

Village of Skaneateles Planning Board Special Meeting November 5, 2015

Special Meeting to present recommendations to the Village Board of Trustees on code changes to address issues raised by the moratorium on use conversions within the Commercial C and Downtown D Districts.

Present: Bruce Kenan, Chairman
Brian Carvalho, Member
Bill Eberhardt, Member (recused)
Stephen Hartnett, Member
Douglas Sutherland, Member

Riccardo Galbato, Attorney for the Planning Board
Dennis Dundon, Clerk to the Boards

Martin Hubbard, Mayor
Susan Dove, Village Trustee
Carol Stokes-Cawley, Village Trustee
Michael Byrne, Village Attorney
Brody Smith, Special Counsel
Michael Balestra, Village ZBA
Larry Pardee, Village ZBA
Jonathan Monfiletto, Skaneateles Journal
Jason Gabak, Skaneateles Press
Rachel Polansky, WSYR-TV
Bill Goldsit, WSYR-TV
Matt Jinkow, TWC News
Robert Kiltz, Skaneateles, Loft 42 & 36 Orchard
Tom Kiltz, Visitor
Gabrielle Koon, 21 Jordan St., Loft 42
Tim Lambrecht, Esq., Fly Road, East Syracuse, (Kiltz)
Bob Pornbeck, Conklin, 50-52 E. Genesee
Richard Schmidt, Skaneateles, 26 E. Genesee
Michael Fogel, Esq., Genesee Street, Syracuse (Moscarito)
Nancy Cihon, 11 E. Elizabeth
Patricia Carroll, 7 E. Elizabeth
Peter Wiles, 13 Jordan St.
Jim Williams, 13 Jordan St.
Diana Whiting, 33 Griffin
Joe Whiting, 33 Griffin
Jackie Keady, 4 E. Genesee
Mike Mooney 24 Griffin

Maureen Wopperer, 24 E. Genesee
Bob Eggleston, 1391 E. Genesee
Charlene McGraw, 106 Orchard
Terri Roney, 50 E. Lake
Alan Johnson, 59 W. Genesee
John Pidhirny, 16 W. Lake
Paul Higman, 15 Kane
Beth O'Sullivan, 10 Leitch

At 6:30 pm Chairman Kenan called the special meeting of the Planning Board to order saying "we are getting together to consider recommendation to the Trustees for legislation to deal with the issue of transient rentals in the Village, a subject that's been on everyone's mind for some period of time. At the request of the Trustees, the Planning Boar has spent quite a bit of time thinking what the issues are and listening to what people have to say about the subject. I hope by the end of the meeting we are able to make a proposal to the Trustees of some action they might take. They can either accept the Planning Board's recommendations, or reject them, or change them. They will have to hold a Public Hearing, of course, before enacting any legislation, so that will still take some time. Sue Dove, Trustee Dove, requested a few minutes at the beginning of the meeting to make a statement.

Trustee Dove, "For the record, I wish to acknowledge, per the Skaneateles Village Board Code of Ethics: Article:13 to disclose my indirect financial or private interest in the legislation coming before us regarding hotel rooms and lodging. In as much as this legislation has to do with the lodging industry, I wish to disclose that I am the co-owner, along with my husband, of a lodging property in the Town of Sennett in Cayuga County serving the Auburn and Skaneateles areas.

Also, my sister Kathryn Severance owns an approved bed and breakfast in the A-2 District of the Village of Skaneateles. In the past she has also owned and managed short term and long term rentals in the Village. She no longer owns any rentals in the Village.

Being that I worked as the Skaneateles Area Chamber of Commerce Director from 1999-2014, I believe my knowledge and experience balancing business promotion with the quality of life in Skaneateles will be an asset to the process going forward. My platform, when elected to Village Trustee, was based on the job I held, and the things I advocated for as Chamber Director. The residents of the Village voted me to the position of trustee on these qualities. Therefore I would like to provide my expertise on this topic as the discussion goes forward, however, I will recuse myself from any vote on the matter."

Chairman Kenan thanked Trustee Dove and noted that "Member Eberhardt has previously recused himself in this matter; as an owner of properties in the Village that might be considered a conflict of interest. We have asked the members of the Board of Trustees to be with us for this meeting, so that we might have interaction with the Trustees as warranted as the Planning Board discusses a proposed action. Planning Board member Doug Sutherland has a presentation to make explaining what the Planning board's thoughts are at this stage."

Member Sutherland began his slide presentation by noting that "I don't use the word unique." But he described Skaneateles as "almost unique." He described Skaneateles' "gorgeous setting;

and economically very stable. It is in good hands. The management of the Village is top-notch.” Member Sutherland contrasted it to other nearby communities, “we have an active downtown retail district. We have essentially no vacancies. It’s not just that businesses are open, but they are fine businesses. We have better shopping here than Syracuse downtown that has a heck of a lot more people than we do by a large margin. It is a remarkable setting with historic buildings that have been preserved. We have terrific restaurants that are all within walking distance of one another. It’s not like other places. And we have great residential neighborhoods that are cheek-by-jowl to the downtown.” There is no need for transition zones – the no man’s land between where downtown stops and residential begins. We have it side by side and all connected by a really good sidewalk system. “Because of these things – great shopping, great restaurants, pretty walk -- we attract our fair share of visitors. But part of the key to it all is there’s a balance. And we have worked hard over many decades to maintain a balance. The downtown, it works. The residential areas next to the downtown are terrific. I don’t know of another community in upstate New York where you can say that.” Member Sutherland contrasted Skaneateles to Lake George. He showed some photographs indicating that Lake George has a tour boat, beautiful water, hills in the background, historic architecture and a history of people coming there – just like Skaneateles. He continued to illustrate differences, however, saying “they were not very good stewards.” He continued “it’s the difference between being a tourist town versus a residential community that welcomes visitors.”

Member Sutherland went on to address the “national phenomenon” represented by Vacation Rental by Owner (VRBO), Homeaway and Airbnb companies that are promoting houses that are for rent for short periods of time. Airbnb was founded in 2008 and established access to capital in 2011. In 2015, they are claiming over 1 million listings in 34,000 cities and have hosted 25 million guest-days. He suggested that searching for ‘residents complain about short term rentals’ on the internet “you get hundreds and hundreds and hundreds of stories covering hundreds of communities. It’s big cities, it’s smaller cities it’s smaller communities like Skaneateles; you can read stories about Paris, London, little villages in small European towns. It has come out of nowhere.” He referred to a recent NY Times article titled ‘*The Party House Next Door*’. That particular house is in Austin, TX; and has had 15 complaints about people who are staying there and creating not very good experiences.

Member Sutherland quoted from a neighbor, “Sunday morning I wake up that there are not beer bottles on my porch; whole thing seems to be blowing up now; they are here for weddings, family reunions, they are here to party. People in the audience might think that’s Texas, that’s Austin; a college town, a party environment. But that’s not one of the Austin neighbors – that’s one of our neighbors. Aimee LeFever of 29 Jordan Street; she was speaking at a Zoning Board of Appeals meeting in August.” Dr. Kiltz interrupted, “Is it supported by police reports?” Member Sutherland, “I’m sorry?” Dr. Kiltz, “Is it supported by any reports?”

Chairman Kenan, “Excuse me. We are not holding a public hearing so let’s hold off on that, please.” Member Sutherland repeated, “There’s not a Sunday morning that there’s not beer bottles on my porch, flowers pulled out of the grass, there’s garbage, there’s vomit, they are disgusting. This whole thing seems to be blowing up now. I have been here for 8 years and it gets worse and worse. This year has been the absolute worst. There are so many people doing short term rentals up the street, and they are downtown. They are here for weddings, for family

reunions, they are here to party. They don't have to get up and go to work in the morning; they're really causing a problem.' She goes on to say, 'Behind my house on Fennell Street is a short-term rental; he's not above-board. He's very nice, he's pleasant about everything but he's not there to take care of a problem. He tells me, well call the police. I can't call the police every time.'" Member Sutherland, "Going to the point of calling police; if we have a situation where the owner of a property is expecting the police to step in for basic property management, it is a real problem."

Member Sutherland, "Here's another one, Eloise Luchsinger, 44 East Genesee Street. She lives next door to Loft 42, Dr. Kiltz' building at 42 East Genesee. This is taken from a Village Board meeting, Dr. Kiltz has six suites that he rents all the time. People are not aware of what goes on because access is a lakeside alley that's not visible from the street. She read a statement that described Dr. Kiltz' renters as 'loud, disrespectful, intoxicated and foul-mouthed.' She said she has witnessed them urinating and cans and bottles have been thrown onto her deck. The destruction that goes on from May to October has one of her tenants threatening to leave because of it. She says there is a total lack of concern and he's unapproachable. He will do whatever the Village Board will let him get away with. Not my words – a neighbor."

Dr. Kiltz, "But if you are insisting this is true..." Chairman Kenan, "Excuse me. No. Please be quiet. We are having a Planning Board meeting; it is not a Public Hearing." Dr. Kiltz, "But when my name is spoken here..." Member Sutherland, "It was spoken at the Board meeting." Dr. Kiltz, "Excuse me, but it is..." Chairman Kenan, "Dr. Kiltz please, please be quiet." Dr. Kiltz, "You should ask the neighbors about that..." Chairman Kenan, "OK let's continue." [Unidentified Speaker] asked if there would be a time for the public to comment. Chairman Kenan, "As I explained at the beginning of the meeting, the Trustees will consider legislation and they will hold a public hearing in that process. That's their obligation, and it's the process that's always followed." Dr. Kiltz, "This is lies; these words are all lies. Nobody has interviewed anyone about this. Do you guys know that? No one here has done anything." Dr. Kiltz was asked to step outside for a moment.

Member Sutherland, "When we met with you 3 weeks ago, we described our focus as cleaning up definitions, doing a permitted use review, directing accommodations going forward in A3, the C district which is outer Fennell Street and the downtown D district are the areas where we can most handle these kinds of accommodations. We think that focused engaged on-site management is extremely important. And we think there ought to be a licensing procedure. It isn't like any number is OK. There ought to be controls so we don't turn into a place that's all rentals."

Member Sutherland, "Going ahead and this is in summary form – it's not the technical language -- We suggest eliminating tourist homes. We think it's an antiquated concept. Also eliminating motels within the Village. We took a look and there's no place that we saw that a motel made sense. It is an auto dominated use in a community where one of its main attributes is walkability. So motels; fine on the edges, but in the center just doesn't seem like that's the right thing to do. For B&B Homestays, we see them as a permitted use in the A2 residential district, we'll put an asterisk on that, in the C district and in Downtown D. We think a homeowner in residence is really important. That gives you that sense of control of what's going on. We don't think that

you have to serve breakfast to be a bed & breakfast, so we pick up the idea of a tourist home function, which is essentially a bed & breakfast without breakfast. We think that increasing the maximum stay from 3 days to 7 days makes a lot of sense. 3 days – there was no practical reason that we could see for that. We think that a licensing procedure is important also; we have suggested 8 B&Bs issued annually, of which no more than 3 can be in the A2 district. I believe there are 2 in A2 now that are approved bed & breakfast so we'll call it a 50% increase. We think that limiting to 2 rental rooms in the A2 and C district is appropriate, given the scale of those neighborhoods. Conversely, we think 6 rental rooms in the Downtown D district would be fine. Lastly, we think there ought to be some basic insurance and an annual inspection just to be sure of what we have.”

Member Sutherland continued, “Going on to hotels, we see that as a permitted use in the Downtown D district – 7 or more rooms. So where we end with bed & breakfast at 6 rooms, the next room puts you into a hotels category. We think on-site supervision is really important and we think that mixed-use in almost every case on the ground floor – restaurants, shops, that kind of thing -- so it ties into the Downtown D district is really desirable. Lodging and Hotel are distinctions without a real difference, but for some reason the A3 district was labeled a lodging district; it's the area in and around Mirbeau. Again 7 or more rooms, on-site management, we encourage mixed-use with restaurants, saunas and spas and that sort of thing. We have 3 new defined terms; the first is Transient Occupancies – defining those as Bed & Breakfast-Homestays, Hotels and Lodgings. Also having On-Site Supervisory Management as a defined term and then Professional Hotel or Lodging Management Company as a third defined term. When you read the actual stuff you will see why. In summary, we anticipate a grandfathering provision. There are companies that are legally operating B&B Homestays, Lodgings and Hotels now; this isn't meant to pull the rug out from people who were approved going forward. At the same time, moving into a licensing and management review is the right thing to do for Bed & Breakfast. For Lodging and Hotel, most desirable is on-site supervisory management; but we realize that with some of the existing hotel operations that have been approved, that being able to demonstrate that there is a professional hotel or lodging company that is managing a facility for the owner is probably important – again the grandfathering concept. And then lastly for short-term occupancies, we are reconfirming our belief that transient occupancies of less than 30 days ought to be limited to the B&B Homestays, Hotels and Lodgings. It should not be something that just happens in somebody's home.

Chairman Kenan, “So that's the summary of the proposals that have been drafted to this point. I think that some of the Planning Board members have further thoughts and perhaps the Trustees do. I think at the end of our discussion we should decide if we want to forward this proposal, or a different proposal to the Trustees. Do we want to amend what has been said, do we want to junk it and start over? We need to decide what to send on to the Trustees for their consideration and ultimate adoption or rejection.”

Member Hartnett, “I was considering recommendation to the Trustees to also look at the section on penalties for non-compliance. There is a section in the code now. I would suggest that be something you all look at and reconsider whether it is making it economically feasible to not comply, rather than making it a penalty that's appropriate to keep compliance.” Chairman Kenan, “You are concerned that the penalty provisions that exist in the language today might be

inadequate to deter violations?” Member Hartnett, “I think it’s something the Trustees should look at and consider in addition to what we have already put there. I know that it has been brought up as to whether the maximum number of the B&B licenses of 8 should be 10. That’s something we compromised on and something the Trustees could look at as well.” Mayor Hubbard, “You are suggesting that the number of bed & breakfasts could increase to a total of 10?” Member Hartnett, “I think that’s a reasonable number, yes.” Member Carvalho, “With 4 now, you are doubling it.” Member Sutherland, “I think that’s how we originally came to the number – doubling it.”

Chairman Kenan, “In my view, what the Board is suggesting in this language is not to outlaw these things in an overall sense, but to create an environment where they can be managed in a way that maintains that balance between being a residential community who invites in visitors and doesn’t get out of hand.” Member Hartnett, “I think what Doug said is 100% on; balance is what we are looking for. We want to have vibrant business growth and we want to have our residential areas protected. And that’s what this proposal does. We are trying to protect the residents and yet still provide for a legal regulated way to handle something that is frankly very new – the Airbnb and VRBO is very new to our community. It’s something we need to look at and check before it gets out of hand – and do it right with a good balance and the right provisions to take care of our residents and our commercial operators. I think this proposal does that.”

Trustee Angelillo, “In the definition of the bed & breakfast homestays, the language subordinate and incidental; does the owner have to live there?” Chairman Kenan, “That is required today for a bed & breakfast and this language suggests that it can be expanded to the concept of two adjoining houses that are owned by the same person, that perhaps the owner occupant could be occupant of the next door house. But only expanded to that degree.” Trustee Angelillo, “But still the owner is on premises?” Member Carvalho, “Yes.” Trustee Angelillo, “Trustee Stokes-Cawley could not be here tonight, but she sent an email to the Board. One of the questions that she had, and I can’t find it, is there a reason we are restricting kitchen facilities in the lodging accommodations? I could not find that; is it written somewhere?” Chairman Kenan, “Again, I think that’s existing language.” Member Sutherland, “That’s existing language that we did not touch that has been there for many years.” Trustee Angelillo, “Is that consistent with all the lodging facilities that we have?” Chairman Kenan, “It’s consistent with the bed & breakfast homestay – in the concept of an owner-occupied house inviting people in for the short terms. But that’s an existing provision and we didn’t see a reason to change it.”

Trustee Angelillo, “Some of the existing facilities that are currently operating in the Village on Genesee Street – they have a kitchen in the facility. Is that permitted, or not permitted? It’s a transient property.” Chairman Kenan, “I guess I’d have to turn that over to somebody else to make the decision. The Code Enforcement Officer would have to...” Trustee Angelillo, “But are we going to outlaw that? Are we going to outlaw someone to have a kitchen, in a suite?” Chairman Kenan, “In a bed & breakfast?” Trustee Angelillo, “Not in a bed & breakfast, this transient housing that we are referring to here. Some of them have a kitchen. Is that going to be permitted use? Is that something we haven’t addressed?” Chairman Kenan, “I’m going to suggest that you raised a good question that ought to be considered when the Trustees review this. Mostly in this community, the hotel rooms are hotel rooms without cooking facilities. But there are types of hotels that come equipped with suites and with a kitchenette. That’s something

that ought to be considered whether that would be considered acceptable within the hotel or lodging definition.” Member Sutherland, “I don’t know that the hotel/lodging definition precludes that. I think that’s just specific to the bed & breakfast.” Chairman Kenan, “It may only be the bed & breakfast that precludes that. But it’s a good question.” Member Sutherland, “The language that excludes it from bed & breakfast is language that we have lived with for more than the time I’ve been on the Planning Board.”

Trustee Angelillo, “Did you have any recommendations on the licensing fee or is that something you want the Board to consider?” Member Sutherland, “I think we’d look to you for that. You have a decision – do you want to cover your costs with it or is it a token amount.” Member Hartnett, “There is going to be added cost to the process, and that’s something the Trustees should look at – recouping that cost or part of that cost.” Trustee Angelillo, “On-site supervision or a management company. Is that a management company on-site or a management company that you can call?” Chairman Kenan, “I think the management company provision was entered in to cover the circumstance of hotels rooms today that are legally operating under existing language that don’t have 24/7 on-site management of their own. In order for them logically for them to be grandfathered there would have to be a way in which they could contract with professional management that would give the kind of operational control that we think ought to be applied to entities; transient rentals. In that case if you contracted with a professional management entity, that would be seen as an acceptable alternative to having people 24/7 that are employed by the owner of the property.”

Member Carvalho, “That is just for grandfathered properties, new facilities would require on-site management.” Trustee Dove, “I guess if it works for the existing people that we already have, in fairness to the new people coming in, wouldn’t it be better to allow them to have a management company do the same thing? If it’s fair for one, it’s fair for another?” Member Sutherland, “With any zoning law, there’s a variance process. If someone meets all these criteria except whatever it is; you look at the overall package and you make a judgment. What we have found from some experiences to date is you really want to be careful with that and not giving a blanket approval for things that can come back and haunt you later. So the variance process for a lot of these things is the way someone would go. We think that as-of-right, can go anywhere, no management structure required, no inspections or insurance requirements is probably going overboard, and something that’s a little tighter that can be adjusted depending on the experience. Something that’s fine in one area could be a disaster in another.”

Trustee Angelillo, “You mentioned inspections. Maybe this is for Bill; who actually does the inspections?” Member Eberhardt, “State, County and local.” Trustee Angelillo, “So is that something that if we were going to have rooms in the Downtown district we would have to hire a room inspector or would we use the county inspector?” Member Sutherland, “In the recommendations we looked at it as being the Code Enforcement Officer. We think that checking for things like smoke detectors and other basic health and safety things at least annually is a good practice.” Member Hartnett, “It is in the code right now that the Code Enforcement Office will inspect once a year each of the B&Bs.” Member Eberhardt, “There are state regulations, but if they don’t know you are operating they don’t inspect you.” Chairman Kenan, “So one of the proposed requirements with the licensing is that the operator comply with all

existing regulations, whether they are state or local, including payment of sales tax, room occupancy tax and so on. You come on the radar screen as soon as you start doing that.”

Mayor Hubbard, “I understand the licensing is going to be through the Planning Board.” Chairman Kenan, “I think the way it is drafted right now it is on recommendation from the Code Enforcement Officer, but it would be administered by the Planning Board.” Trustee Angelillo, “There are several facilities that are operating now. Would we be calling them something different? Would we call them a hotel? They’re not going to be a B&B because they don’t have an owner living there. Is there another name? I guess we kicked around; I guess we read in some information Carol sent out where they had a special name for this type of lodging?” Chairman Kenan, “The intent of these definitions is that every form of residence, whether for rental or not, all of them fall under one of the definitions in the ordinance including these proposed definitions. Those that are for hire or rent would fit specifically under hotel, lodging or bed & breakfast homestay.” Trustee Dove, “So you are saying short term rentals you don’t want to define and so you’re not including anything from the two rooms to the seven rooms, unless it’s bed&breakfast downtown?” Chairman Kenan, “But breakfast is optional.” Trustee Dove, “It doesn’t take care of that short term rental that’s currently happening.” Chairman Kenan, “It does under that framework. Anywhere up to six rooms.” Member Sutherland, “Six rooms under B&B, starting with 7 some form of hotel.” Chairman Kenan, “The intent was to not leave any size out.” Member Sutherland, “B&Bs in the downtown district up through 6 rooms; starting with the 7th room it morphs into the hotel category.” Trustee Dove, “I think what Mark is alluding to though is the non-owner-occupied less than 7 rooms. Those are the ones that we are not addressing, and I think what you are saying is you don’t want them.” Member Carvalho, “The on-site management is important to keep control of what’s going on.” Trustee Dove, “How do you look at Skaneateles Suites and Village Inn that have been operating for close to 10-15 years now?” Member Sutherland, “They’d fall under the grandfathered...” Trustee Dove, “I understand. But they have operated well. So I guess that scenario; why don’t you think that wouldn’t work other places.” Member Sutherland, “We’re suggesting that as-of-right, located anywhere is not a good practice. To the extent that someone is coming in with a variance, under a variance process you can cover a lot of bases. In certain spots they may be just fine, in other spots they’d be a mistake. Rather than having an as-of-right, it’s a touchy enough subject with enough problems, not just in Skaneateles, that you really want to look at those carefully and you don’t want to offer carte blanche.”

Mayor Hubbard, “Have you addressed parking spaces requirements as far as bed & breakfast homestays?” Member Carvalho, “That’s in the code already.” Mayor Hubbard, “There should be a requirement or there is a requirement?” Member Carvalho, “There is a requirement of 1 ¼ spaces per room.” Chairman Kenan and we cut it back to one space, I think.” Attorney Galbato, “For lodgings and hotels.” Member Carvalho, “And bed & breakfasts.” Attorney Byrne, “No. there is no parking requirement for B&B.” Member Carvalho, “In Section 58 there’s parking required.” Member Sutherland, “I think there is too. There are a series of design standards also and we made a couple of suggestions there as well. I think it’s there. If it doesn’t cover B&Bs it should.” Member Carvalho, “It does, in Section 58.”

Trustee Dove complimented Member Sutherland. I like that balance is the key; it’s what we need to go for. I think fairness to all in the marketplace is also something we need to strive for,

and I think we can. “We have a good document to start from and I think there’s a way to get to the end game to make most everybody happy. Why did you decide for no more B&Bs in A1 or A3 any longer? It used to be allowed and now it’s not.” Member Sutherland, “I think that to the extent we have got these going on I think the mixed use C district is an area where there’s opportunity and Downtown D district more opportunity yet. We think that districts that are commercial; we really are talking about a commercial operation. We did add one more than what exists in the A2 District. A1 has been pretty much limited to the facility on the corner. It seems like those uses are stretching the residential district a little further.” Chairman Kenan, “If you look at the zoning map, most of the village is contained in A2, C and D. The only A3 is the Mirbeau property and A1 is basically the stuff south of Genesee St.” Member Sutherland, “Which isn’t to say that you couldn’t have another one. But it would be through a variance process. Part of the hope is that you can make good rational balanced judgments. You can think of it as having a fairly tight rein on it, but looking at specific examples where it might make sense.”

Trustee Dove, “I just get worried. You see all the big houses along West Lake Street and let’s say there’s a retired couple that’s lived there all their life and now they need to make it a B&B in order to stay and still be part of our community.” Member Sutherland, “That may be one of the variance cases that you consider.” I have spent a lot of time in Cape May. When I started going to Cape May it was a mix of very early bed & breakfast – the Mainstay was one of the first ones and a few others, but it was still a residential community with some bed & breakfasts. Today it’s all transient occupancy. People who are there for a weekend or a week. It’s changed the community. There aren’t the people there used to be to serve on boards, or fill up schools. That type of population went away. Each week it turns over. It’s still a nice place, the homes are gorgeous, it’s got the ocean, but it’s no longer a community with balance.”

Trustee Dove, “The other thing I noticed is we have got 2 rooms for a B&B in residential, 6 rooms for a B&B in downtown, 7 rooms for a hotel in downtown. We are sort of all over the board. My thought is the boutique places, the smaller places, are all what we are about as a community. The bigger places are what I would be concerned with. If somebody wants to bring a proposal for a 4 room boutique hotel, let’s take a look at it. If they want a 50 room hotel, that’s a whole other ball game. One other thing -- the limitation on the number of B&Bs. We don’t limit the number of restaurants, we don’t limit the number of lawyer offices, we don’t limit the number of drugstores. I really don’t think that there’s a whole lot of people who will do the B&B thing. Less regulation, look at each thing on its own merit.” Member Sutherland, “That’s what the whole variance thing is about – demonstrate to us that this makes sense.” Trustee Dove, “But Mike Byrne explained to us that a Special Use Permit is much easier to get than a variance. A variance is way harder. So when you talk about variances it takes it to a whole different level.” Member Sutherland, “In a variance you need to demonstrate that the addition of this is a plus for the community and to the extent that there are questions, you can get into depth and really work through this. It’s in degrees; but it’s our sense of it that these things in the wrong spots run by the wrong folks could really have a harmful impact. We want to be sure we are careful.”

Trustee Dove, “You also added a section on licensing for bed & breakfast homestays. I didn’t see any licensing requirements for hotels or lodgings.” Member Sutherland, “Carol raised that

also and it's probably something to look at." Mayor Hubbard, "So that number 8 is a permitted number and if you wanted to exceed it it could be exceeded by variance, is that what I'm hearing?" Member Sutherland, "It's a number we have proposed -- maybe it's 10 rather than 8. We don't see it being a lot. 8 represented a number double what we have now. I suppose we could have done some economic study and arrived at 7.4, but 10's probably reasonable too.

Chairman Kenan, "Maybe what we should do is entertain a motion to either adopt it as written or don't adopt it. So put it on the table for a vote. If anyone wants to amend it in any way then do that. So the goal is for this Board to make a recommendation to the Trustees. Does anyone want to suggest a motion?"

Member Carvalho, "I make a motion that we forward the clean version of these code revisions to the Trustees, for incorporation into local law, as written and presented this evening." Member Hartnett seconded the motion. Chairman Kenan and Members Carvalho, Hartnett and Sutherland voted 'Aye', with Member Eberhardt recused. The motion carried on a vote of 4 to 0 in favor.

Chairman Kenan, "For those in the audience who are very interested in the subject, thank you for being here. This was intended to be a discussion between the Trustees and the Planning board. The meeting is, of course, public under the Open Meeting Law. The Trustees will, I trust, consider the recommendation and any adoption of amendments to the Zoning code requires a public hearing in the process, and you can be assured that will take place. We have received mail from many people; we have read them all and we have digested them. That commentary goes into the thought process. We will adjourn briefly and start our regular meeting at 7:30."

Respectfully submitted,

Dennis Dundon, Clerk to the Boards