

**PROCEEDINGS OF A REGULAR MEETING
OF THE VILLAGE BOARD OF TRUSTEES**

Thursday, September 29, 2022, at 5:30 PM

PRESENT:

Mayor: Alysa Plummer
Trustees: Lili Lanphear
Dan Keating (5:40 PM)
Justin Leitgeb
Recording Secretary: Dorothea M. Ciccarelli

CALL TO ORDER

Motion by Mayor Plummer, and seconded by Trustee Lanphear, to call the meeting to order.

Vote: Plummer – yes, Lanphear – yes, Leitgeb – yes. *Motion passed.*

CONFLICTS OF INTEREST DISCLOSURE

The Board members indicated that they had no conflicts of interest to report.

SHORT-TERM RENTALS

Art Pires- 71 State Street – Commented that AIRBNB is a brand name for Bed & Breakfast, covered in the Village Code. A Special Permit is required because there are established rules in the Code, and it is necessary to be inspected by the Fire Marshall every 12 months. He expressed concerns for residents' quality of life and would prefer a moratorium until a resolution is found.

Karen Dagenhart – 32 & 36 North Main Street - I live in Jersey City, Cape May, and Stone, Vermont. When traveling, she has stayed on short-term rentals. She said the rentals could be good and bad. She indicated that Cape May, NJ, and the Town make income from short-term rentals. She noted that the program in place has been in Cape May and has been around for about 20 years. Ms. Dagenhart indicated that the program could help decrease the tax rate and allows residents to earn a few extra dollars. She informed the Board that she would be happy to answer questions on how other communities she lives in handle short-term rentals.

Cynthia Cooper informed the Board that she googled short-term rental benefits to the community. The first article she found had terrible things to say about short-term rentals; there was concern that the article was sponsored by the hotel associations, which lobby against short-term rentals. Ms. Cooper stated that we have a great Village, great restaurants, businesses, and wonderful neighbors. She indicated that the Pandemic crisis had hurt the Village. She currently runs a short-term rental and provides a house manual that promotes local businesses. The short-term rentals help promote the Village and the Village business. Ms. Cooper informed the Board that no one is getting rich off this, but she thinks it is fair moving forward that you look at regulation. The only request is that the Board look at short-term and long-term rentals because both ways are using the homes to generate income.

Pete Zimmerman – 17 Washington Avenue – He questioned if there was a way for the public to be informed about the specific concerns related to short-term rentals. He was sure there were some valid concerns. He was sure the potential problems were around parties, trash, and people scoping out the

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neighborhood. He indicated the Board is in a position of having to find the middle ground and not take awaiting something that can be very positive as part of the community. The Board will need to figure out how to put some guidelines around it so that we can have the most significant possibility of positive experiences in the lowest negative. He indicated that there are several tools for residents to use to make a five-start experience that can be used in creating a short-term rental permit. He discussed some of the things that can be done and some rules they have in place for their rentals. He indicated that most of the people they have rented to seem always to be visiting family that lives nearby because the only accommodation here is to go to Del Monte Lodge. This is not an excellent option for kids and family pets. It allows people to have their own space while visiting Mom and Dad. It feels that there needs to be a middle ground. It can be positive.

John Limbeck, 62 State Street – Stated that after my discussion two weeks ago, he asked a couple of follow-up questions. I specifically requested Jeff Turner if code section 210.20 4C states that if the user is not listed in the code, then it is strictly prohibited. I wondered why it is not that being considered. He indicated that because our Code Enforcement Officer has determined that there is no difference between short-term and long-term rentals. He thinks that is dangerous. He also wanted to address a comment that people have the right to profit from their property. We established residential zoning districts so that people could live in them. We established commercial zoning districts so people could run businesses. Mr. Limbeck stated that you could profit from your home by improving it and selling it. He does not want a motel two doors down. He also wanted to remind the Board that in about 5 hours of speaking with his neighbors over a couple of days, he received forty signatures of people in favor of establishing a moratorium until rules and regulations can be established. He understood the attorney's explanation that establishing a moratorium would be quite a lengthy process, and it would be better to look for some rational laws and regulations. He encourages the Board to do that.

Aaron Eater – 5 Jackson Park; she commented that she owns a home in Jackson Park with her partner Dede that she runs as a short-term rental. Her experience in other places and towns has been super positive with short-term rentals. This was one of the reasons they wanted to create something like that here in Pittsford. She grew up here, and with her partner, she loves the charm and character of the Village. They understand that they live in a neighborhood and are very conscious that Airbnb has checks and balances when you rent, and you get rated by the host, and the host is rated as well. There is also a way in which neighbors can rate houses on Airbnb. Their experience has been that families come with their pets. One of their first rentals was to a family coming for a memorial service during Covid. Their guest book is filled with comments from people who appreciate the Village and business. They have rules for their property; they do not feel that the Village will be overrun with short-term rentals. If you have questions, she would love to talk to anybody who wants to visit.

Dede Marco – 5 Jackson Park, she is a business partner with Aaron, and they run a short-term rental property. She was wondering how many people have stayed in a short-term rental before. She indicated that some people, like her parents, do not understand Airbnb; they think it is odd to have somebody come to stay in your home. She did not know until they did it. The way things are set up, you must abide by specific guidelines for people to stay in your place. We have a neighbor who lives next to one of their rentals, and she prefers it over a long-term renter. She helps keep an eye on things, and we have a good relationship with her. There are many benefits.

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Gene Cardomane, 16 Lincoln Avenue – He has been in the Village for quite a while. He has done several renovations and reviewed the properties with the Board. He questioned if the Board would prefer he rent to college students instead of running the properties as short-term rentals. He stated that the owners are very concerned about whom they rent. They expect good people to come; he questioned how you know how many short-term rentals there are currently. Have there been problems or complaints? There are currently nine in the Village of which you are aware. He expressed concern about a moratorium and thought the Board should speak to the local restaurants and businesses for their opinions.

Jennifer Simonetti, Toby Road - Informed the Board that she has had short-term rentals in her home for 7 to 8 years. Her main point was that there are many types of short-term rentals. She currently has a three thousand square foot home. One of the rooms she rents out is an addition to the home and functions similarly to an in-law apartment. The family has lived in the house the whole time; her kids go to Sutherland High School. There has not been a single guest that comes into the home without her introducing herself, and they message her thru the app if they have questions. She provides her renters with a list of restaurants in Pittsford and the great places to go in the Village. There has not been one guest that has been a problem in the house. She opens the rent all summer and on weekends during the school year.

Brenda Larocco, the previous owner of 30-32 Church Street – The property was considered a true double. She previously had a long-term renter but decided a year later to get into short-term rentals. This was very successful for me; it was an excellent way for her to generate an extra income. She was considered a super host and had people from all over the world come to the Village. She recently bought a home on West Jefferson in April, and her experience with renters has been nothing but families. She confirmed that the guest and owner are rated on the service she uses, but you can also request government-issued identification, so I already know who is coming into my home. She was happy to have the Board come into her home to see what a short-term rental looks like.

Mayor Plummer thanked everyone and commented that we had had some excellent comments and input.

Trustee Keating thanked everyone on all sides of the issue for coming up and speaking. I appreciate everything you are saying. He commented that his concern is also the business. The renters eat at the Village Bakery and breakfast at the Coal Tower. He informed everyone that the board reviewed the issue about four years ago when we rewrote the code. They went over the short-term rentals. The Board kept coming to the same conclusion after reviewing a long list of things. It was determined that it is virtually impossible to monitor. The other issue was they were not getting any complaints with the existing ones the Village currently has. It came down to the fact that sometimes my neighbors who live next door to me have a party, which is obnoxious, and they keep me up at night. They have College age kids in their home for vacation. So, your recourse is to knock on their door and ask them to keep it down or call the police. It is the same recourse you have with short-term rentals. He felt the Village would have a small market compared to other communities. He informed everyone that he was firmly against moratoriums. He respected the request from Mr. Limbeck, but he thought the message that it sent was that stuffy Pittsford was closed for business. He also was concerned with telling people that have invested in short-term rentals that they have invested in and run that they cannot continue. These are our neighbors who own these properties. These are not anonymous hedge fund owners buying these things and trying to commercialize them and create a party house for college kids. Which I am very much against. He stated

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that he would review all information related to the topic, but he would not base his decision only on that. He also indicated he was more inclined not to want people to rent their homes during the PGA than short-term rentals due to the clientele. He thanked everyone who spoke and gave the Board things to think about.

Trustee Lanphear stated she did not want to give her thoughts this time. It is not straightforward, as you well know, and my role as a Trustee is to weigh the needs and desires of the residents. Of the Village, and being responsive to their concerns weighs heavily on her; she respects the investment made by individuals. I think that if I have any takeaway from this evening, it is that when the owners of the property live in the property and then have a certain amount of time during the year they rent, the oversight is keeping with what I think I would like to see in the Village. The homes are so close together, and we have small intimate neighborhoods, and they are affected by everything that happens in the neighborhood. We also have a strong community spirit. She expressed concerns about the regulations that are in place for Bed and Breakfasts but not for short-term rentals, related to fire code safety and other inspections that are not present. So that is something the Village will want to look at because that is a concern. Regulations should be considered because they are in place for Bed and Breakfast establishments. A similar situation should also be for short-term rental. She appreciated everyone coming and hearing their thoughts.

Trustee Leitgeb commented that he wanted to echo something that Trustee Lanphear was saying, and a couple of members of the public brought up the language. We have a code in place relating to Bed and Breakfasts, which are allowed by special permits in two districts in the Village. People he has spoken with are slightly surprised that there is no regulation for short-term rentals. He thought this discussion helped; he needed to go back and rewatch the videos and listen to them again to get all the comments. He wanted to think about some regulations that are not overly restrictive on owners but ensure that we can be safe and responsible towards the neighbors and the residents of the Village.

Dave Marshall, 67 South Main Street – I just wanted to say thanks first for taking on this topic. It is a very critical consideration. I do think, just briefly in reading, that he had done. That a delineation between owner-occupied and non-owner occupied should be a consideration to any degree of permitting process whether or not it may be just for non-owner occupied versus owner occupied. I think there should be a determination as to capacity within the Village so that we might find reasons for both owner-occupied and non-owner-occupied. Having small kids in the village, one of the things I like is knowing who my neighbors are and knowing who they are consistently. In short-term rental, there are uncertainties to that versus long-term rental. He did not think that alone should be a determination, but it is a recognition that it is a small Village. The neighborhood feels the families we have in the community, and knowing who our neighbors are is critical. I also recognize that owner-occupied visitors have a substantial value for us in increasing consumption in shopping, nightlife, or just frequenting our business. I am a proponent of allowing short-term rentals, but it is easier to consider an owner-occupied basis than a non-owner-occupied basis.

Mayor Plummer said that she thought that this had just been great, and she appreciated everybody's input. To give you a little background, before I moved back to Pittsford, I grew up here and then moved away. The last place she lived was in Fort Lauderdale, Florida, speaking of tourism. It was a very different issue and was being addressed right when I was moving back, so it was a significant issue. Trustee Keating

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mentioned that hedge fund managers buy and flip houses and turn them into short-term rentals. It was changing the fabric of the communities and the neighborhoods. What I heard tonight is entirely different; you are all stakeholders you all care. You are a part of the community. You are all promoting our community. I have gotten a different sense and perspective because you all showed up to share. You know why you are doing this, how this experience is for you, and, hopefully, the knowledge you have shared with our community. We need to take a little bit of a look at, you know, fire and safety. It is all solvable, and this is a good thing. To find a good balance here and move forward together, I want to thank everybody again for coming; I will bring this back to the Board. There very well may be another workshop. If we start to think about a little bit of regulation, we will get you back for further comments.

Trustee Keating commented that the quick thing that occurred to me that is solvable is when the time is right, educate the community as to what the escalation changes there would be if there were ever a problem. So that they are welcome to call the code enforcement officer, and they could call the police if it is loud. Also, we can have a voluntary registry to know whom to contact, which might help alleviate anxiety.

ADJOURNMENT

Motion by Mayor Plummer and Trustee Keating seconded to adjourn the meeting.

Vote: Plummer - yes; Lanphear - yes; Keating– yes; Leitgeb - yes. *Motion passed.*

Dorothea M. Ciccarelli, Recording Secretary