

Village of Lansing
Planning Board Meeting
Minutes of Tuesday
August 27, 2019

The meeting of the Village of Lansing Planning Board was called to order at 7:02pm by Acting Chair, Mike Baker.

Present at the meeting: Planning Board Members; Mike Baker, James McCauley, Monica Moll; Alternate Member, Tony Ingraffea; Code Enforcement Officer, Mike Scott; Village Attorney, William Troy, Trustee Liaison, Patricia O'Rourke; and approximately 4 additional people.

Absent: Carolyn Greenwald, Lisa Schleelein

Baker appointed Alternate Tony Ingraffea to fill in for Carolyn Greenwald.

Public Comment Period

Baker opened the public comment period at 7:02pm.

With no one wishing to speak, McCauley moved to close the public comment period. Seconded by Ingraffea.

AYES: Baker, McCauley, Moll, and Ingraffea.

Public Hearing for Minor Subdivision.

The minor subdivision proposal, located at 42 Esty Drive, is to create two tax parcels from the current Village of Lansing Tax Parcel 43.1-1-1; one such parcel being 4.023 acres and improved with a house, garage with entry and other small outbuildings with road frontage on Esty Drive of 150.00 feet and the other tax parcel consisting of 6.040 acres improved with a small house, garage, and other small outbuildings, having frontage on Esty Drive of 226.68 feet and having all the lake frontage of the existing tax map parcel.

Michael May was present representing the owners. May stated that he was here in case there were any questions.

Scott sees no issues, the frontage is ok. There is a proposed easement for the driveway and water along the north side of the driveway. Scott has the mailings for the public hearing.

Troy asked May for background. May explained that Robert & Maxine Dean previously owned the property and left it to their four children. Two of the four children bought the property that is being subdivided. They may want to sell one parcel and keep the other.

Baker stated that this is a pretty straight forward subdivision. McCauley wants to wait until the next meeting to vote on this. Troy stated that this will give the Board a chance to review and

41 think about the proposal so that it is done correctly. The two parcels are significant size parcels.
42 May stated that the sooner this can be resolved is better because the owners may want to sell one
43 parcel. A vote will take place at the next meeting on September 9th.

44 **Public Hearing for a Special Permit Proposing a Home Occupation.**

45 Amy Friend, owner of 154 Burdick Hill Rd (Tax Parcel 42.1-1-53.41), is requesting a
46 Special Permit to use her home for small group events. The property is owner-occupied
47 year-round and they are Airbnb hosts. Most guests are on weekends between May and
48 September. The homeowner serves no food and has parking for up to 15 cars. The house is 2
49 stories with a finished basement. There are 3.5 bathrooms, 5 bedrooms and accommodates up to
50 16 people if the whole house is used. Guests may be in a room or have the main house,
51 sometimes with the owners in the basement apartment.

52 The application for a Special Permit came about after Scott sent the following letter, following a
53 complaint, to Friend on July 12, 2019:

54 *Dear Ms. Friend:*

55 *It has come to my attention that your residence at 154 Burdick Road is being used as a "Bed-and-*
56 *breakfast". It is also my understanding that you advertise your home as an Event Center and*
57 *parties are held there. As per the Village Code, this would categorize your residence as a Tourist*
58 *home* and therefore be considered a Home Occupation. Under section 145-39 (Low-Density*
59 *Residential District), you are required to apply for a Special Permit in order to have a Home*
60 *Occupation. Please contact me at your earliest convenience if you have questions.*

61 *Thank You,*

62 *Mike Scott*

63 **Tourist home -- A residential building, containing at least one (1) dwelling unit and offering*
64 *rooms for occupancy on a transient (monthly or less) basis as a home occupation. This definition*
65 *includes bed-and-breakfast uses.*

66 In a letter received back from Friend she requested a Special Permit for periodic use of her home
67 for group events. Some of their guests had suggested that their space would be good for events
68 such as family reunions, retreats, small business meetings or even small weddings (e.g. 50
69 people). She stated that so far they have limited to Airbnb but have been exploring options. She
70 also requested help to understand what they may or may not be able to do and the requirements
71 needed to abide by Village Zoning Laws.

72 Scott has received the required mailings for this Special Permit Application.

73 Valerie Reine, Amy Friends wife, gave a presentation. Reine stated that their home has been
74 used as an Airbnb for five years, they are super hosts and they love having people into their
75 home. Reine and Friend are considering more yoga retreats. Scott asked how many people they
76 estimate would attend these retreats.

77 One concern was that Airbnb lists this property as an event center. Small weddings could end up
78 with quite a few people. It was asked if there was a cap on the number of people that could
79 attend. Reine stated that they vet people pretty carefully. She was not sure why weddings came
80 up. They had 40 people in for a wedding celebration that did not spend the night.

81 McCauley asked if they have people during the winter. Reine stated that normally they do not.
82 Most rentals take place in May for graduations and continue through Labor Day weekend.
83 McCauley asked how many weekends their home is occupied each year. Reine stated that it is
84 rented out about 16 weekends a year. There is not a whole lot during the week. It was asked if
85 they usually rented out the whole house. Reine stated that they get single rooms sometimes for
86 people on business travels. They have done corporate meeting retreats. All guests bring in their
87 own food.

88 Moll asked how often they were in the house. Reine stated that they have an apartment in
89 Corning since her wife works in Corning. If they have people that want to rent the upstairs then
90 they may go to the downstairs apartment. Reine estimated that they were not on site 12 of 16
91 weekends the house was rented out.

92 Scott asked if when corporations come for meeting if they stay there. The Ongweoweh Executive
93 Christmas Party was held there.

94 Reine stated that she use to have child care in the basement but no longer does that. She also
95 does Taro Card reading out of her home. They would love to grow the business to be year round.

96 Ingraffea asked about the loud music complaint. Reine stated that they contacted the people
97 renting their home at the time and they shut it down. Since this incident they have added to their
98 description that after 10pm our neighbors should not be able to hear them.

99 Ingraffea asked how they could monitor the noise or activities of the guests if they were not on
100 site. Reine stated that she has family close by which are available to help whenever a guest may
101 need something.

102 Reine stated that they rent the basement apartment as well as the whole house. It is called the
103 retreat house. Usually, they rent both together.

104 Baker stated that some neighbors have brought up concerns and he asked them to come forward.

105 Mary Hudson of 134 Burdick Hill Road stated that she owns the lot next to Amy & Valerie and
106 plans to eventually build a home on the vacant lot. There were some things that were a nuisance
107 so Hudson stopped over to speak with Reine last week and she was very receptive. Hudson's
108 complaints are the traffic headlight glare, increased traffic, wine buses and party buses coming
109 and going, parking on the side of the road and food trucks in the driveway. Hudson has also
110 installed a privacy fence to block some of that. There have been some nuisances that have been
111 taken place. Hudson is concerned with events that are held outside because it is along her
112 driveway. Hudson has witnessed several times where overflow parking is on the Burdick Hill
113 shoulder.

114 Hudson stated that their homes are in a low density residential area. Hudson questioned that if
115 approved for home occupation, where does it say anything about having an Airbnb in the Village
116 Code. Scott stated that we have not had an Airbnb come up until this incident. An Airbnb can be
117 approved by the Planning Board; however, commercial use of the property is a completely
118 different use. Scott thinks that Reine and Friend are coming to a point where they are pushing the
119 limits for an assembly area which is totally different. They could be considered a tourist home
120 which can be approved with a Special Permit. Currently, 154 Burdick Hill has no Special
121 Permits.

122 Hudson asked how long a Special Permit would be good for. Scott informed Hudson that a
123 Home Occupation is allowed in the Low Density Residential District with the approval of a
124 Special Permit (Section 145-39D(2)(b) of the Village Code). In most cases, a Special Permit is a
125 single event. For example, your Special Permit for building a house near a Drainage Way
126 Conservation Combining District is closed once the house is built. If you built another there or
127 added on, you would be required to apply for another Special Permit. With the case of a Home
128 Occupation, if the owners were to move, it becomes a little tricky. The question would be, does
129 the Special Permit go with the property or the owner. A simple and clear solution would be
130 adding a condition to the Permit which makes it non-transferable. Scott will look up to see if new
131 owner could sell the permit.

132 Shawn Dollaway of 150 Burdick Hill Road stated that there are other people on the road that
133 wanted to come but couldn't make it on such short notice. Dollaway stated that their property is
134 almost directly in front of his house. He can hear everything that is said when the guests are on
135 the porch. Some of these conversations are not appropriate for his daughter to hear. Dollaway
136 asked who is responsible for monitoring the noise. Having Reine and Friend rent out the house in
137 front of his house has not been a pleasant experience. His daughter doesn't want to go outside
138 because there is another party. Seeing this activity is teaching his daughter that party & drinking
139 is ok to do. There was a large drinking party where one of the guests got confrontational with
140 Dollaway at 10:30-11pm when he asked them if they would please quite down. Dollaway did not
141 initially call the cops because he was trying to be cooperative. On two different occasions

142 Dollaway has called the police and they claimed that there was nothing in Village Code
143 regarding noise that they could enforce. Reine claimed that she has only received one call.

144 Dollaway also wondered what may happen to his property value. Dollaway has posted signs to
145 keep people off his property without success. Dollaway is currently documenting everything that
146 happens.

147 Hudson feels it comes down to monitoring the people.

148 Troy asked Reine how they would respond to a complaint if they were in Corning. Reine stated
149 that her daughter lives on Conlon Road and covers for them.

150 Scott stated that an event center is not an allowed use in a low density family neighborhood.

151 Troy asked Reine if Dollaway could not get cooperation then how would her daughter be able to
152 get them to stop. Reine stated that they can ask guests to leave. One instance when this happened
153 was when a student group from Cornell had more people at the house and they shut it down and
154 made them leave. Reine feels they have been pretty successful in stopping this kind of activity.
155 Reine stated that they would love to correct these issues.

156 It was stated that if the home owners are not there to monitor it is not the neighbor's job. We are
157 100% against an event center. It is not an event center neighborhood.

158 Scott stated that the Airbnb is a Planning Board issue. An event center is a commercial
159 application and that is not allowed. Parking is not allowed out on the street. Reine stated that
160 they do let their guests know that. It was pointed out that there was a party bus parked out on the
161 road for two hours. The Airbnb still has not been approved. Currently, without a permit renting
162 out one's home can be done a few weekends a year, not all the time.

163 Ingraffea pointed out that from what he is hearing; it is already acting as an event center. Reine
164 does not think it is an accurate description. Dollaway pointed out that they have been using it as
165 an event center for a while. There have been tents set up outside on multiple occasions.

166 Scott pointed out that in our Code there are criteria for which direction to go with a home
167 occupation. Airbnb needs to be discussed by the Planning Board. It is becoming a popular source
168 of revenue and his concern is the commercial aspect. When you are holding events for 20-30
169 people then there are engineering issue with that many people. It opens up a lot of different
170 avenues. Obviously, you can do this with your family but when people are paying to stay at your
171 home it becomes a different category.

172 Moll pointed out that the Code defines a Home Occupation as:

173 “An occupation, profession, use and/or activity which is carried on by a person residing in the
174 dwelling unit, and is clearly incidental and accessory or secondary to the use of the dwelling
175 unit for residential purposes. (See § 145-60D for special permit requirements, and §145-
176 82.A(15) for Typical uses; category of use.)”

177 The point being that this is not incidental or occasional and they are not residing in the dwelling
178 if they are living in Corning. Moll stated that she is all for using ones home for an Airbnb but the
179 initial purpose is renting out an extra room and the owner is there and not renting the whole
180 house. We do not have a law against Airbnb’s. 16 weeks seems to be a main use and this seems
181 to be commercial not home occupational.

182 Baker would like to keep the public hearing open until the next meeting to allow Planning Board
183 Members time to think about the issue and give other neighbors an opportunity to speak. Reine
184 requested that it be postponed until the September 24th meeting since they would be going out of
185 town. The Board agreed.

186 Hudson thinks that the Village of Cayuga Heights has regulations for Airbnb’s in their code.
187 Scott stated that Cross would be present at the next meeting and would be able to explain what
188 the Village of Cayuga Heights has done.

189 Reine stated that they have always been good neighbors and they want to rectify these issues.
190 They would like to have more family style events and also be able to serve the yoga population.
191 She was not sure how this event center came about. Reine wants to make something workable
192 for everyone.

193 Troy directed everyone to the Code page 145074-75 where it defines a Home Occupation.
194 McCauley pointed out that page 145106 is also relevant. McCauley has an issue with it being
195 incidental.

196 Reine, Hudson and Dollaway left the meeting.

197 Moll asked if the Planning Board can do a Special Permit with conditions. Troy stated that the
198 problem is what happens if they do not meet the conditions, how do you enforce? Troy
199 recommends not enacting what you cannot enforce. If you make it a condition that the owner
200 must be on the property, how can you prove that the owner is on the property?

201 It was stated that the Police were called and there is no law against noise. Moll asked if we have
202 a law, is it enforceable by law enforcement. Scott stated that we do have a law regarding noise.
203 Troy would like to see something that is self-enforcing such as only being allowed to do a certain
204 number of weekends. This is not an easy situation to solve. Scott would like the Board to come
205 up with some rules to enforce.

206 McCauley feels we are dealing with two different issues-Airbnb and the other is having events.
207 Graduation parties or weddings those aren't an Airbnb, they are an event. Moll thinks that if it
208 was an event center there would be a manager there.

209 It seems to be a home occupation and commercial uses of a building not a residence. Reine is
210 trying to shield herself behind an Airbnb. Home Occupation is a person or small group that has
211 the use of a home that is occupied by its owner. The Village does not have adequate rules for
212 Airbnb but we do for rules for home occupation. It is clearly not a home occupation. Tara Card
213 Reading is a home occupation. She wants events which are commercial and the Board should
214 just say sorry commercial is not allowed.

215 Ingraffea stated that this is not a home occupation. Either we define Airbnb or we say what you
216 are proposing is a commercial activity.

217 Troy would like to talk to Cross to see what the Village of Cayuga Heights has come up with.
218 Troy thinks 16 weekends is substantial. Troy feels they are using Airbnb for advertising. Another
219 concern is that they have another residence in Corning.

220 Baker asked the Board to think about these things. Reine & Friend are applying for a Special
221 Permit and the Board can deny or grant it. Baker doesn't think that a corporate Christmas party is
222 an Airbnb activity.

223 McCauley thinks Reine's oral presentation was different than the original letter submitted.

224 Scott informed the Board that on September 9th another planning session has been scheduled. It
225 was agreed that they should discuss Airbnb since this issue is more pressing. The meeting will
226 also include a vote for a minor subdivision for the Deans and Mosely will be in regarding a
227 change in use in the Commercial Medium Traffic District. Scott will get more information from
228 the Village of Cayuga Heights on how they define and enforce Airbnb.
229

230 **Approval of Board Minutes**

231 McCauley stated that he started reviewed one set of minutes and there were many typos, words
232 not capitalized and other statements he did not understand as written. Dake informed the Board
233 that she also noticed that and spent the afternoon reviewing the minutes and making corrections.
234 McCauley wanted to postpone approving the minutes. Dake was concerned that the Board is
235 getting very behind on approving minutes. Baker agreed that it was important that the Board get
236 them approved tonight. The Board was given the corrected minutes to review. The Board went
237 thru the minutes and provided changes to be incorporated into the minutes before being finalized.
238

239 Baker entertained a motion to approve the minutes from June 10th and 25th. Moll moved to
240 approve the minutes. Seconded by McCauley.

241 AYES: Baker, McCauley, Moll, Ingraffea

242

243 Baker entertained a motion to approve the minutes from July 30, 2019- McCauley moved to
244 approve the minutes. Seconded by Moll.

245 AYES: Baker, McCauley, Moll

246 Abstain: Ingraffea

247

248 **Trustee Report:**

249 See Trustee minutes for details of the August 19th meeting.

250

251 **Adjournment:**

252 Moll moved to adjourn at 9:05PM. Seconded by Ingraffea.

253 AYES: Baker, McCauley, Moll and Ingraffea.

254

255 Minutes taken by: Jodi Dake, Clerk/Treasurer