

Town of Richmond Zoning Board of Appeals Meeting Minutes Tuesday, March 21, 2023

ATTENDEES:

Wayne Ohl	Chairman	Present
Mary Beth Sauerteig	Member	Absent
Jared Ransom	Vice-Chairman	Present
Mabel Storke	Member	Present
Andy Evenski	Member	Present
John Goff Jr.	Alternate Member	Present
Alison Flynn	Secretary	Present

Public: Steve Barnhoorn-Town Board Member, Paul and Beth Borowy, Tony Cassara, Steve Smith and Dave Richardson.

Chairman Ohl called the meeting to order with the pledge of allegiance.

Mabel Storke made a motion to approve the February 21, 2023 meeting minutes, John Goff Jr. seconded the motion, approved unanimously.

Public Hearings:

Applicants Paul and Beth Borowy for relief from Zoning Code, Section 200-12F1, minimum setback requirements, for placement of a new residence at 5139 Old West Lake Road, in A Residential/Agricultural District in the Town of Richmond, pursuant to Article VI, Section 200-39 of the Richmond Town Code, Tax map #149.11-40.000.

Mabel Storke made a motion to open the public hearing, Andy Evenski seconded the motion, approved unanimously.

Paul and Beth Borowy are present, and all the documents needed were submitted. Other near by parcels have similar setbacks and some with less than 20 ft. The ZBA reviewed the information and there are no questions. The topography made it impossible to comply with the required setback.

Chairman Ohl reviewed the five conditions for an area variance:

Andy Evenski made a motion to close the public hearing, Mabel Storke seconded the motion, approved unanimously.

Mabel Storke made a motion to grant the variance, John Goff Jr. seconded the motion, vote followed.

Wayne Ohl-Aye

Mabel Storke- Aye

Andy Evenski- Aye

John Goff Jr.- Aye

VARIANCE APPROVED

At 7:10pm Vice-Chairman Ransom arrived.

Applicant Cassara Management Group for a Special Use Permit for property location at 8727 Main Street for a business operation of providing short-term rental accommodations in an E Business District in the Town of Richmond, New York, pursuant to Article Vi, Section B.8 of the Richmond Town Code. Tax map#135.20-2-4.210

Mabel Storke made a motion to open the public hearing, Andy Evenski seconded the motion, approved unanimously.

Tony Cassara is present and explains the use of the property will be for short-term rentals so families can come to Honeoye and visit the area. He would like to start this year as they have been working to make the property nice. There are currently a lot of people that rent out their homes around the lake but not many in the town.

Chairman Ohl shared with ZBA the email that was received from Tony with a background on the property, plans and progress done. The parcel is in the E Business District.

Steve Smith town resident spoke in support of this special use permit, however, has concern with number of people that might visit the renters and would like that addressed. The ZBA is aware and is willing to create parameters of the special use if approved.

Steve Barnhoorn town resident and town board member agrees with consistency and mirroring Canadice's short-term rental plan. He says the town board will be looking into noise ordinance as there have been a lot of changes to land use in the town and the two will complement each other. He is happy that Tony has invested so much time and effort in the community.

It was noted that the Town currently has no short-term rental code.

Mabel Storke made a motion to close the public hearing, Andy Evenski seconded the motion, approved unanimously.

John Goff Jr. Inquired if short term rental is defined as 31 days or less. The ZBA can word as they see fit.

Conditions that should be considered if granting permit:

- Code Enforcement can inspect premises to be sure codes are met.
- Name address of owners provided to Town/Code Enforcement and occupants also provided in case there are issues.
- Floor plan provided
- Proof of property and liability insurance.
- Weekly trash removal
- Compliance with NYS uniform code with residential properties
- Occupancy does not exceed 8-10 people.

- Comply with all E district rules

The Town Board will be working on short-term rentals, suggest ZBA approve special use for 1 year. The Town Board will also need to decide if there will be application fees for future or renewals.

Mabel Storke inquired if inspection would be a onetime thing and if not how often. Code Enforcement Officer Flynn reports that the operating permit would require an annual inspection.

Vice-Chair Ransom inquires if purposing conditions to the Town Board. Only the provisions for short-term rentals until the Town Board reviews amendments to code.

Tony Cassara inquired if the special use permit would be transferable to a new owner or would they have to go through this process. The new owner would need to make a new application.

Chairman Ohl reviewed the five factors which must be found in order to grant a special use permit. In addition, Chairman Ohl determined, that the ZBA is the lead agency for SEQR determination, and that the proposed use is a Type II matter under SEQR, and therefore does not require any further action.

Chairman Ohl made a motion to grant the special use permit for one (1) year with conditions, beginning upon the date a certificate of occupancy is issued by the Town; and that the application met the five (5) factors for granting of a special use permit, including but not limited to, that it is consistent with the general development of the Town in the District; is in harmony with the general area as a business; and is not objectionable by adjacent neighbors.

Motion was seconded by Jared Ransom.

Wayne Ohl-Aye

Jared Ransom- Aye

Mabel Storke- Aye

Andy Evenski- Aye

John Goff Jr.- Aye

SPECIAL USE PERMIT APPROVED

New Applications: No new applications


Old/New Business:

Reminder that ZBA members must submit their statement of review of the Comprehensive plan to Chairman Ohl by April 2023.

Vice-Chair Ransom made a motion to bring the meeting to close, Andy Evenski seconded the motion, approved unanimously.

Adjourn: 7:55pm

The next meeting of the Town of Richmond Zoning Board of Appeals will be held at 7:00 PM on Tuesday, April 18, 2023, at the Richmond Town Hall.

Respectfully Submitted, 
Alison Flynn, Secretary Date 3/26/2023