

**Minutes of the Geneseo Town Board Meeting
May 10, 2023**

Members Present:

William Wadsworth, Town Supervisor
Matthew Griffo, Deputy Town Supervisor
Ron Maxwell, Councilmember
Gary Mix, Councilmember
Robert Deming, Councilmember
Ellen M. Zapf RMC, Town Clerk

Also Present:

Edmund Russell, Town Attorney
Larry Levey, Highway Superintendent

Visitors

Germaine Santoriello, Ken Book, Jean Maimone, Kathy Scorsone, Nancy Hazen, Bob Anderson, Dan Faulkner, Eddie Lee, Mark Calcagno, Patricia Jones, Linda Eyeran, Holly Harvey, Donald Simpson, Joan Henchen, Deb Bell, Alicia McCarthy, Matt Tabak, Rosalie Guarino, Chris Masten, Stephanie Peraino, John Penna, Patty Dwyer, and Jean Trescott

Meeting Opening:

Supervisor Wadsworth called the meeting to order at 4:30 PM and Councilmember Mix led the group in the pledge to the flag. Supervisor Wadsworth requested a moment of silence to be held for service men and women serving around the world.

New Business:

Approval of Minutes:

Deputy Supervisor Griffo moved, and Councilmember Mix seconded the motion to approve the April 12, 2023, meeting minutes as presented. Motion carried with Wadsworth-aye, Deming-aye, Maxwell-aye, Mix-aye, and Griffo-aye. Nays: None.

Approval of Vouchers:

Councilmember Deming moved, and Councilmember Maxwell seconded the motion to approve Abstract #5 and vouchers 971 through 1017 as they stand.

FUND	AMOUNT
GENERAL A VOUCHERS	\$31,985.86
GENERAL B VOUCHERS	\$8,523.37
HIGHWAY DA VOUCHERS	\$5,506.86
HIGHWAY DB VOUCHERS	\$3,735.72
SW6 CAPITAL FUNDS	0.00
SPECIAL LIGHTING DISTRICT VOUCHER (SL)	0.00
SEWER DISTRICT #1 (SS1)	\$41,849.77
WATER OPERATING & MAINTENANCE VOUCHERS (SW0)	\$58,459.38
SPECIAL ITEMS (H6)	0.00
FIRE CONTRACTS (SF)	0.00
ENGINEERING (SW1)	0.00
TOTAL	\$150,060.96

Motion carried with Wadsworth-aye, Deming-aye, Maxwell-aye, Mix-aye, and Griffo-aye. Nays: None.

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Councilmember Mix welcomed representatives from the Geneseo Garden Club and presented them with a Certificate of Appreciation for all they do for the Geneseo Community.

Open Public Hearing for Local law #2 of 2023 – Short Term Rentals:

Supervisor Wadsworth opened the public hearing for Local Law #2 of 2023 entitled “Geneseo Short-Term Rental Law” at 4:45 PM. He welcomed any comments from the public at that time.

Public Comment:

Germaine Santoriello – 5249 W. Lake Rd. – Short term rentals will affect the value of homes.

Trish Jones – 5255 W. Lake Rd. – Limit number of times that a property can be rented per year and a minimum number of days. For the law.

Rosalie Guarino – 5427 W. Lake Rd. – Put an addendum in the law asking for a hefty deposit and if the police are called then the deposit is forfeited, and renters are asked to leave.

Chris Masten – 4964 Triphammer Rd. – Does the town code allow rentals on W. Lake Rd.? Against the Law.

Stephanie Peraino – How widespread is the abuse of renters? My family has had no issues.

John Penna – 4133 W. Lake Rd. – Occupancy needs to be addressed as well as shared driveways. For the law but needs to be more thoughtful.

Resident - Is W. Lake Rd. zoned single family and if so, is commercial business permitted. If a house is bought for investment, is it considered commercial property?

Patty Dwyer – 5313 W. Lake Rd – Big issue is parking as too many cars make the road unsafe. No one is there to enforce it.

Jean Trescott – 5097 W. Lake Rd. – Is Livingston County working on an occupancy tax and who would have to pay it? Anyone who rents must pay the tax. The money goes to tourism.

Resident – W. Lake Rd. – what is considered designated parking? Can’t see when pulling out of my driveway when cars park on the road. Designated parking is an approved area on the property.

Councilmember Maxwell stated that it will be very difficult for the code officer to enforce the law.

Supervisor Wadsworth stated that we are trying to answer the call and do something to cause positive effects.

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Councilmember Deming stated that right now no rentals are allowed, and this is a path so people can rent and to address issues not to overregulate.

John Penna – consider requiring that only people who reside at the residence part of the year can rent.

Debbie Bell – E. Lake Rd. – Shared access to the lake needs to be approved by all owners. This could be a liability issue. Agree with law.

Donald Simpson – 5070 W. Lake Rd. – rentals have had a positive economic impact on the area and many improvements have been made because of rentals.

Stephanie Peraino – If an addendum is put in place where would the money go? Is this legal? A percentage of the rental price would make more sense.

Mark Calcagno – 4229 W. Lake Rd. – Have run a VRBO for many years. Owners need to be good neighbors and the biggest issues are noise, occupancy, and parking. Have a renter's association and have them pay for a code enforcement officer.

The following letter was emailed to the Town Clerk regarding the public hearing:

Lori Stone
4133 W. Lake Road
Geneseo, NY 14454
Ljstone114@gmail.com
585-771-7501

May 10, 2023
Sent Via Email

Board of Trustees
Town of Geneseo
4630 Millennium Drive Geneseo, NY 14454

Re: Proposed Short-Term Rental Law

Dear Supervisor Wadsworth and Trustees:

I am unable to attend the public hearing on Wednesday May 10, 2023 regarding the Town of Geneseo's proposed short-term rental law, but I wanted to provide some comments. I have a unique perspective on the topic of short-term rentals given that I had the unfortunate experience of living next door to a VRBO property on West Lake Road that became a significant nuisance and had an extreme impact on my ability to use and enjoy my own residential property. What began as a tolerable weekly rental of 5 or fewer people in a 2 bed/bath 1200 SF small home, quickly evolved into a home that was advertised as "sleeps 12" and was turned over every few days—indistinguishable from a motel.

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A number of issues ensued—parking, late night noise, excessive drinking, etc. Living next door to a property that is being used *exclusively* as a VRBO rental proved to be significantly different than living in tight quarters in a situation where you have a chance to know your neighbor.

In considering any new law, especially one that will impact Zoning, I think that it is critical for elected officials to review the Comprehensive Plan and make a determination as to whether the proposed law aligns with the goals and objectives that were set forth in such plan. I reviewed the Town of Geneseo Comprehensive Plan and I simply do not see how the proposed law advances any of the objectives that were described within that plan. I'll note that the mission statement identified by the Comprehensive Planning Committee was: ***"Protect what we have; be purposeful in what we add."*** Some of the key areas addressed by the Comprehensive Plan are community character, farmland and agriculture, residential land use. I did not see any discussion within the Comprehensive Plan regarding the need to focus on transient housing, travel or tourism, or the desire to transform the character of residential neighborhoods by permitting commercial use properties (i.e., short-term rentals) to be scattered about. I'm concerned that the proposal of this new law is more reactionary than purposeful in nature. That is, the Town did not identify a need to add transient housing or to convert residential neighborhoods to tourist home locations, it simply can't figure out how to regulate and control the growing trend of "VRBO" properties and feels compelled to do something. If enacted, the impact of the proposed law could be significant. By way of example, the Town of Geneseo boasts a 2.5 mile stretch of Conesus Lake shoreline. There are roughly 280 parcels along that stretch which are currently zoned residential. Under the proposed law, each and every one of the homes along that stretch could become a short-term rental merely by paying an annual fee to obtain a rental permit. It would destroy the character and residential feel of the neighborhood and would deteriorate the sense of community that comes from knowing one's neighbor. Is a short-term rental law truly right for the community of Geneseo or does this Board feel compelled to act because other municipalities are acting? Before you take action to adopt this law, I hope you will consider whether it fits within the Town's Comprehensive Plan and if you are acting within the spirit of that plan to protect what we already have and be purposeful about what you are trying to add.

This proposed law would have a significant and disproportionate impact on property owners along Conesus Lake. Please understand that while there may be a vocal group of property owners who are clamoring to convert their residential homes into lodging businesses and who cite high taxes among the rationale, there are also many of us who also pay those high taxes and simply want to enjoy quiet, residential properties without the hassle of a revolving door of guests, parties, parking issues, etc. Properties along the lake often feature narrow lots with little to no setback and shared driveways. There is little privacy, which generally works out fine when you know your neighbors. I can tell you from firsthand knowledge that the proximity of those lots becomes more troublesome when you are asked to sandwich in with a new group of strangers on a day-to-day basis who are all in vacation mode daily. At a time when New York State leadership tried to take action to usurp the power of local Zoning law, I think that the Town of Geneseo should take a stand for the high value that should be placed on zoning districts and the local authority to establish such zoning districts. Short-term rental properties are commercial businesses. The one previously located next to me operated much like a motel with guests coming and going, unloading and loading, every 2 to 4 days to maximize revenue potential. A commercial use should have no place in a residential district, except in extremely limited circumstances where a use variance has been obtained from a zoning board. By permitting short-term rentals as a matter of right within *all* zoning districts in the Town of Geneseo, the residential feel (particularly along Conesus Lake where STR's are certain to proliferate) will be destroyed.

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The VRBO industry has become a burgeoning business and a number of municipalities throughout New York are now taking action to regulate this use. Having lived next to a VRBO that was motivated by maintaining high occupancy and average daily revenue, it makes me anxious to realize that this board is considering action that will make what is currently a prohibited use under Geneseo's Zoning code, and transform it into a permitted use based solely on paying a fee and operators self-certifying compliance with the NYS Property Maintenance Code that very few understand. I hope that you will take great care in making any changes to the Code so that you can ensure that the Town retains review control over VRBO owners who may not be interested in following any rules regarding their business operations.

My specific comments regarding the proposed law are as follows:

□ **Permitting Commercial Use Without Regard to Lot Characteristics and Existing Zoning District.** Use of a property exclusively as a short-term rental is a commercial endeavor. As such, those interested in running a VRBO ought to be held to a high standard; A Special Use permit application process should apply so that neighboring property owners have a chance to be heard, if desired; reasonable regulation can be put on the use as it relates to setbacks, maximum occupancy, shared driveways, and other property-specific issues.

□ **Unlimited Number of Permits.** Town should limit the number of permits that will be issued (many municipalities enacting these types of laws are doing so); moreover, the Town should further limit the number of permits that can be issued in any single Zoning District. By way of example, West Lake Road is likely to become saturated with applications. As it stands, there are approximately a dozen properties owned by limited liability companies and corporations along West Lake Road. Permitting an unlimited amount of short-term rental applications will deteriorate the residential quality of that area.

□ **The Application Process.** Having endured living next to a nuisance VRBO, I have significant concerns regarding what I will refer to as the "self-certify" application process set forth in the proposed code. While I understand that there may be many VRBO operators who are casual and have a sense of awareness of neighborhood limitations, I lived next door to a one who functioned in a complete silo and claimed he wasn't a lawyer and how was he supposed to know what was/was not permitted. I'm concerned the same thing will happen here with a self-certification. The code should be drafted in a way to preemptively curtail those owners who may not be looking to operate in an acceptable manner. A VRBO operator who is not looking to operate in an acceptable manner will be the same individual who will "self-certify" to anything in order to get his or her business up and running in a way that is most profitable for them.

Specific concerns regarding the application process are the following:

- Number of bedrooms- how is this established? In my experience, VRBO operators will simply provide a pullout sofa in every possible square foot of a home, and then they will advertise the property as "sleeps 12" regardless of how small the home might be. Rather than a self-certification, the STR code should require "proof of compliance", including a floor plan identifying specifically where the bedrooms are, providing measurements of the bedrooms so that square footage can be determined, and provide a statement from the operator stating how many occupants are permitted in each room. The application should clearly state the maximum number of occupants that the STR owner intends to host at any one time.

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Perhaps the references to the NY Property Maintenance Code are the means by which occupancy will be limited under the statute? However, the Maintenance Code is a 64-page document that sets out minimums and maximums for fire/safety reasons, not for fit and character in a particular neighborhood, and I don't entirely understand how or if it limits occupancy in a STR setting. My concern is that applicants also won't understand what they are agreeing to by reference to the Maintenance Code. If they don't understand the occupancy limitations that apply, they likely won't limit occupancy in any meaningful way.

- Number of parking spaces- how is that being established? What is a parking space? Is it based on a Zoning Code definition? How big is a space? Must it be paved? Is parking on a lawn okay? What about shared driveway situations? Does the shared driveway count as a parking area for VRBO tenants? What happens when VRBO tenants block shared driveways? The Town should consider placing restrictions on the expansion of parking areas (as other municipalities have done) where owners are merely seeking to increase potential VRBO occupancy. Limit lot coverage ratio including paved areas to prevent the deterioration of water quality and the residential feel of neighborhoods and avoid a situation where property owners attempt to pave over any remaining greenspace that they may have for the sake of a commercial endeavor. A site plan drawing that clearly identifies the available parking spaces should be required (and would also be helpful for tenants of the property to have a clear understanding of where they should park).

- Shared Driveways. Having lived through a VRBO/shared driveway experience, require consent of those having an ownership interest in a shared driveway as a condition of issuance of an STR permit, as the additional traffic, temporary blocking during unloading and loading create inconveniences and disproportionately place burdens on the resident-users.

- A "statement" that the property adheres to the Property Maintenance Code of New York State is very vague. As referenced above, I don't believe that most/any VRBO operators will read or understand the implications that the Maintenance Code may have on the operation of their business. Most importantly, I want to be sure that the reference to the Maintenance Code is meant to protect against the kind of abusive VRBO practices that the Town would want to avoid. A special use permit process should, at minimum, require the applicant to **demonstrate** compliance with the Maintenance Code.

- A "statement" indicating that the property is registered for the Livingston County Guest Room Occupancy Tax. **Proof** should be required. This is easy documentation for an operator to obtain from the County.

- A "statement" indicating that the property maintains at least 1M in liability insurance. **Proof** should be required in the form of an insurance certificate. This is easy documentation for an operator to obtain.

□ **Standards**

- How will the requirements of Section 9C be verified? The Town should inspect these properties or at least reserve the right to conduct an inspection.

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○ As indicated above, it is unclear to me how sleeping rooms and maximum occupancy will be calculated. Again, my concern is that I have no idea how many occupants would be permitted under the Maintenance Code—and I don't know that VRBO owners will know or care how many occupants are permitted. Any STR law should provide clarity regarding occupancy limits.

○ I'm having trouble understanding 9E. For purposes of this section, the number of bedrooms is based off of Town Assessment records. Is this how number of bedrooms will also be determined for purposes of 7F? If the bedrooms are determined differently in 7F, why? I believe I understand how the number of parking spaces will be calculated, but when you say "overnight parking is strictly forbidden on town roads"—what does that mean? What about roads that are technically state roads? (Perhaps the language should read any "municipal road")? Additionally, I am confused by the sentence of Section 9E which reads: "Available parking spaces (one space per car) shall limit parking to such a number of spaces." Is there some language missing from this sentence—I'm not sure I understand the purpose of that sentence.

□ Open Issues

○ Complaints. Any enacted STR law needs to have provisions that effectively addresses how complaints will be handled. How does a neighboring property owner raise concerns? Code Enforcement? Zoning Board? Town Board?

○ Penalties. Any enacted STR law must be clear with respect to what the applicable penalties regarding: providing false information in an application; refusing to comply with Code Enforcement, failure to comply with NY Property Maintenance Code or any other law, rule or regulation referenced within the application. Current verbiage which suggests that a permit "may" be revoked doesn't make it seem like the Town plans to take violations seriously. Will revocation be permanent? Can someone simply re-apply the following year?

○ Additional consideration should be given to a "strike" type provision (i.e., 3 verified complaints within a 6-month period results in revocation of permit for a full year; or something similar). These types of provisions work well in a traditional landlord/tenant setting and should be considered here. This type of provision would incentivize owners to at all times operate in a professional manner and to ensure that their guests understand and abide by the rules.

I realize that this is probably more information than you would expect to receive from one individual. I learned a lot by living next to a poorly operated VRBO. I think that municipalities are making a tremendous mistake in permitting these commercial businesses to operate within residential areas. As this Board determines how, when or if to enact a short-term rental law permitting this type of activity, I hope you will give very careful consideration to the issues that I have raised above and that you will make every effort to very carefully regulate the impact that this type of commercial activity will have on our offshore and lakeshore residential neighborhoods.

Sincerely,
Lori Stone

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Close Public Hearing

Councilmember Deming moved, and Councilmember Maxwell seconded the motion to close the public hearing. Motion carried with Wadsworth-aye, Deming-aye, Maxwell-aye, Mix-aye, and Griffo-aye. Nays: None.

Old Business:

Route 20A Committee Update:

Councilmember Mix provided an update on the Route 20A Committee meeting held on May 3, 2023.

- 2020 Active transportation plan – Route 39 issues with crosswalks and sidewalks.
- Identify short term goals while working in conjunction with the County Planning Board.
- Councilmember Deming is trying to set up a meeting with the DOT and the Village.
- Go back to the Planning Board and let them know our short-term action plans.
- Sidewalks from Route 39 to Cavalry Road and a crosswalk, complete sidewalks along Route 20A to Wegmans, develop a right turn on to Main Street from 20A in front of the gas station, and restart the conversation for enhanced crosswalk options at Prospect St.
- Next meeting is Wednesday May 17th at 10 AM.

Accounting Update:

Supervisor Wadsworth stated that the books for 2022 are closed and they are starting the process of bringing Trish up to speed with Tom regarding procedures. He has reached out to Mengel Metzger Barr & Co. to get a quote for a procedural review.

Legacy Water Lines:

Supervisor Wadsworth spoke of aging water lines and that the town had to take over any water lines that are in the town from the village. Highway/Water Superintendent Levey has been working with Clark Patterson to get ready to write a grant application.

AKZO Water Committee:

The AKZO Water Committee has met several times with Jason Molino from LCWSA and has settled on an approach that includes the Village of Geneseo as a conduit through which the water goes to the west. Improvements to the Geneseo water system would include a hookup with the County system at the pump house on West Lake Road to a line that would open on Gray Road that would allow 500,000 gallons more from Hemlock Lake to come into the village through their system and out to the west. There would be improvements to the tank by the golf course that have to do with THM removal and a pump at the top. Extending a line from the Dody Curve at the park and replacing the line that goes out west then going down the hill and across to Leicester. In the event greater demand is required from the west the county may replace the legacy line all the way to the salt mine.

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The town may become a wholesale customer of the village and will be able to negotiate things that haven't been right. The village will be adding customers, but the county will negotiate the rate.

Website Update:

Councilmember Deming stated that we received a fourth quote yesterday. The quotes are as expected all over the map. He will put something together comparing the quotes for the next meeting.

Water District #6:

716 has demanded payment for the amount still owed them which is contingent on what it costs our Highway Department to do the rest of the work that is still outstanding. We did agree that it would cost no more than \$65,915.07. We have a change order for the budget for Water District #6 that removes \$65,915.07 from the total that is still outstanding to 716. So, we need to move \$65,915.07 to contingency and then we owe 716 \$117,000 once the USDA releases it. The board took the following action:

Lima Road Water Line Expansion Project Budget Modifications

Deputy Supervisor Griffo moved, and Councilmember Deming seconded the motion to move \$65,915.07 from the 716-budget line to contingency. Motion carried with Wadsworth-aye, Deming-aye, Maxwell-aye, Mix-aye, and Griffo-aye. Nays: None.

Informational Items:

Code Office Report

Town Clerk Monthly report – March

Executive Session:

Councilmember Deming moved, and Deputy Supervisor Griffo seconded the motion to enter executive session to discuss collective negotiations at 6:25 PM. Motion carried with Wadsworth-aye, Deming-aye, Maxwell-aye, Mix-aye, and Griffo-aye. Nays: None.

Close Executive Session:

Deputy Supervisor Griffo moved, and Councilmember Maxwell seconded the motion to close executive session with no action taken at 6:48 PM. Motion carried with Wadsworth-aye, Deming-aye, Maxwell-aye, Mix-aye, and Griffo-aye. Nays: None.

Adjournment:

Councilmember Maxwell moved, and Deputy Supervisor Griffo seconded the motion to adjourn the meeting at 6:49 PM. Motion carried with Wadsworth-aye, Deming-aye, Maxwell-aye, Mix-aye, and Griffo-aye. Nays: None.

Ellen M. Zapf, RMC
Town Clerk