

Town of Middlefield Planning Board
Minutes of the regular meeting, August 3, 2017

Present: Waller, Nemec, Karl, Fink, Newman, Kortick, deRosa

Also: Town Board member Dave Edwards

Minutes of July 2017 minutes read; all in favor.

1. John Branson of Barnum Road appeared before the board to seek advice as to the process for approval of a simple sub-division. He was provided with the checklist of items to be addressed and completed in order to gain approval. Since an existing road runs right down the middle of the proposed sub-division, Chair Neal Newman suggested there might be a legal precedent for obviating the need for a sub-division proposal because the road might function as a *de facto* boundary.
2. Phillip Kubis appeared before the board to seek advice re: a sub-division of the existing Kubis Farm. He was asked to check to see if any land had been divided since 1991. The board gave him a copy of the standard checklist to follow.
3. After completion of routine business, Chairman Newman opened the meeting to the Privilege of the Floor. A contingent of residents of Bowerstown, an R-HD district, attended the meeting to follow up on concerns expressed in the July Planning Board meeting. After that meeting, at which time Bowerstown residents listed a number of concerns related to short term rentals in the Bowerstown that have significantly altered the character of the hamlet, Chairman Newman and Secretary deRosa attended the subsequent Town Board meeting to convey these concerns to the town board and to solicit guidance as to how the Planning Board might address some of the Bowerstown residents' legitimate concerns. The Board indicated a willingness for the PB to look into possible ways of addressing these issues, including the development of a permitting approach to short-term rentals.
4. The Bowerstown residents who attended the August 3, 2017 meeting apprised the PB of these concerns: noise, garbage, density, intrusion of renters, often adolescents, on their property, often at all hours of the day and night, damage to personal property, and behaviors inconsistent with the residential character of the hamlet. There is also no remedy because the police deign not to enforce these kinds of disturbances. All agreed that the establishment of an annual permitting process would provide the town with an acceptable enforcement remedy. The general sentiment expressed is that the intent is not to prevent short-term rentals. Rather, it is to put in place a formal apparatus for dealing fairly with these issues.
5. A smaller contingent of citizens who operate multiple short term rentals outside the Bowerstown hamlet, and who claim that these problems do not, and never have, occurred in their district, expressed their concern that any remedy, such as a permitting approach, is not justified and would add an unacceptable burden to them. As they pointed out several times, they are listed with the county, adhere to existing rules and regulations, and feel that if there is a problem in one district, the remedy should be limited to that district alone. They also pointed out that the owners are ultimately responsible for what transpires on their properties. As one

Bowerstown resident pointed out, however, a number of the rental properties in Bowerstown are not owner-occupied.

6. At present the PB has taken no action. Rather, board members are researching what other similar communities are doing to address this very same problem. It was pointed out that both Milford and the village of Cooperstown have established moratoriums in order to address the short-term rentals issues they face. A concern expressed by one of the owners of rentals outside the Bowerstown hamlet was that if there is an annual permitting process that opens up the possibility for neighbors to weigh in, it might just serve as an opportunity for someone who has an ax to grind to do so. The board will take that legitimate concern into account.
7. The general consensus, as the meeting wound down, was that perhaps an acceptable approach would be to limit any permitting process to those places where it is a problem. The board also made it very clear that its intent is to come up with a remedy that is fair to all and that in no way “cuts into anyone’s income.”

There being no further business, motion by Waller, 2nd by Karl to adjourn. All in favor.

Meeting adjourned at 8:35 PM

Respectfully submitted,

Richard J. deRosa, Secretary