

Planning Board Meeting Minutes
March 23, 2021 6:30pm

Chairman Harold Smith called meeting to order at 6:30 pm and lead in saying the Pledge of Allegiance. Present were Board Members Dale Carlson, Robert Patterson, and Harold Smith and Code Officer Wendy Spinuzza.

Board Members Dan Larish and David McIntyre were absent.

Minutes of the February 21st meeting accepted with a motion by Carlson and a second by Patterson. Carried 3-0.

Code Enforcement report was reviewed by members. Motion by Carlson and seconded by Patterson to accept report. Carried 3-0.

Old Business:

Shovel ready sites-nothing at this time.

No information back on the Felton Rd. solar site. Smith - Maybe she will show up at the Town Board meeting. Carlson said she did present something at the last Town Board meeting.

New business:

Spinuzza - Dept of Planning letter, included in packet to look at. In case any one wanted to have a say in anything. Smith read a Legal Notice from NYSDEC which deals with the continued ban of use of 24D/245/T or MPC within a number of townships including Portland. A copy is posted by the Town Clerk's office

Spinuzza-

Was contacted by Attorney Peter Clark about a complaint of an Airbnb. Call and Walk in complaint on the same property. It is a 600 sq ft residence that sold 9/2020 to Gary and Lauren Ritten for \$235,000. Our records say it is a cottage with covered porch and shed which is 8' x 11'. Spinuzza found that it is advertised to sleep 12 with 4 bedrooms, 12 guests, 11 beds and one bath.

Complaint from Regis Zagrocki to Peter Clark

Questions: Are they located in R2? Do they meet min lot area for R2 district?

Howard Hanna site shows a lot size of 13,000 sq ft. They have a septic system.

Does this meet minimum distance from neighboring property?

Do they need and did they get a special use permit? If so under 1103, no notifications were sent to him or 50% of the neighbors. Also, if it is stated with 12 beds. Property was listed as 2 bedrooms, now says 4 bedrooms see definition of legal bedroom in NY. The one and only bedroom does not have a closet there are 4 bunkbeds with an added double bedrail and roll out will block the door.

The shed was converted to bunkbeds and how is this considered a legal bedroom?

Septic capacity of 12 guests? VRBO, Airbnb, HomeAway, Stayz under Sunset Hideaway.

I looked in the State Code to see what I could send them. It says in the code minimum sq ft for 1 person is 50 sq' for 2 it is 70 sq ft.

Overcrowding something in the code.

R3 cannot change, it is an R2 district. Seasonal places with complaints.

1/3 acre

Carlson - Fire code violations come to mind.

Nothing from state regarding enforcing laws pertaining to Airbnb. Sneak in and turn homes into Airbnb. Quiet skirting laws.

Summer home, then on Airbnb website.

Carlson - Board of Assessment and Review. Had someone complain about assessment, basically lie about having an Airbnb.

Smith - Peter Clark can contact Dept. of Health and they can shut it right down.

Carlson - Fire Chief should have been sent.

Smith - How do you clean, and one moves in a few hours after one moves out.

Carlson - Airbnb researched where it was a scam collecting money where someone else was living gotta be regulations on them. Gotta be regulations I would think.

Smith - Lowell and Mary Reynolds called owner in California, laid it on the line, things simmered down.

Spinuzza - I will talk to Peter tomorrow.

Patterson - I can't believe, if there was a fire in that place its going to be a disaster. I'd close it down. We've gotta get the town to make it a special use permit.

Spinuzza - How did it go from 600' to 900'? That shed is not 300 sq ft.

Carlson - What does Darlene say?

Spinuzza - We just don't know what to do with them, we are finding them left and right.

Carlson-On this one does she get to reassess now that it sold? I know she talked to the county about it. It has something to do with someone living there.

Patterson - It's a Business. Have to live in it to be a home occupation.

Close it Down - Bob Patterson. Harold Smith - Shut it down. Patterson - I don't want the town to get sued. Something happens they will say, town didn't say no.

Carlson - You have already tried to find regulations? It won't do me any good to get on the phone and try.

Spinuzza - I will call Joel and see what he wants me to do. Peter Clark wanted to tell the board what is going on. Neighbors are not happy. Neighbor from across the street not happy.

Carlson - Sunset Hideaway? I'll look it up when I get home. State regulates everything I thought

Spinuzza - I can call lady at state level and see what they say. She hasn't been available I think she is working out by NYC. I can leave her a message.

Spinuzza - We've gotta shut them down.

Carlson - We need to make another attempt to get some help

Spinuzza - Joel and Peter should be able to figure something out. If its going to happen it needs to be realistic, not just cram as many people as possible into a space.

Bob Patterson- It is not a Permitted use in a R2 district, so they Cease and Desist. Send a letter it's not allowable. Any Airbnb in a R2 is not permitted use send them all. Get them all.

Smith - Get them all because you can't just do 1.

Spinuzza - Van Buran is filled with Airbnb's all R2.

Carlson - Airbnb's should be evaluated differently as income property.

Wendy-I asked her and she said she asked people in other communities and they say no, you cannot do that.

Smith - Not a boarding house. Not a bed and breakfast.

Spinuzza - I'd like to find out these are being insured. For kids in a house on a cliff. Just like a 2-family month to month vs. college kids. College rental is more for ins.

Harold Ok?

Patterson - Motion on that or just gonna do it?

Smith - Motion that Planning board reviewed zoning code and Airbnb is not a permitted use in a R2 district. Motion was made and seconded and all in favor (Motion carried 3-0)

Patterson - Also, find out from county on bed tax. 11 Beds collect tax on that.

Spinuzza - I need to get a real strong list and send them all at once

Carlson - How do you know where they are?

Spinuzza - Darlene has discovered a few of them and so have I, plus we've been on the websites several times. With summer coming they are not going to stop even if we try to stop them.

Patterson - If it's not a permitted use- cite them.

Carlson - How outdated is the online codes?

Smith - The new solar is not on there and that's been over a year, we are waiting

Smith - Any other business at this time? Anything else you want to bring up?

Carlson - No

Smith - Motion to adjourn, seconded by Carlson. Carried.

Meeting adjourned at 7:20 pm.

