

DRAFT

**Minutes
Marcham Hall**

**VILLAGE OF CAYUGA HEIGHTS
BOARD OF TRUSTEES
SPECIAL MEETING**

**Monday, October 2, 2017
7:00 p.m.**

Present: Mayor Woodard; Trustees: Biloski, Friend, McMurry, Marshall, Robinson, and Salton; Clerk & Treasurer Mangione; Deputy Clerk Walker; Attorney Marcus; Zoning Review Committee (ZRC) Chair and Planning Board Chair Fred Cowett.

Call to Order: Mayor Woodard calls the meeting to order at 7:00 p.m.

Mayor Woodard welcomes Fred Cowett to the meeting. She thanks Mr. Cowett for his dedication to the multi-year process of Zoning Review and his assistance to the Board of Trustees as they discuss the draft document's topics.

Draft Zoning Law Review:

Trustee Friend opens the discussion. She expresses concern about the number of unrelated residents per housing unit. There are houses where it seems that the limit of four (4) unrelated persons is manipulated through claims of multiple married couples residing together. Driveways overflowing with cars change the nature of a neighborhood. Attorney Marcus reminds the Board that the size of a functional family can vary widely, the definition covers much more than civil unions. It includes persons acting as a family through common ownership, taking meals together, and many other stipulations. It is not permissible to state a specific number of allowable residents in a dwelling unit if they are related. Generally a family does not have the same number of vehicles per person as a rental housing unit with multiple unrelated occupants. Other municipalities address the parking problem by regulating the percentage of paved area on a property. A suggestion is made to reduce the number of allowable unrelated residents from four (4) to three (3).

As to the annual fourteen (14) day limit on short-term rentals, Trustee Friend wonders if this could become an administrative "rabbit hole". Mayor Woodard expresses the view that all zoning limits are tools which allow the Village to have a basis on the books for code enforcement. When complaints regarding traffic, noise, or parking problems are received, the situation can be addressed. There is no plan to inspect properties. Airbnb does not cooperate with municipalities to identify rental units. They negotiated with Tompkins County to forward room tax collections without property information.

Unlike a bed and breakfast business or hotel/motel business, Airbnb does not require inspections for fire safety. Trustee Marshall remarks that Airbnb hosts rely heavily on referrals which is a form of self-regulation. The Town of Ithaca is currently facing a problem which is just one property outside the Village. Four homeowners on one street are running short-term rental businesses and the remaining homeowners are unable to exercise their right of quiet enjoyment of their properties.

Tompkins County requires operators of rental properties to complete a Certificate of Registration (Attachment A). The question of whether or not to require submission of a copy of the Certificate of Registration to the Village is put to the floor. The concern regarding enforcement is reiterated. Attorney Marcus advises that the Code Enforcement Officer has the authority to issue a violation for failure to comply with any provision of the zoning law. When an infringement is identified and a violation is issued, it is brought before the judge. A fine of \$100 a day may be imposed for every day that the violation continues. The Certificate used by the County requires the social security number or federal id number of the applicant. The Village would not want to collect that information and would instruct the applicant to redact that information or it will be redacted by the Clerk. It is felt that submission of a copy of an existing form is easier than requiring completion of a unique form.

Members of the Board express surprise that no members of the public have chosen to attend the meeting.

A minor word revision to provide clarity on page 26 of the Draft Zoning Document is suggested by Attorney Marcus. In Article 6. Permitted principal uses, §6.2 B.4.a, he recommends the insertion of "but not any of the following:" after residence hall, and before a rooming, lodging or boarding house...

Trustee Salton requests contextual information regarding stream setbacks and wetlands designation. Mr. Cowett provides the following background. Cayuga Heights has no wetlands listed in the National Wetlands Inventory. The County has been working to identify minor wetlands and has designated an area around Kendal as wetlands. The land adjacent to Community Corners on E. Upland has been delineated as a wetland. What metric would the Village use to classify wetlands? The generally accepted federal definition is fourteen (14) consecutive days of standing water during the year, certain types of vegetation, and that it has hydric soil. The question remains what size does the area need to be in order to be designated as wetland? There are some wetlands associated with intermittent streams but not all intermittent streams

EXHIBIT 2018-074 page 2 of 3

are contiguous with wetlands. Also, the size of wetlands can change from year to year. Mayor Woodard asks if the Planning Board has sufficient guidance in the new zoning to do its job. Mr. Cowett answers "yes, because currently there is nothing." Trustee Salton suggests adding the word "Wetlands" to § 9.6.G. Boundary delineation to further clarify the section.

Adoption of a twenty-foot (20') buffer from intermittent streams is discussed. The standard recommended distance is fifty-feet (50') however, due to the many smaller lots in the Village, the Zoning Review Committee agrees that the shorter distance makes more sense. Tompkins County also recommends 50'. Attorney Marcus responds to a question about activities that can impact streams that would make the greater distance advisable. He explains that imposing the regulation on an already developed village would not yield a significant result. In the Village, there does not tend to be activities that have a high degree of potential harm to a stream. The County is looking at the County as a whole where there are a lot of users who can potentially cause damage to streams. Much of this section of zoning is drawn directly from DEC guidelines.

Mayor Woodard reminds the group that the proposed new boundary for the Commercial District has not yet been discussed. The ZRC is recommending "incentive" zoning in the commercial area. It is proposed that three (3) story structures be allowed if seventy-five percent (75%) of the first story is dedicated to retail businesses. There are two changes to the boundary of the zone. One is the small, rental house owned by the Village at 825 Hanshaw Road. The parcel was acquired in anticipation of reimagined future traffic pattern changes at "the corners". The other proposal is to draw the boundary around properties behind Carriage House Apartments and the Community Corners plaza.

Trustee Friend leaves the meeting at 7:45 p.m.

There are proposed changes in the Multiple Housing Zone. On Oak Hill Road, the current boundary bisects two residential properties. That proposed line is drawn to follow the parcel lines. Toward Wycoff, a change is proposed that was prompted by an episode where there was a proposal to convert a single-family home to a sorority house. That property is surrounded by single-family homes. The ZRC feels that the nature of that area is best preserved by designating it as all residential. On Kelvin, there are single-family homes that are drawn into the residential zone. West of Triphammer, the area that was in the Multiple Housing district has been reduced to designate as many single-family homes as possible in the residential zone. Trustee Salton wonders about the Village's provision for low-income housing as it relates to The Comprehensive Plan. Mr. Cowett responds that an early draft version of the Comprehensive Plan had proposed an area to be designated for smaller lot size which would be geared toward affordable housing. Public protest about that proposal led to its removal from the Plan.

Communities that have problems with run-off have strict rules about tree removal. The ZRC entertained the idea of restricting tree removal, particularly in unique natural areas. They ultimately decided to forego regulation of natural areas due to the difficulty of defining what constitutes a natural area and problems related to property owners' rights.

The Board agrees that limiting the number of unrelated persons living in a dwelling unit to three (3) instead of the current four (4) will preserve the residential nature of the Village in the future.

Trustee Marshall brings up the topic of exterior lighting and controls to prevent too much light from affecting neighbors. There is a rule based on angle which works fine in a level area, but in an area with steep slopes, it could cause a problem with neighboring properties. Section 11.5.C.4 addresses exterior floodlights and spotlights. It is advised that additional wording should be added to the next section #5 to take topography into account.

Discussion of all sections of the Draft Revised Zoning Law is completed.

Executive Session

Resolution #8085

WHEREAS: The NYS Open Meeting Law §105 prescribes matters for which a public body may conduct an executive session; and,

WHEREAS: Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered; and,

WHEREAS: The conduct an executive session for these enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public moneys:

THEREFORE, BE IT RESOLVED THAT: An Executive Session of the Village of Cayuga Heights Board of Trustees is conducted for the purposes of subsection (d.) discussions regarding proposed, pending or current litigation;

Motion: Trustee Salton

Second: Trustee Marshall

Ayes: Mayor Woodard; Trustees Biloski, Friend, Marshall, McMurry, Robinson, and Salton

Nays and Abstentions: none

Motion carried

Resolution #8086

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees ends Executive Session and returns to an open meeting.

Motion: Trustee Biloski

Second: Trustee Robinson

Ayes: Mayor Woodard; Trustees Biloski, Friend, Marshall, McMurry, Robinson, and Salton

Nays and Abstentions: none

Motion carried

Adjournment: Mayor Woodard adjourns the meeting at 8:53 p.m.

ATTACHMENT A – EXHIBIT 2018-075

TOMPKINS COUNTY, NY
HOTEL, MOTEL, BED & BREAKFAST ROOM OCCUPANCY TAX

Certificate of Registration

Date of Application: _____

Name of Establishment: _____

Location: _____

Phone Number: _____

Federal ID # or
Social Security # _____

Owner of Record: _____

Date Business Started: _____

Form of Ownership: _____
(Sole Proprietor, Partnership, Corporation)

Number of Rooms: _____

On Premises Manager: _____

Current Rates:
(List all) _____

Website: _____

Address where correspondence and reporting
Forms should be sent if other than above. _____

Return to: Tompkins County Finance Department
125 E. Court Street
Ithaca, NY 14850
hbeach@tompkins-co.org
Phone: (607) 274-5545
Fax: (607) 274 - 5580
