people
14 at least their first chance before we
15 start having double.

16 ARNOLD RUBENSTEIN: I think that was
17 an excellent idea to look at what other
18 communities are doing. I just wanted to
19 add Saratoga to that list. Most high
20 percentage of their rentals are all 30
21 days; that's the racing season.

22 THE MAYOR: Anyone else care to
23 speak?

24 KATE SEVERAN: Yes. I agree with
25 what several people here said about the

Severan

1
2 right here down the street. She found a
3 place, she moved here. She was welcomed
4 to Skaneateles by a neighbor calling the
5 police on her because her dogs were
6 barking.

7 So the police show up, police get
8 out of the car, walk around the house,
9 several times, hear nothing, see
10 nothing, no issue, call us. And there
11 is no problem as far as they're
12 concerned. So we have to be careful
13 with the policing part.

14 I agree if there is an issue and
15 there is a problem, the police should be
16 there in a second. And I totally agree
17 with that. But you may have neighbors
18 who don't like this and they're going to
19 make -- take photographs, do things that
20 are going to do everything they can to
21 be a thorn in the side of somebody who's
22 trying to run a legitimate business, and
23 something that's above board and doing
24 everything that they can to do right by
25 their neighbors. Some people just don't

Severan

1
2 like this. And we know that. And
3 that's unfortunate.

4 And it's unfortunate any of those
5 people moved to this tourist town,
6 because that's what we've been for
7 hundreds of years, like Becky said. If
8 you go down to the library you can read
9 back to the early 1800s, this town has
10 been a tourist town. My family moved
11 here almost, I don't know 45 years ago,
12 we moved here, they bought the hotel.
13 They did that because it's a tourist
14 town. We had a store downtown. It's a
15 tourist town is what it is.

16 With Welch Alllyn going, it's a
17 little concerning being sold, which I'm
18 sure you are concerned with that as
19 well. The two major things we have in
20 our town is Welch Alllyn and tourism.
21 And it's been beautifully built over the
22 past 15 or 20 years, and I hate to see
23 it be destroyed by making the wrong
24 decisions over a few bad eggs as some of
25 the other gentleman said. And it's

Whiting

1 right for the other people doing things
2 the right way and are really trying to
3 do things the right way.
4

5 JOE WHITING: Joe Whiting, 33 Griffin
6 Street. I've been a resident of
7 Skaneateles my entire life, my dad was
8 actually born in Skaneateles. I don't
9 really have a question, just a kind of a
10 statement. I'm not clairvoyant, but I
11 can say I'm glad that I don't live in
12 section D or C. Because as I can see in
13 the future where it will become nothing
14 but a commercial area, where people that
15 are living there as a residential area
16 right now, won't want to live there
17 because everybody will be coming in to
18 buy houses and make them into duplexes
19 or multi-rental things. Which, you know, I
20 understand that entrepreneurial part of
21 the thing and I understand there is a
22 tourist aspect of it, but I think you
23 eventually get to where you destroy the
24 kind of, the residential part of it that
25 exists within the commercial part of it.

Carroll

1
2 And then when the D and C becomes
3 saturated does it just expand to A and
4 ?? So it's not a question, it's a
5 statement that I can see from being a
6 life-long resident that again, like some
7 of the folks who maybe have a different
8 opinion, I agree it should take some
9 careful consideration about if there is
10 going to be changes in the zoning or if
11 there is going to be, you know, just
12 redefining what Skaneateles is or how
13 it's done.

14 But you know, if I was living in
15 section D as a resident and didn't plan
16 on having a commercial use to my
17 property, I'd be looking for property in
18 A 2 or somewhere outside the Village I
19 guess. That's my two cents.

20 PATRICIA CARROLL: Pat Carroll, 7
21 East Elizabeth Street. I agree with
22 Joe. I mean I understand commerce along
23 with D and C, but I just think as a
24 Village we have to consider just who do
25 we want to be? Every square foot

O'Sullivan

1 available, do we want it turned into
2 rental property? We all visited towns
3 where, you know, they let that genie out
4 of the bottle and they can't get it back
5 in. And you know, you don't want to go
6 there anymore. I think there is room
7 for some of this, but I think we have to
8 figure out a way to limit it in some way.
9

10 And I know you view parking and
11 other ways to do that, but I think if
12 you decide in these districts, you know,
13 you don't want it to become the Jersey
14 Shore. So I'm with Joe.

15 THE MAYOR: Anyone else care to
16 speak?

17 BETH O'SULLIVAN: Beth O' Sullivan,
18 10 Leitch Avenue. I also agree with Joe
19 Whiting. And I don't -- I know someone
20 that proposed to include the A 1 and 2
21 in this moratorium and I disagree with
22 that. That's a residential area right
23 now. And I purchased my home expecting
24 that it would remain a residential area.
25 But yes, I am concerned too with C and

O'Sullivan

1
2 D. And I don't need to repeat what Joe
3 said, but I fully agree with him. Thank
4 you.

5 RICHARD SCHMIDT: My name is Richard
6 Schmidt, I own a building at 26 East
7 Genesee Street, also live in the town.
8 This is back in 1976 or something like
9 that, I was over at the Krebs, talking
10 with Larry Loveless upstairs in the
11 lounge. And we were trying to figure
12 out, you know, what we could do to jump
13 start this town. Most of the businesses
14 in that Commercial District were either
15 closed or going out of business.

16 And what he told me was something
17 that took me a while to think about. It
18 hit home. I thought it's exactly what
19 we do need, and it's exactly what other
20 towns did, they helped themselves
21 economically. And he said: We need
22 more rooms. You can't come to town, you
23 go to the Sherwood Inn, Eberhardt is
24 struggling for years. But that place,
25 and there was a few other places that

Schmidt

1 you couldn't find rentals short term.
2
3 The motels one on each side of the town
4 were usually booked solid, and that's it.

5 So what has happened, I own a
6 commercial building in that area, and it
7 is commercial, not a dwelling, always
8 has been, always will be. But retail in
9 it. It's got offices in it and I've got
10 rentals in it. I do not rent by the
11 day. I rent by the week. And if you
12 rent a month or a year or whatever, this
13 doesn't come into play.

14 But what I think you should do is
15 consider -- it's easy to say this could
16 happen or that could happen, but believe
17 me over the years I've learned that a
18 lot of the times you try to look down
19 the road, all you have to do is look
20 back. And that pretty much tells you
21 what you can or could do.

22 In this situation I think I agree
23 with Arnie, and I agree with Floise, I
24 also agree with Mr. Pornbeck. That in
25 any of these measures, no matter what it

1 Barber

2 is, in any town no matter what it is, if
3 there is a situation where one,
4 something gets out of control, whatever
5 those parameters state. There should be
6 a way of saying, this is what will
7 happen because of concerns from people
8 in the Village. So if you would, all
9 you have to do is look back to look
10 forward. And thank you for having this
11 meeting. It was needed.

12 THE MAYOR: Anyone else?

13 BECKY BARBER: One more short one.
14 I hope if we move forward we can try to
15 create a level of transparency with this
16 issue. That behooves all of us. In
17 reference to this issue there have been
18 many things that have happened. There
19 have been missing files and missing
20 letters that didn't make it into the
21 folder, if you will. I don't think that
22 any of us want that to happen. We don't
23 want to have to do back door deals with
24 people to make this a successful venture
25 for everyone concerned.

1 Barber

2 But in order for that to happen, you
3 guys need to be open, and we need to be
4 open. And we deserve to know if there
5 is a complaint on our property, who's
6 writing it. And if there is something
7 that you want to tell us as the property
8 owner individually, you deserve to tell
9 that property owner. And we deserve to
10 know that you have something you want to
11 say to us.

12 I hope that you will consider making
13 it an open forum of conversation and an
14 open forum when it comes to furthering
15 the best of this Village. And by doing
16 so and keeping things transparent and
17 not behind closed doors, everyone will
18 benefit.

19 THE MAYOR: Anyone else? (No
20 response). Motion to close the public
21 hearing?

22 MS. STOKES-CAWLEY: I'll make that
23 motion.

24 MS. DOVE: I'll second it.

25 THE MAYOR: Motion made and seconded

1 Public Hearing Closed

2 to close the public hearing.

3 POLLING THE BOARD BY THE MAYOR:

4 Q. Marc?

5 A. Yes.

6 Q. Jim?

7 A. Yes.

8 Q. Sue?

9 A. Yes.

10 Q. Carol?

11 A. Yes.

12 THE MAYOR: I vote yes. Public

13 hearing is closed. Thank you for all of
14 your comments.

15 The Board of Trustees, to make a
16 decision on this?

17 MS. DOVE: I have a question how
18 we're going to proceed before I want to
19 vote on it. Talk about what is going to
20 be the make-up of the group that's going
21 to researches this. Just so that I know
22 what is our process going forward before
23 we decide that we should vote on this
24 moratorium. Anybody have thoughts on
25 that?

Board Discussion

1
2 MR. LANNING: One of the things I
3 heard over and over again is that people
4 who own property should not be left
5 hanging while we decide what we are
6 going to do. So I think that that
7 should be clear. It's my understanding,
8 maybe you can help me, Mike, that the
9 moratorium suspends enforcement, even
10 the ones that are currently, people that
11 have been responded to with letters.

12 MR. BYRNE: That's right. During
13 the moratorium period no applications
14 pending or new, would be acted upon.
15 And no enforcement activity in C or D
16 would be undertaken or pursued.

17 MR. LANNING: Or furthered?

18 MR. BYRNE: Meaning you would stand
19 down and the status quo would remain in
20 effect through the end of the moratorium
21 period, December 31. So as an example,
22 if someone in the C or D District is
23 engaging in short term rentals without
24 the requisite permit, even in the face
25 of a complaint, the Village would not

Board Discussion

1
2 pursue enforcement measures against
3 that.

4 MS. STOKES-CAWLEY: But they could
5 take that complaint to the police.

6 MR. BYRNE: If there were something
7 of that nature, yes. What we're talking
8 about is the zoning nature of this
9 issue. Not police activity.

10 MR. LANNING: And if this is to
11 December 31st, could it be extended or
12 would we have to have another public
13 hearing too?

14 MR. BYRNE: It could be. The
15 Village has a history of having done
16 that, I don't know five or six, seven
17 years ago, where we had a moratorium
18 placed with respect to the downtown
19 parking, on site parking regulations.
20 And the Trustees extended the moratorium
21 I think for a couple months while they
22 were fine tuning proposed regulations.
23 So yes, that can happen. It would have
24 to happen if you wanted it to extend
25 beyond December 31.

Board Discussion

1
2 MR. LANNING: Can someone make a
3 motion it not be allowed to be extended?
4 That it would be to December 31st only?

5 MR. BYRNE: I don't think so,
6 because you're going to adopt this by
7 Local Law. So you have two choices,
8 either, three choices: Either let this
9 period expire and do nothing. Or by
10 Local Law again, before December 31, you
11 extend it. Or by Local Law you cut it
12 short.

13 If you came up with a solution in 45
14 days and wished to revoke or terminate
15 the moratorium, then you simply adopt
16 another Local Law like this that
17 terminated it sooner than 12/31.

18 MR. LANNING: What would be the
19 process for extending it, would it
20 require another public hearing?

21 MR. BYRNE: Yes. I think the
22 question from Sue is, if this moratorium
23 is adopted, what's the Board's plan then
24 to consider and move forward with a
25 review of the current regulation of

Board Discussion

1 Board Discussion
2 short term rentals with C and D?

3 MS. STOKES-CAWLEY: Would it be
4 appropriate for the Planning Board to
5 take the lead on this?

6 MR. BYRNE: It would.

7 MS. STOKES-CAWLEY: Then I'd like to
8 recommend it to the Planning Board and
9 have them recommend how they would
10 proceed, whether they want to do it on
11 their own or whether they want to have,
12 you know, a group of different parties.

13 MS. DOVE: I would propose that we
14 be a little bit more involved than just
15 throwing it to the Planning Board. Bill
16 Eberhardt is on the Planning Board, and
17 so there is one person right away that I
18 think would have to recuse himself
19 because it's his business.

20 And I think we would probably want
21 to get maybe somebody that's done this
22 right. And we've got I think quite a
23 few people in this business that have
24 done it right and get their input. Get
25 a resident input involved, of somebody

Board Discussion

1
2 that feels strongly on that side of
3 things. Maybe one of us, and then maybe
4 one or two people on the ZBA. I mean I
5 think probably seven people max.
6 Because when you get I think higher than
7 that it's hard to get anything done.
8 But I think we need that input from all
9 those entities in order to do this thing
10 justice. Otherwise, if we just let a
11 small group do it we're going to get
12 back here and then we're going to be
13 rehashing it all again. The more volume
14 we can have moving forward I think would
15 be better off.

16 MR. ANGELLILLO: I'd like to make a
17 statement. The way I understand the
18 moratorium, knowing what we're
19 discussing tonight, if somebody wanted
20 to apply for a permit right now, under
21 the current Local Law, I don't see how
22 the Planning Board or the Zoning Board
23 could approve it. Because of the Local
24 Law prohibiting, you know, a dwelling
25 from being rented for less than 30 days.

1 Board Discussion

2 So the point of the moratorium, the way
3 I understand it, is that it will give us
4 an opportunity to take a look at this,
5 take input from the Planning Board, from
6 the Zoning Board.

7 I'm very interested in hearing more
8 about people that successfully rent
9 properties and have their input. I
10 thought this very informative for me
11 because I don't rent properties.

12 But getting back to the original
13 purpose of this meeting, is that it
14 gives really the people that want to
15 rent properties in these two districts
16 that we're referring to with this
17 moratorium, some leverage. Because
18 honestly, I don't know how the Planning
19 Board would award somebody a permit when
20 it's against Local Law.

21 So if we stick to the moratorium,
22 I'm in favor of the moratorium, so that
23 we can study this and understand it and
24 move in a right direction. And I'm very
25 interested in the transparency as Becky

Board Discussion

1
2 said, about the process. And Sue's
3 comment about bringing more people in
4 than just the Planning Board and the
5 Zoning Board. I think it should be
6 maybe a community. And I'm not exactly
7 sure how we do that, but a community
8 discussion on how to move forward. But
9 again, the moratorium, as I understand
10 it, is a benefit to everyone currently
11 renting properties in these two
12 districts.

13 RICHARD SCHMIDT: Are you opposed to
14 anyone being on the committee and help?
15 I've been on the street when we did that
16 years ago and took telephone poles down
17 and did the sidewalks. People said what
18 are we doing? And we did what we did.
19 And that certainly benefitted the
20 Village. And the parking lot situation,
21 I was on that committee when we studied
22 the parking lot. What should we do? We
23 can't do that. Well it seemed to work.
24 I'm more than happy or I know people
25 that would love to sit down and discuss

1 Board Discussion

2 this situation with the Village, grass
3 roots.

4 MR. ANGELLILLO: So we make a motion
5 on the moratorium?

6 MS. STOKES-CAWLEY: Yes.

7 (Becky Barber had her hand up).

8 THE MAYOR: It's Board discussion
9 right now.

10 MS. STOKES-CAWLEY: I'm in favor of
11 the moratorium as well.

12 MR. ANGELLILLO: I'll make a motion
13 then. Has everyone finished their
14 comments, Jim too?

15 MS. DOVE: Are we all in favor of I
16 guess getting other people's opinion
17 other than just the Planning Board?

18 MR. LANNING: Yes.

19 MR. ANGELLILLO: I think we need to
20 first do the moratorium and then we move
21 forward on how we proceed with adopting
22 a change in a Local Law. Because the
23 Local Law as written, the way I
24 understand it, it prohibits all this.

25 MS. DOVE: Well, if we can get a

1 Board Discussion

2 Special Use.

3 MR. BYRNE: It absolutely prohibits
4 short term rentals in the residential
5 zones. The only way to overcome that
6 would be a Use Variance, which is very
7 difficult to get. Or an application for
8 a B&B, and if that's appropriate given
9 the circumstances of the property.

10 In the C and D Districts, it's a
11 permitted use if you have a Special Use
12 permit. So you have to come to the
13 Boards to get it, a Special Use permit.
14 It's not outlawed, it's actually
15 permitted, but you have to have a
16 permit, which gives the Planning Board
17 the ability to impose conditions and so
18 forth. So the focus here is whether
19 that process needs to be tweaked.

20 MR. LANNING: Mike, is there any
21 legal precedent to limiting it to a
22 percentage of properties?

23 MR. BYRNE: I don't follow you.

24 MR. LANNING: 3 percent of the
25 properties or 5 percent of the

Board Discussion

1 properties can be.

2
3 MR. BYRNE: Of the community?

4 MR. LANNING: Of the community.

5 MR. BYRNE: I've never seen that.
6 Could be, I've just never seen that.
7 What's typically the way land use

8 controls are done, is by area, by
9 geographic area, by District as we see
10 up there. So that within a given
11 district, a defined geographic area,
12 certain things are permitted, certain
13 things are not permitted. That it is
14 the garden variety way of land use is
15 created, land use controls are created.

16 MS. DOVE: To go forward, I would
17 like to look at it a little more
18 globally as Ms. Tarnow said as well.
19 I'm not suggesting that we change what
20 we're here for tonight, but just that we
21 look at this for where we're going to be
22 10, 15, 50 years from now as a whole
23 Village, not just the downtown C and D.

24 BECKY BARBER: Excuse me --

25 THE MAYOR: No more public comment.

Board Discussion

1
2 We're in a public meeting we're not for
3 public comment. That's closed. Board
4 discussions only.

5 MR. LANNING: I tend to be in favor
6 of the moratorium as long as we actively
7 get input from the Planning Board, this
8 Board, and the residents and have a
9 comprehensive review of it. I hope it
10 doesn't turn into just 90 days of not
11 doing anything. So I hope we have a
12 spirited debate over the next 90 days.

13 MR. BYRNE: While you're pondering
14 this, several residents asked whether
15 the process going forward would be
16 public. It goes without saying,
17 absolutely it is a public process. Any
18 meeting of any Board, public board is a
19 public meeting. The only exception of
20 course being if there is, if a Board
21 wants to have a discussion with an
22 attorney on a particular legal issue,
23 they can have a closed attorney-client
24 discussion. But all meetings, whether
25 it's this Board, whether it's the

1 Board Discussion

2 Planning Board, whether it's some other
3 Board, would be public meetings, notice
4 of which has to be published in advance,
5 can be published on the website.
6 Opportunity for people to attend. All
7 of it would be public.

8 THE MAYOR: Did you make a motion
9 Marc?

10 MR. ANGELLILLO: I'll make a motion
11 we adopt this Local Law for the
12 Moratorium until December 31st.

13 MS. STOKES-CAWLEY: I'll second that.
14 THE MAYOR: We have a motion, and we
15 have a second. I'll poll the Board.

16 POLLING THE BOARD BY THE MAYOR:

17 Q. Marc?

18 A. Yes.

19 Q. Jim?

20 A. Yes.

21 Q. Sue?

22 A. Yes.

23 Q. Carol?

24 A. Yes.

25 THE MAYOR: I vote yes. The motion

Board Discussion

is carried. Local Law is adopted.
Thank you. We have one piece of
business further.

[Conclusion of Public Hearing].

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REPORTERS C E R T I F I C A T E

I, JOHN F. DRURY Court Reporter and

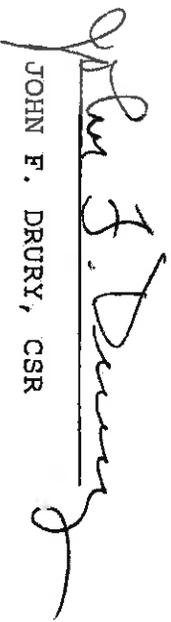
Notary Public, certify:

That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;

That the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct transcript of my shorthand notes so taken;

I further certify that I am not a relative or employee of any attorney or of any of the parties nor financially interested in the action.


JOHN F. DRURY, CSR

A

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SIGN-IN

MEETING DATE September 1, 2015

<u>NAME (Please print)</u>	<u>ADDRESS/AFFILIATION</u>
Michael Fogel	621 W. Genesee St Syracuse
Maisha M. Fitts	Spencerley Island
Michele Harmon	Lakeview Circle
BOB PERMBECK	50-526 Genesee St.
DENNIS DUNSON	173 E GENESSEE ST.
Lesha Cull	3758 Fishka Rd
Tommy Paul Feldmann	27 Lakeview Cir
Peter Wiloski	13 Jordan St.
James Wiggins	"
Diana Whittle	336 Kiffin St
SOE WHITTLE	"
Nancy Gibb	11 E ELIZABETH ST.
Peterson Carroll	7 E ELIZABETH
Jesse Cebel	Shorewood Ln Pass
Walter Kasper	4 E Genesee St Skan.
Arnold Robinson	2 E Genesee St. Shaweales
Elaine Schwaninger	44 E. Geneva
Brian Cavallaro	2 ARABENY ST.
Abby Alms McTear	1126 Campbell Ave
Jackie Katsis Siskinca	84 5th St.
Richard Schmidt	20 E Genesee St
Elizabeth Sallman	10 Leitch Ave
Daryl Wolfe	2183 W. Lake / 21 W. Elizabeth
Marion M. Waskwitz	6 E Elizabeth Skan
Robert Porter	41 Jordan St
Robert Shuman	52 Jordan St.

September 1, 2015

To: Martin L. Hubbard- Mayor, Marc Angelillo- Trustee, James Lanning – Trustee, Sue Dove – Trustee, Carol Stokes-Cawley – Trustee, Shannon L. Harty, P.E. - Director of Municipal Operations, Patty Couch - Administrator/Clerk-Treasurer, Michael J. Byrne - Village Attorney, John Crompt - Code Enforcement Officer, Jorge Battle - Village Historian

From: Michele Tarnow, 6 Lakeview Circle, Skaneateles, NY 13152

RE: Short term rental

The economy may well be improving, but not everyone in the village is in a strong financial position. Since 2010, our family has been struggling to make ends meet. Recently our situation turned for the worse and I turned to renting our home on a short term basis to make ends meet.

We invested a great deal into our house and the market is not strong enough for us to recoup our investment and cover the real estate commission. I am trying to hold on to the home until I can find a new position locally that allows me to earn a sustainable wage so that I can afford my home. I am also looking for positions outside New York, but need a relocation package where I can afford to sell my home.

My family has been in Skaneateles for a long time. My family was here before there was a Skaneateles. We love the community and have worked to make the community better. I have been a Rotarian and Youth Exchange Officer. I am a Steven's Minister and member of St. James. I held a fundraiser to keep a neighbor in her house when she suffered from medical issues.

What happens inside my house should be my business as long as it does not negatively affect my neighbors or community at large.

As a resident of Lakeview Circle for a dozen years, I have seen a transformation from a family neighborhood to a transient street. Once Fall comes, the street will quickly become vacant as more than a third of the homes becomes vacant by owners who flee to the south for warmer weather. This is a situation that is growing in Skaneateles as wealthier part time owners buy up property as summer homes, leaving the merchants with a vacant community to struggle to keep the doors open during the winter.

The Village Trustees should be considering the broader situation of the long term makeup of the community and how it will be able to support a school district and village commercial district on a long term basis.

The village needs to take a long term look at the full situation and conduct a thorough planning study to make sound economically sustainable decisions.

Currently, I am not renting the house, but need to reserve the right to do so when financial circumstances necessitate. I have my house listed as 30 days or more. I have no desire to rent on a continual basis. It is a lot of work and I am already work two other jobs. Until I can find better employment or afford to sell my home, I do not have a choice.

I hope that the Village Trustees will conduct an honest and thorough evaluation of this situation and the broader long term economic trajectory of the community. In the meantime your office is being sent complaints that are not accurate or factual. Yesterday you received an email of a car parked my drive way because it had North Carolina license plates. It was not from North Carolina it was a rental. I am sure another is on its way for a red truck in the drive way yesterday as well. I have been selling furniture and antiques to help prepare to pay the upcoming school taxes. Previously, I was made aware of a complaint that renters had a dog running lose. It was started by David Cavney. His dog had gotten lose and when asked about it said it was my renter's dog to spare himself from embarrassment that his dog was loose. I hope the village will not create a culture of scapegoating.

Thank you for reading this letter. I hope you will take it this issue seriously and help me from losing my house.

Sincerely,

Michele Tarrow
6 Lakeview Circle
Skaneateles, NY 13152

tarrowcny@gmail.com

315.685.9007

Village of Skaneateles

From: Bob Eggleston <roeggleston@hotmail.com>
Sent: Monday, August 31, 2015 5:56 PM
To: Patty Couch; Marty Hubbard; Marc Angelillo; stocaw@aol.com; Susan Dove; Jim Lanning; Mark Byrne; JORGE BATLLE Village Email
Subject: Moratorium for applications for Lodging and Hotel use in C and D district

Mayor Hubbard and Village Trustees

I may not be able to make the public hearing September 1 for the Local Law establishing a limited moratorium on applications for Lodging and Hotel uses in the C and D zoning districts of the village. I wish to have this Email comment entered into the public record.

Over the last 4 or 5 years, the practice of renting dwelling units for periods of less than 30 days has grown in the village by leaps and bounds. It brings with it certain issues that are unique to the practice that may not be similar nor apparent in Hotel and Lodging uses already established in the commercial districts of the village. At the same time, this has become a significant part of the tourism business that makes the commercial areas of the village viable; shops, restaurants, attractions. It should be noted that not all transient guests are on vacation or attending weddings or reunions. Many are here for work or are looking to relocate to Skaneateles and need short term accommodations. The actions of a couple inconsiderate transient guests should not cast a shadow on all transient guests that enjoy the village and feed our economy.

Treating the short term rental of dwelling units the same as Hotel or Lodging uses has been confusing to the Planning Board and ZBA in the past. While there are general criteria for granting special use permits (Section 225-391 (1-7), Hotel and Rooming Houses have no specific standards. On the other hand, Lodging and Bed and Breakfast Homestays do have specific standards. (Section 225-40 and 225-42). The recent letter sent to all Village property owners regarding short term rentals has promoted a large number of applications and anticipated applications with only the use categories of Hotel, Rooming house and Lodging to work under.

It is appropriate for the Trustees to establish this limited Moratorium to allow it to review the issues from all perspectives and develop appropriate zoning law amendments to deal with the situation. Good standards and criteria for the short term rental of dwelling units in the C and D districts, where transient accommodations are already allowed will properly classify and regulate this use that has become important to the village economy. Only after the revised zoning sections and appropriate standards are put in place will the Planning Board and ZBA have the proper guidance to evaluate these Special Use Permit applications.

I support the Trustees enacting this Limited Moratorium on Special Use Permit applications for Hotel and Lodging uses in the C and D zoning districts of the village.

Respectfully,

Bob Eggleston

Robert O. Eggleston, Architect
The Trolley Bldg

Village of Skaneateles

From: The Village of Skaneateles <info@villageofskaneateles.com>
Sent: Thursday, August 27, 2015 4:25 PM
To: info@villageofskaneateles.com
Subject: Form record received

Form ID: 1
Form title: Contact Us
Form name: contact_us
Submitted at: 2015-08-27 16:25:13
Submitter IP: 74.202.55.3
User-ID: 0
Username: -
User full name: -
Submitter provider: Unknown
Submitter browser: Mozilla/5.0 (Windows NT 6.1) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/34.0.1847.131 Safari/537.36 Submitter operating system: win

Name: Lee Klosowski
Phone: 315-685-4747

Email: leeklosowski@ongov.net

Message: I am a Village Resident at 16 Leitch Ave. Since I will be out of town, I wanted to provide my input on short-term rentals in the Village. I would propose the following:

1) The village property used for short-term rentals must be owner occupied, not absentee or out of town owners., (2) Use of a property for short term rentals should require an annual permit (and perhaps a fee for that permit), (3) In order to obtain the permit, all immediate neighbors must consent to the use of the property for short term rental, (4) The permit must be renewed annually and again require neighbor consent, (5) Violations of local laws such as disturbing the peace, parking, etc, shall be the responsibility of the owner of the short term rental property,(6) there shall be no long term permit or zoning variance that would authorize use of a property for short term rental on an ongoing basis. Please let me know if you have any questions.

Received 8/27/2015

Mayor Marty Hubbard
Village Board Members Angelillo, Dove, Lanning and Stokes-Cawley
Village Hall
26 Fennell Street
Skaneateles, MA 13152

✓ cc: Atty. Galbato
CEO Cramp
Clerk to the Bds.
Dundon
Atty. Byrne

Reference: Interval Rentals: Transient Accommodations in the Village

Dear Mayor Hubbard and Board Members:

I am writing to offer comments and some perspective on the issue of short term residential rentals in the Village (interval rentals) and what provisions, if any, the Village Board ought to make to regulate them. I want to focus my comments on three aspects of the issue:

- What should be allowed and under what circumstance?
- How should it be regulated and monitored?
- What should be the consequences of failure to comply with local law on this matter?

In addressing these questions, the Board must inevitably provide more clarity on these issues than is offered by the Village Code under its various relevant sections. (See my Appendix A).

What should be allowed?

The Code does not provide a category of use that properly describes the rental situations to be regulated. The characteristics of the rentals about which I am concerned are:

- Occupancy of a normally owner-occupied or long-term tenanted unit which the owner or the long-term tenant (each acting as the Lessor) has vacated in order to rent to a short-interval tenant (the Lessee).
- Short interval occupancy (nominally 1 to 14 days) in a residential neighborhood (A) or, if in the D District, occupancy in a building with other condominium owners or in a building directly abutting other residential or residential condominium properties.

The benefits of such rentals inure primarily to the Lessor of the unit(s) (in the form of short-term rental income), and to the Lessee (presumably by providing more space for less cost than would be otherwise be available in the local hospitality industry). A secondary benefit arises for the local economy which would receive expenditures by the short interval tenants in such establishments as restaurants, bars, shops, tourist attractions, etc. A tertiary benefit accrues to the State and County in the form of sales tax on such local expenditures. The costs or losses incurred in allowing this type of rental accommodation are far more extensive:

- The hospitality industry loses “room nights” (and thereby room and incidental sales) in their establishments
- To the extent taxes are neither collected on hospitality industry room sales nor paid on income received by interval property owners, governments lose entitled tax income.
- Abutters and neighborhood residents **may** encounter qualitative declines in their neighborhoods including noise, traffic and parking increase.
- Abutters and neighbors may have concerns about “strangers” in their neighborhoods with consequent fears of crime and safety
- If the practice in a neighborhood becomes a known “fact of life”, one would expect it would have a negative affect on property values for full time residency, and ultimately, a rationale for an assessment reduction would be provided.
- To the extent municipal oversight of the properties engaged in such rentals is needed (code enforcement, policing, planning or other municipal review), there will be an increased cost of municipal services.
- To the extent the properties in question would have otherwise remained vacant while the Lessor is away, interval tenants will consume available village power, requiring the cost premium for any overage for monthly consumption to be borne by other Village ratepayers.
- If one believed that interval occupants are less careful about property fire safety, an increased risk of fire would be associated with this rental practice, not only jeopardizing the property so occupied but also neighboring properties in the high density parts of the Village.
- By a similar rationale, if one believed that such occupants care less about or are less attendant to obeying speed limits, local stop signs, parking regulations, etc., such occupants would pose a greater risk in residential neighborhoods to both on-street safety and to the provisions for passage of emergency vehicles.

Some of these issues are tangible and may have been measured in other communities. Other are more speculative with real but unquantifiable consequences. If the Board

decides to allow for this type of occupancy, at least the “playing field” should be leveled so that all hospitality service providers and all residents would be treated fairly by the law and that the income generated is taxed at both the occupant level and as part of the Lessor’s income. To that end I would recommend that the provision of interval rentals be considered a “new” land use subject to local law and that the provider of such facilities be required to comply with certain local requirements appropriate to a **change of use** from residential to interval rental. In addition to any public review the Board deems appropriate for such Change of Use (with guidelines for that type of occupancy), I would recommend that the owner of the property (or the long term lessee of a unit to be so rented) **file with the Village annually a sworn statement** containing the following:

- Identity of the property and its Owner/Lessor including Social Security numbers or TINs
- Property utilization records for interval rental (room nights, etc.)
- Annual rental revenue, presumably subject to state and county taxation as either a hospitality property or the appropriate State-defined category. (Copies of these

statements should be provided to the Federal IRS, State Bureau of Taxation and The County Tax Collector). In addition, a copy would be sent to the Assessor's office for inclusion in the determination of a property's assessed value.

The State, IRS and County would be free to cross-check the Lessor's tax return with his/her sworn statement to verify that taxes have been paid and/or income has been declared. Hopefully, the prospect of reporting this "grey" income will dissuade some Lessors from engaging in the interval rental practice.

The Lessor also should be required to bring his/her property to life safety standards required of similarly situated hospitality properties. Since whole houses are likely rentals, the standards for number of units should be revised to be the number of bedrooms. Included in these requirements might be the need for sprinklering, the abatement of lead-based paint, the provision of the requisite number of smoke detectors and smoke alarms, CO and CO2 alarms and similar life-safety installations.

How should it be regulated and monitored?

Two key aspects of this question are called into play:

- How does the Village know (or learn) about the use of a property for interval rental
- Once a property is known to be used for interval rental, what inspections should be conducted (frequency; type)

The Village has three basic options to learn about interval rental of a specific property:

- Self-reporting by the lessor
- Reliance on the Village's Code Enforcement Officer
- Reliance on the reporting by neighbors or others observing suspect activity (e.g. – on-street parking; late night partying; strangers on an abutter's property, etc.)

Self-reporting would clearly be the most desirable method. It would trigger the process of approval decided upon by the Village and may be perceived as onerous by the Lessor. It therefore could be an available avenue of reporting but not one that can be relied upon, since it may not be perceived as reflecting the self-interest of the Lessor.

The Village's Code Enforcement Officer (COE) should be the first line of recognition for interval ownership. By monitoring the on-line web sites which contain the ads for such rentals, the Village can become aware of the electronic market place for such properties and perform appropriate follow-up inquiries and requests for Lessor permitting submittals.

Finally, there should be a "Village hot-line" to report instances that appear to be interval rentals. The Village can make these anonymous but would need to follow up with a

transparent (not clandestine) inquiry, perhaps supported by the Village Police. The intent here would be to confirm (or refute) an allegation of an unauthorized rental

What should be the consequences of failure to comply with local law on this matter?

A local law to deal with interval ownership should have various sections to address the following:

- What is being regulated?
- What is the regulatory process including applicant submittals?
- What testing and verification of the applicant's assertions will be done?
- What is being granted both outright and with contingency?
- What are the consequences of misrepresentation of required information, change of facts without notification and/or proceeding contrary to approvals?

My recommendations on these issues are described below:

What is being regulated?

- Regulate all interval rental occupancy. Make rentals in each district subject to a public hearing **with a presumption of approval if there are not significant neighborhood objections**. This hearing could be done by any existing duly constituted board of the Village or by a special board constituted to hear such cases.
- Grant permits for one year, renewable without a public hearing unless requested by 20% of neighbors within 250 feet of the property in the A districts or 100 feet in the D district.
- Require all Lessors of interval ownership properties to file sworn property data sheets annually with appropriate revenue, tax and taxpayer information on it. The Village should disseminate these sheets to appropriate taxation and assessment agencies
- Require that each bedroom in an interval rental be considered an "occupancy unit" and that a building with three or more occupancy units (including the Lessor's) be sprinklered and alarmed for fire and life safety according to requirements applicable to multi-family buildings in The Village's Life Safety Code.

What is the regulatory process including applicant submittals?

- An applicant should file an initial one page statement of intent to engage in interval rental at a specific property. The application should identify the property and the Lessor's contact information, the maximum number of occupants and vehicles to be permitted overnight, the total interval during which rentals may occur and any other pertinent facts. It should also establish the Lessor's willingness to have taxation and assessment information provided to relevant

- agencies. The application should also establish the code-compliant nature of the property.
- The Village should then set a hearing date, notify abutters and abutters to abutters, and conduct the hearing. The criteria for granting permission should be relatively lenient taking account of the expected frequency of interval occupancy, the number of expected bedrooms for rent, the attitudes of neighbors and date established for compliance with fire and life safety requirements.
 - Prior to an initial rental, the Code Enforcement Officer should visit the property, ascertain its compliance and sign off or issue a deficiency list to be corrected prior to rental commencement.
 - The approval should be valid for one year. Annually thereafter, the Lessor should submit a renewal application with separate financial data to be forwarded to tax and assessor offices. A copy of the renewal application should be sent to property abutters and abutters to abutters with an invitation to voice objections in writing by a specific date. If there is a 20% or more negative response, a renewal hearing would be scheduled. Otherwise, the renewal approval would be granted.

What should be the consequences of failure to comply?

This is a tough question for the Board. **The Village has little incentive to allow for this type of ancillary use of residential property.** At the same time, an over-bearing over-controlling government is never a desirable thing. Remedies range from fines to liens to forced closures to arrests. Since the incentives for undertaking interval rentals is monetary, a fine would seem to be an appropriate remedy with escalation for failure to pay on time and conversion of accumulated fines to liens on the property. Lenders will especially go berserk if that happens. The amount of the fine should be substantial, as this type of disregard for the law causes undue amounts of board “agita”, legal fees, police and COE time, etc.

In sum, I believe the Village would be better off without this type of occupancy, however, I believe outright prohibition of it may be contrary to certain property owner rights and if it becomes allowable, the public should share some of the revenue benefits and not place visitors and neighbors at increased risks because of it.

Respectfully submitted



Alan B. Dolmatch
52 Academy Street
Skaneateles, NY 13152

abdolmatch@verizon.net

Cc: Village Attorney Michael J. Byrne

Appendix A – Present Code References

Definitions

- Accessory Use – 225-4
- Home Occupation – 225-4
- Hotel – 225-4
- Rooming House/Rooming Units – 225-4
- Residence – 1-1
- Resident – 212-1
- Residential Uses – 225-4
- Tenant – 225-4
- Tourist Home – 225-4

Conditional Uses and Special Permits

- Bed and Breakfast Use – 225-40
- Lodging Use – 225-42
- Special Use Conditions – 225-49

Other

- Non-Conforming Uses – 225-69

Village of Skaneateles

From: Linda Goodman <lgoodman@norstarus.com>
Sent: Tuesday, September 01, 2015 12:48 PM
To: info@villageofskaneateles.com
Subject: Comment on Short Term Rentals

Please accept this email as my comment for the hearing that will be held tonight on short term rentals. I am out of town and cannot make the hearing in person.

I am against any short term rentals (shorter than 30 days) in the neighborhoods zoned for single family occupancy. We currently have two properties on Leitch Ave that have had weekend renters all summer. I want this to stop. We did not purchase a home in a residential, primarily owner occupied neighborhood to be surrounded by weekend rentals. I like to know the kids, the cats and the dogs in our neighborhood and have a sense of community on our street. Summer rentals have taken place in our area in the past and I do not have a problem with that.

If short term rentals take place they should be in properly zoned areas, similar to the current hotel businesses in the community. I think the unauthorized short term rentals in those properly designated areas could hurt the hotel traffic as the unauthorized rentals are not held to the same standard or have to pay the same, insurance, taxes etc.

I would like to know more about what other communities have done on this topic.

Thank You !

Linda L. Goodman - Dolmatch

52 Academy Street
Skaneateles NY 13152