

Minutes
Ronald E. Anderson Fire Station

VILLAGE OF CAYUGA HEIGHTS
BOARD OF TRUSTEES
SPECIAL MEETING



Tuesday, February 06, 2018
7:00 p.m.

Present: Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, Robinson, and Salton; Clerk & Treasurer Mangione; Deputy Clerk Walker; Attorney Marcus; Planning Board Chair Fred Cowett

Absent: All present

Call to Order: Mayor Woodard calls the meeting to order at 7:04 p.m.

1. Approval of Meeting Minutes: October 16, 2017 (Exhibit 2018-075)

Resolution #8122

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees approves the October 16, 2017 Meeting Minutes (Exhibit 2018-075).

Motion: Trustee McMurry

Second: Trustee Friend

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

Nays: none

Abstentions: none

Motion carried

2. **Privilege of the Floor**

No members of the public sign up to speak.

3. **Report of Mayor**

- a. TCAT Signage License Agreement (Exhibit 2018-107)

TCAT has provided Attachments A & B having a list of GPS coordinates & locations on a map to be included with the Agreement.

Resolution #8123

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees approves the TCAT Signage License Agreement and authorizes its signing by Mayor Woodard.

Motion: Trustee Salton

Second: Trustee Robinson

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

Nays: none

Abstentions: none

Motion carried

- b. Community Corners Water Line Easement: Attorney Marcus stated there is a Village water main that crosses the Southerly section of Corners Community property, where the new CMC building is being constructed. There is no record of any easement for this line, so one should be created and recorded. The property owner and developer have a new survey map showing the new location of the water line. The Village is not responsible for any of the expense to move the water line. There was discussion over whether the new section should be placed beneath the sidewalk on the property. The water main line can be decommissioned during construction.

Resolution #8124

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees approves the Community Corners Water Line Easement and authorizes Mayor Woodard to sign a final version that has been approved by the Village Attorney which includes a revised survey map showing the location will be outside the sidewalk of the medical building.

Motion: Trustee Salton

Second: Trustee Robinson

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

Nays: none

Abstentions: none

Motion carried

Mayor Woodard opens the Public Hearing at 7:25 p.m.



Village of Cayuga Heights

MARCHAM HALL
836 HANSHAW ROAD
ITHACA, NEW YORK 14850

(607) 257-1238
fax (607) 257-4910

PUBLIC HEARING – ZONING LAW February 6, 2018 – 7:00 p.m. – Fire Station

	PLEASE PRINT Name or Anonymous*	Address (optional)	Do you wish to speak? Indicate Yes or No
1.	<u>ROBERT BORS</u>	<u>TEXAS LN</u>	<u>YES</u>
2.	<u>David Donner</u>	<u>E. Remington Rd</u>	<u>yes</u>
3.	<u>*</u>	<u>*</u>	<u>Yes</u>
4.	<u>Susan Barnett</u>	<u>Triphammer</u>	<u>Yes</u>
5.	<u>MARK MEECEMS</u>	<u>Upland Rd</u>	<u>yes</u>

Ron Bors:

Comments to Cayuga Heights Board

February 6, 2018

My name is Ronald Bors. I am a former Trustee and former member of the Planning Board of this village. My wife and I have lived on Texas Lane for 42 years.

My comments will be limited to short-term rentals. First, I commend you for addressing this contentious issue, and for proposing zoning changes to deal with it. In November, I explained that I preferred no short-term rentals at all, but that I could accept your compromise position of 14 days per year. Therefore, I was dismayed to read that you now intend to double that time from 14 to 28 days. And how about the resident that has a B&B on either side of him, and one across the street? He will endure as much as 84 days per year of disruption.

I do appreciate the current requirements for permits, visitor's logs, and the penalty structure. But all of this does nothing to benefit the village as a whole, or any taxpayer other than the B&B host. The rest of us get negatives. We will have to pay for the increased administrative costs, beyond that covered by the small permit fee. We will have to endure increased traffic density, more noise, and have less privacy. Why should this be?

Please restore the 14 day compromise, and devise a means to limit the total number of rental units. Thank you.

**Ronald H. Bors
121 Texas Lane**

David Donner: Supports Mr. Bors opinion and feels, allowing short term rental only leads to bad neighborly relations.

Anonymous Speaker: He would like information about how many people are conducting short term rentals, complaints and crimes associated with Air B&B guests. He would like to know how many people on the Village Board have used Air B&B. Mayor Woodard responded with an explanation of how the Board came its conclusions. Attorney Marcus said that registration will be required for short term rentals, which will help give details the anonymous speaker has raised.

Susan Barnett: She is concerned about enforcement. If you rely on neighbor to tell on neighbors, it will hurt the neighborhood. The occupancy language in the Zoning Law is hard to follow. She asked for clarification on the fine structure.

Mark Mecenas: Said he appreciated the Board's attentiveness on the issues, He is looking forward to creating a true Village center with housing and businesses.

Clerk and Treasurer Mangione reads *Jeff Milder's* letter

I am writing to comment on the recent draft of the proposed zoning law. I disagree with the proposed provisions in Section 5.3 that severely restrict short-term rentals in owner-occupied dwellings and impose an onerous compliance burden and fee on rental activities that have been customary in the village for decades.

I object to these provisions because they would unfairly and unduly harm homeowners, such as myself, who need flexibility in order to make fair use of an existing accessory apartment in their home. Just as much, I object because I want my community to be one where residents' views are actually listened to, where leaders are emphatic to the needs of a diverse populace, and where decision-making is fact-based and transparent – in short, a community where participatory democracy works.

In a legitimate process of local democracy, residents' views are actively solicited, seriously considered, and accommodated to the extent possible. If there is an overriding public interest that means that the preference of a particular constituency cannot be accommodated, then the rationale for this decision is clearly and publicly explained.

Deliberation on the short-term rental issue has been the opposite. When residents interested in this issue came to a May Trustees meeting to express their views during the open 'privilege of the floor' session, the mayor told them it was inappropriate to speak and suggested they leave. When additional residents spoke up to ask the Village to develop a more flexible and balanced approach to short-term rentals – pointing out the profound differences between owner-occupied and non-owner occupied scenarios – the village responded with its October draft proposal, which was even more restrictive. When an even louder chorus of resident voices spoke up on October 30th, detailing in personal terms how short-term rentals were important for maintaining affordability and meeting family needs, the village responded with the proposal that is now in front of us, in which stringent restrictions have now metastasized to also include an entire permitting apparatus imposed on every single resident who wants to do so much as advertise a property for a single weekend rental.

What the village has never provided is a compelling reason why short-term rentals in owner occupied dwellings need to be restricted with such stringency. Indeed, there is no compelling reason because such rentals are a low-impact activity that has been taking place in the village for decades with little or no incident.

While Village Officers may welcome our Town of Ithaca neighbors on Renwick Drive to come to a Cayuga Heights public hearing to share their experiences with short-term rentals, these experiences are of little relevance to the question at hand. The key issue in question in Cayuga Heights is short-term rental policy for owner-occupied dwellings. The complaints of

Renwick Drive residents were about short-term rentals of properties with absentee owners. This is a completely different situation. The Renwick experience provides no basis for concluding that owner occupants shouldn't be allowed to rent rooms or accessory apartments within the four walls of their own homes for periods of less than a month.

The Trustees need to go back to the drawing board and develop a new proposal that better incorporates the views clearly expressed by Village voters and taxpayers. If this proposal includes any restrictions on short-term rentals in owner-occupied dwellings, then the reasons for the proposed restrictions – for instance, any cumulative limit on rental days per year – need to be clearly justified based on real issues or potential impacts of concern.

When this new proposal is presented to the public with a clear and legitimate rationale, then we will be ready for an honest public debate. This is how democracy works.

Mayor Woodard clarifies she never told the Milder's they were not allowed to speak during Privilege of the Floor, but instead informed them that a formal discussion of zoning was scheduled for a subsequent meeting. Mayor Woodard also noticed no one from the Overlook Rd. had come to tonight's meeting. The topic of watchdog data miners was discussed as a possibility to monitor short term rentals.

Elaine Quaroni states the Board has done a good job protecting the character of the community, and creating a set of laws consistent with the neighborhood.

Mayor Woodard asks the members of the public if anyone else would like to speak. No members wish to speak and Mayor Woodard closes the Public Hearing at 8:09 p.m.

Trustee McMurry states she appreciated all the public input, that this will be a working document and a good compromise for all.

Trustee Friend, mirrors Trustee McMurry's comments and adds the 14-day unoccupied short-term rental is concerning. She prefers all rentals be owner occupied.

Trustee Salton thinks the short-term rental demand has grown out of people utilizing the internet to find alternate places to stay.

Trustee Biloski, adds the document is fair, and balanced given the information presented.

Trustee Robinson is comfortable with the concerns addressed.

Trustee Marshall thinks over time the public concerns were discussed and changes have been incorporated.

Attorney Marcus discusses the residence and multi-housing zone limitations on the occupants of each dwelling unit. After an email exchange with the Code Officer and the Zoning Review Committee Chairman in the prior few days, it was clear that the intention was for the multi-housing zone to include a limitation to read "with each dwelling unit to be occupied by no more occupants than permitted in accordance with NYS Building & Fire Safety Code and NYS Multi-Housing Law". This minor technical clarification does not require another public hearing or trigger any other procedural steps.

The current draft and changes had been delivered to the County; no one present knew whether the Village had received a response from the County. It was noted that the revised draft incorporated all of the County's previous recommendations, but for one related to stream buffers, which the Village had considered and rejected.

S.E.Q.R.A Review: Part 1 was completed and signed off on January 16, 2018

S.E.Q.R.A Review: was completed and signed off on February 6, 2018

Resolution #8125

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees approves the findings and answers to the S.E.Q.R.A. Part 2.

Motion: Trustee McMurry

Second: Trustee Marshall

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

Nays: none

Abstentions: none

Motion carried

Resolution #8126

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees has determined that adoption of the Village's new Zoning Law will result in no significant adverse impacts on the environment, and, therefore, an Environmental impact statement does not need to be prepared.

Motion: Trustee Robinson

Second: Trustee Salton

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

Nays: none

Abstentions: none

Motion carried

Resolution #8127

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees approves the revised Village of Cayuga Heights Zoning Law.

Motion: Trustee McMurry

Second: Trustee Friend

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

Nays: none

Abstentions: none

Motion carried

4. Adjournment

Mayor Woodard adjourns the meeting at 8:45 p.m.