

**Town of Elmira, New York
Planning Board**

Meeting – August 2, 2021 7:00 pm EST

DRAFT MINUTES

PRESENT:

Chairman Mark Miles

Members: Mike Kohberger
Ron McConnell
Nick Kapnolas
Tom Kump
Bill Maloney

ABSENT:

Paul DiPietro

ALSO PRESENT:

Eric Crandall, Code Enforcement Officer
Patty Carozza, Recording Secretary
Scott Moore, Town of Elmira Attorney

Chairman Miles opens the regular meeting at 7:00 pm and welcomes everyone in attendance. He welcomed new board member, Bill Maloney, from East Hill and noted that Paul Di Pietro would not be in attendance tonight.

Chairman Miles opens the meeting and addresses the first item on the agenda which is to review the Re-subdivision Application from Scott and Janet Ackerman of 1828 W. Water Street. Jennifer Labelle spoke on behalf of the Ackerman's and stated that there is a variance they are asking for to complete a sale of the property. The following explains the history of that property. Back in the late 1930's there was a 20 ft. strip of land that was given by the owner of the property at 1830 W. Water Street to the owner of the land at 1828 W. Water Street. The property has been mapped and taxed by the county since that time but the deed description describes the parcel as being 57.5 ft. by 106 ft. not 77.5 ft. Along the road there was a recording error and the boundary line was moved to reflect 57.5 ft. Referring to the survey by Twin Tiers Land Surveying, it provided a visual of both properties and the 20 ft of land that is in question. To solve this problem to satisfy the bank, the planning board can approve a subdivision which will give separate tax map numbers to the two parcels. The owners can then quit claim parcel 'B.' The parcel will not be developed, it will have a separate title, and the only people that can use the parcel is the new buyer at 1828 W. Water Street. The board can use Chapter 198-7 which allows them to waive the normal procedure on the subdivision with no liability to the town. After a discussion and review of everything, Chairman Miles asked for a motion to waive the normal process and procedure on this subdivision.

MOTION by Nick Kapnolas to waive normal required formality procedures on the Subdivision.

Second by Mike Kohberger

Ayes: Miles, McConnell, Kump, Kapnolas, Kohberger, and Maloney

Nays: None

MOTION was then made by Ron McConnell to approve the subdivision change of lot lines for parcel B for Janet and Scott Ackerman pursuant to a survey prepared by Twin Tier Land Surveying deed reference #201707080, tax map number 98.86-2-16 and Job no. 2160.

Second by Nick Kapnolas

Ayes: Miles, McConnell, Kump, Kohberger, and Maloney

Nays: None

Chairman Miles thanks for the board for their input and moves to the next item on the agenda. It is a referral from the Town Board regarding short-term rentals and their applicability to Town Codes. This referral came to this board as a resident in the town has concerns regarding an Air B and B (short term rental of property) in her neighborhood. The resident is concerned about the noise level, parking and is worried that there will be house parties.

The question for our board is are our codes for long term rentals sufficient for our short-term rentals or does there need to be a separate code, can the existing one be tweaked, or does this board suggest no changes are necessary? It was noted at this point there are only 3 short term rentals in the Town of Elmira that we are aware of. In regards to a short-term rental, it is defined as a rental that is less than 30 days. We also have Bed and Breakfasts short term rentals as well. B and B's have transient guests, people have been using their homes for this purpose, and they are regulated by the health departments (because a meal is served) and New York State. Scott Moore clarified the difference between an Air B& B and a Bed and Breakfast which is a meal is served in the latter. Eric stated that any rental property has to be registered regardless of the rental time frame.

Scott mentioned that this was referred by the Town Board as they wanted this board to look at it from the perspective of how it will affect our community. Chairman Miles noted that no formal complaints have been made regarding short term rentals. There was a lot of discussion with the following thoughts: 1). Are we going to permit them and where can these rentals be 2). There should be a number limit on people vs sleeping rooms, 3) Name of a local contact person should be posted in dwelling, 4). Garbage is taken care of, 5) Set a quiet time period.

Many of these are already in place with long term rentals. Tom Kump commented that he felt the regulations in place are fine for the short-term rentals. Ron McConnell felt that there should be categories for rentals, and suggested that we update or tweak our present code to reflect short term rentals. He feels that neighbors should be protected. After further discussion, Mark asked the members of the planning board for their opinion and the majority of the board members felt that the Town Codes in place for long term rentals were sufficient. Ron McConnell strongly voiced his opinion that the town code should be tweaked for short term rentals to protect residents. Mark ends the discussion and ask that a motion be made to move forward.

MOTION was made by Tom Kump stating that after discussing the pros and cons of short-term rentals, at this time there is not a sufficient need to address this issue.

Second by Nick Kapnolas

Ayes: Miles, Kump, Kapnolas, Kohberger, and Maloney

Nays: McConnell

Attorney Scott Moore then suggested that the board modify the definition of a Bed and Breakfast to include “one or more” meals served.

MOTION was made by Tom Kump to provide better guidance for Bed and Breakfast rentals that it is worded as such with one or more meals served daily.

Second by Mike Kohberger

Ayes: Miles, McConnell, Kump, Kapnolas Kohberger, and Maloney

Nays: None

Chairman Miles asks if there are any non-agenda comments from members of the public to the board.

Christopher Denton of 1237 W. First St stated to Scott Moore that if the zoning is exclusory then any use not listed as an approved use is prohibited.

Chairman Miles thanked him for speaking.

MOTION by Nick Kapnolas to adjourn the meeting.

Second by Tom Kump

Ayes: Miles, McConnell, Kump, Kapnolas, Kohberger, and Maloney

Nays: none

The meeting ends at 8:22 pm EST.

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