

Town of Homer Zoning Board of Appeals

Minutes for Wednesday, March 22, 2023 at 6:00pm

Board Members (absent *)

Dan Gustafson, Chairman

Stuart Young

Gary Sweeney

Caleb Leach

Rhea Robinson

Ryan DuBois

Lynn Gilbert

Others Present

Lindsay Andersen, Recording Secretary

Kevin McMahon, CEO*

Pat Snyder, Attorney

Public Attendance: Jill Craft, Michael Pease Sr., Jennifer Sylstra, Anthony Smith, Christine Shanks, Brian Guy

Public Hearing

Chairman Gustafson opened the public hearing to consider **an application by Brian Guy for a use variance to construct 4 structures to be used as short-term rental cabins, at the corner of Searls Road and Route 13, tax map number 67.00-04-15.000.**

The applicant stated he would like to propose constructing 4 air bnb rental cabins. He would prefer not to have a campground status but is understanding that he may have to create one to meet zoning requirements. He would like to begin with constructing two of the cabins for a trial basis to prove his concept. He is currently working on the driveway to access the cabins. He has studied the state law which does not restrict his proposal. He has spoken to Phyllis at the County Health Department and has the applications for the well and septic permits, and he has already had an engineer conduct a perk test. He has decided to choose park style rv's vs. a tiny house because of the NY regulations. Park model rv's wheels are under the chassis which is more appealing than a travel trailer.

He stated he can meet the local code for campgrounds in section 1401 in every aspect except for one sentence which is the removal of wheels or placement on a foundation in a campground is prohibited.

Mr. Guy stated he does not want to be a campground but understands it could possibly be the only way to obtain what he is proposing. He also explained several reasons why he believes removing the wheels would be beneficial.

Michael Pease questioned what air bnb requires to rent approved locations. The applicant stated the air bnb application requires driver license numbers and a valid credit card. The applicant also explained there is a desirable review policy for both the renters and hosts.

Christine Shanks stated she owns an adjacent property and was just notified of this proposal on Monday and they do not feel that they were given enough notice to review the proposed application. She also stated that she spoke to the Sudol's who also felt they were not given enough notice, are currently out of town and are not in complete support of the project as it appears different than what Brian Guy originally presented to them. They asked Christine to recommend postponing a decision until they are able to attend a meeting and voice their concerns.

Michael Pease stated he lives across the road from Brian and feels anything Brian has done to his property has been done very well and he does not believe he would construct anything that would not be appealing to the neighborhood.

Chairman Gustafson stated he received a letter from Diane Sudol. The letter stated that the Sudol's are concerned about the proposed trailers and would like to attend a meeting to voice their concerns before a decision is made.

Attorney Snyder stated that there are several steps and requirements that need to be met before the Zoning Board can consider approval. He stated that the County Planning Board has 30 days to submit a recommendation to the board after receiving the General Municipal Law referral. It has not been 30 days and therefore the board cannot make a determination until the review and/or recommendations are received. He also stated a use variance criterion is extremely difficult to obtain because the applicant has to provide evidence that there is a financial hardship and that the hardship has not been self-created. He also read the part of the zoning law that deals with use variances, which is section 1801. In addition, it may be necessary to prepare a stormwater pollution prevention plan depending on the amount of ground disturbance.

The public hearing was adjourned to April 26, 2023 at 6:00pm.

Regular Meeting

There was no agenda for the regular meeting.

Adjournment

The meeting was adjourned at 7:00pm.

Lindsay M. Andersen, Recording Secretary