

WORKSHOP MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, September 21, 2023

CALL TO ORDER TIME: 5:30pm

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS, ROOM CAPACITY IS 49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.

OFFICIALLY OPEN THE MEETING

Attendance: Board members: Scott McCarthy, Charly Long, Franco Zani, Gerry Marion, Bill Meltzer, Lambros Violaris, and Lenny Auchmoody (Town Board); Board Staff: Dave Barton, Paul Van Cott, Christian Moore, and Sarah Van Nostrand.

Absent: Board members: Carl DiLorenzo and Sal Cuciti

Minutes to Approve at September 28, 2023 meeting
August 17, 2023, and August 24, 2023

New Business

Klemm, Travis: Special Use Permit: 12 Falcon Dr: 86.4-3-29.110

Applicant is seeking a special use permit for a ground mounted solar array.

Review Status: Application and plans circulated to the board.

Dave said that the array is set back from Falcon Drive and there will be no properties that will be able to see it.

Franco asked what direction the array will be facing.

Rick (applicant's agent) said that it will be southeast.

Franco said there won't be any glare going into the houses.

Scott asked for a motion to set a public hearing for October 26, 2023.

Motion made by Franco, 2nd by Bill.

All ayes, motion passed to schedule the public hearing for October 26, 2023.

Whalen, Robert: Special Use Permit: 203 South St: SBL #87.3-5-18.200

Applicant is seeking a special use permit for an accessory apartment.

Review Status: Application, plans and survey circulated to the board.

Robert (applicant) said that he is seeking a special use permit to build an accessory apartment on his property.

Scott asked if he was going to divide the building.

Robert said that he is adding onto the garage at this point.

Scott said it is a garage on one side and an accessory apartment on the other.

Scott asked for a motion to schedule the public hearing for October 26, 2023.

Motion made by Bill, 2nd by Gerry.

All ayes, motion passed to schedule the public hearing for October 26, 2023.

Old Business

Walton: Subdivision: 1 & 25 Picnic Woods Rd: SBL #94.2-2-18.130 & 94.2-2-18.141

Review Status: Updated map circulated to board.

Dave said the board has seen the new map, and if they remember there was an additional lot, now it is just a lot line revision and subdivision. The flag lot is in the rear and the other 2 lots are adjusted slightly for acreage. He mentioned that they might need a new EAF on this project.

Sue (Control Point) said she will check on that.

Christian said he wants to make sure that the disturbance is less than an acre. There is an existing shed that appears to encroach on lot 1, he doesn't know if he needs to be moved or not. The Town Highway Superintendent should review the driveway location.

Public Hearings

Tanner: Special Use Permit: 3 Sheep Ln: SBL #95.2-3-7.200

Applicant is seeking a special use permit for a ground-mounted solar array.

Review Status: Public hearing set for September 28, 2023.

Minard/Poluzzi: lot line revision/subdivision: 1227 & 1215 Route 44-55: SBL #94.2-3-6.112 & 94.2-3-6.111 & 94.2-3-4

Applicant is seeking a lot line revision and subdivision.

Review Status: Updated plans circulated to the board. Public hearing set for September 28, 2023.

Continued Public Hearings

Peppino's Food: Amended Site Plan: 304 Station Rd.: SBL #86.4-1-22.100

Applicant is seeking an amended site plan to construct a 70' X 165' building for produce storage.

Review Status: Public hearing opened on June 22, 2023, updated plans circulated to the board

Scott said that he looked at the new plans and he still didn't see the fences on there.

Dave pointed out the gate on the site plan that was shown.

Scott said shouldn't the gate go parallel to the side of the building.

Christian said that their comment was to extend the gate or provide additional obstructions east of that gate to prevent access around it.

Scott said that the board wants to prevent anyone from going back there and causing disturbance to the neighbor.

Christian said that there only other comments were that the area by the ADA space for the loading and unloading should be 8-foot wide by code. Regarding the area where they are adding the blacktop he doesn't know if the board wanted them to provide a lighting plan, they did provide a cut for the fixtures, but not a plan.

Scott said that the board should have some kind of photometric plan showing how much light there is going to be. He asked what the purpose of the lights on the back of the building is.

Christian said possibly just for security, he doesn't know if they are going to be motion censored or on timers. If there are people going to be coming off the back ramp they might just want some visibility and employee safety.

Scott said he is talking about the light on the back of the existing building. They should be shielded to keep light from neighboring properties even though it is 50-feet.

Dave said they still have to be shielded as the code requires it.

180 South Street LLC: Commercial Site Plan: 180 South St. SBL: #87.3-5-14.

Review Status: Public hearing opened on 4/27/23
SEQRA Status: Unlisted Action

Dave showed the renderings on the screen.

Scott said that the renderings were not quite what the board was looking for. They were looking for some kind of projection coming out. The renderings do not give the 3-dimensional look.

Peter (a part of the applicant's team) said that the intent is to do, is in pre-engineering inset and outset girder conditions, so on the top its outset and there is a shadow line and they just need to figure out in final design.

Scott said it looks good, but when it comes to the long part of the building, how long is it.

Peter said he doesn't have the architectural drawings with him.

Scott said the building is going to look better, but it's just too flat.

Peter said he can produce that shadow line of 8-inches, other than changing the structure of the building that is the best he can do.

Scott asked you cannot do vertical columns in the front to break it up somehow.

Peter said they don't use a lot of exterior vertical columns that stay exposed.

Scott said just because you don't use them doesn't mean the board will accept it.

Franco said where there is a break in the floors can you take the part above that break and maybe move it out 2-feet, this way it would look a little larger than the bottom.

Scott said or every 50-feet come out with a column to make it look a couple of different buildings.

Gerry said that it looks better than it did. He is concerned with how high it is, how long it is, there is nothing there showing the elevations.

Peter said that he has a set of architectural drawings, but didn't bring them with him.

Gerry said it is an existing structure, so you are probably limited, but it is better than what it looks like now.

Bill said that it looks better than it did.

Peter said that they can give the shadow line at any elevation. They can move it out 3-feet, but that is completely changing the structure.

Gerry said he sees his point as it is an existing structure, you are kind of stuck unless you pour tons of money into it.

Dave said his sense is that the board is looking for shadow lines.

Peter asked if there were any designs that the board liked, so he could try to add dimension to it.

The board discussed the options and that they like the blue heartbeat pattern.

Christian said that there are still some outstanding comments regarding the SWPPP and they only just got some of those materials today.

Scott asked if there anything on the drainage pipe.

Dave said that he spoke with Andy and he still has a concern on where that drain runs. Chuck Andola (neighbor) showed him some videos that showed the water flowing from the west side of South St into the pipe. Chuck did indicate that he believes that it is concrete lined under that parking lot. If they can find the inlet and outlet and draw a straight line between them that it is going to be on either side of it and if that passes underneath the loading docks, that's a problem.

Scott said that they talked about the possibility of moving it last time, is there anyway they can move it.

Dave said they are going to have excavate for those docks anyways, so if it is there they are going to have to move it.

Scott said the board also talked about an easement for that because who is maintaining it.

Peter asked what does the board want him to tell the applicant about the pipe.

Dave said that it should be indicated on the map and if it passes under the loading docks, it should be shown and rerouted.

Scott said the pipe needs to be shown on the map, and there should be some kind of easement that states who is going to maintain that pipe.

Surprise Photography: Special Use Permit: 151 Macks Ln: SBL #96.9-1-14

Applicant is seeking a special use permit to run a photography studio out of an accessory building.

Review Status: Updated plans circulated to the board. Public hearing opened on August 24, 2023.

Melissa (applicant) said that she is seeking a special use permit for her photography business. Her architect dropped off updated plans as well as updating the plan numbers regarding the square footage. She went over the standards and her responses:

C. General standards

1. Location & Size of use

The location size, use and nature are of the lowest possible intensity, one person (the homeowner) taking digital photographs and editing them on a computer for any location. There is no outside face to this operation and no impact on the public outside the studio. Guidelines per 100-53B(2) ask for design compatibility with adjacent neighborhood lots. Building design is a 2 car garage that has been adapted to an occupied use completely within character of the residential neighborhood.

2. Location, nature and height

Externally, this is designed like a 2 car garage on a residential lot.

3. Operations in connection with any special use will not be more objectionable to nearby properties by reason of traffic, noise, fumes, vibrations or flashing lights

No traffic, noise, fumes, vibrations or flashing lights will be created in the operation of this business. Just in case the issue of camera flash is presented. The flash would be inside more than 250 from the street. That does not seem unreasonable.

4. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

See above for parking requirements. 2 spots and residential driveway do not require any additional landscaping.

5. An environmental assessment form has been properly filed, containing any supplemental information deemed pertinent to the application, and a determination to SEQR has been made.

The appropriate forms were filed with the building permit.

D. Required Site Plan

E. Conditions and safeguards

Not applicable

F. Expiration of special use permit.

G. Permits will not be issued where violations exist.

Does not apply

H. If a required area variance is necessary, application may be made to the zoning board of appeals for an area variance pursuant to NYS Town Law 267-b without a decision or determination of an administrative official charged with the enforcement of zoning regulations.

Supplementary Regulations, Home Occupations

Purpose: To conduct small scale, low impact business and professional use on residential property.

1. The home occupation may be conducted within a dwelling unit and/or within accessory building.

It Is.

2. The home occupation shall be incidental and secondary to the use of a dwelling unit for residential purposes. It shall be conducted in a manner which does not give the outward appearance of a business, does not infringe on the right of neighboring residents to enjoy peaceful occupancy of their dwelling units, and does not alter the character of the neighborhood.

It is, this is the family's primary residence.

3. No alteration of the residential appearance to the premises shall occur, including creation of separate entrance in the dwelling.

We have installed 2 french doors instead of garage doors which may be construed as an "alteration" to typical residential appearance.

4. Automobile traffic.

There will be no additional deliveries. All deliveries are handled by UPS, FedEx, Amazon, or USPS just like any household goods. Traffic will be maximum 1 car at a time a few times a week. I have more friends than that.

5. No toxic, explosive, flammable, combustible, corrosive, etiologic or radioactive materials.

Surprise Photography uses a digital platform does not use a dark room or development chemicals.

6. There shall be no outside operations or exterior storage, or display of materials, products or equipment, vehicles or other supplies.

Surprise Photography does not own commercial automobiles or materials.

7. No process shall be used which is hazardous to public health, safety or welfare: no home occupation shall create noise, smoke, dust, electrical interference or glaring light.

None.

8. Off-street parking shall be provided in accordance with 100-29.

Minimum parking spaces, 1 per full-time employee, Surprise Photography has no employees, 2 spots provided.

9. A sign shall be permitted as provided in 100-28G.

We understand that should we have put up signage, the area of it may not be more than 4 square feet, or 2 x 2.

Site Plan Review

B Considerations and scope of review

1. The development will adequately handle traffic circulation, including pedestrian and vehicular traffic, both within the site and the relation to the adjoining streets.

There will be no pedestrian traffic on the streets and no car traffic to cause any congestion.

2. The site development will be compatible with the contiguous land and buildings and adjacent neighborhoods.

There is no additional site development proposed for this use

3. That the site of development, including buildings and landscaping will not conflict with the appropriate and orderly development of the adjacent uses.

This project does not present any conflicts, restrictions or effects on the neighboring properties.

4. The parking areas will be of adequate size for the particular use

Parking is adequate and above code requirements for this use. 2 dedicated spots are provided. None are required. This is just due to the geometry of the driveway.

5. There are adequate measures regarding drainage, water supply sewage disposal

No alterations are proposed to the existing hydrology of the site. There are no current concerns to address.

6. Non-conforming properties

This is not a non-conforming property.

7. That the proposed use is consistent with the Town Comprehensive Plan.

The use is consistent with the town comprehensive plan as home occupations, are allowed in all residential districts.

8. The proposed site plan and use confirms the land development regulations of Town of Lloyd.

The existing building complies with all Town of Lloyd regulations and requirements.

9. The Planning Board has referred the proposed site plan to the Town Engineer, etc.

No alterations are proposed to the site for this submission.

10. The planning board has duly considered the comments and recommendations of all agencies interested in the application.

The existing building was fully reviewed and approved when it was constructed. We are proposing no changes to the existing site for this submission.

Franco asked what the days and hours of operation are.

Melissa said during school hours only.

Franco said Monday-Friday, with nothing on the weekends.

Melissa said maybe very rarely, but usually she works during the week, Monday-Friday as she has a family, and she likes to spend her weekends with her family. If she is shooting this time of

year, she is on location only, she is shooting a lot of high school seniors and that is not on her property and that is on public property.

Franco said there is nothing after 4-5.

Melissa said no.

Bill asked if there is any separation between the studio space and non-studio storage space.

Melissa asked like upstairs storage space.

Bill said with the physical layout how are they separated.

Melissa said there is a stairwell.

Franco said upstairs is just one big open room.

Melissa said yes.

Franco asked depending on your photo shoots you will be staging up there.

Melissa said everything is on the first floor, as you will notice the whole back wall has no windows that was done with the purpose that she could use the whole width of the wall whether she is setting up one back drop or multiple backdrops and then the light coming in from either the two garage doors. Most of the time she works with shadows so she usually closes the light, sometimes she might shoot natural light it depends on what she is photographing.

Franco said as far as staging is furniture, props that sort of thing will that stuff be coming in and out.

Melissa said that is mostly on the first floor.

Franco said that stuff will be coming in and out depending on the type of shoot you are doing.

Melissa said she has it pretty much set up.

Scott said it is a staged area, you have furniture in different areas.

Melissa said that she has two chairs for clients to sit in, she might have a stool for head shots, the rest is taken up by her lighting and her paper.

Scott said the upstairs is for private personal storage.

Melissa said yes.

Charly asked is that a full bathroom.

Melissa said yes, there is a claw foot tub that she uses as a prop.

New Short-term Rentals (Public Hearings)

Strandell, Lyndsay: 97 Lily Lake Rd

Review Status: Application and supporting documents circulated to the board.

Potential Action: Open public hearing.

Lyndsay (applicant) said that she is applying for a short-term rental permit for her home.

Scott asked how many bedrooms do you have.

Lyndsay said there are 3 bedrooms.

Scott asked how many occupants are you seeking to have.

Lyndsay said she is seeking to have a maximum of 6 occupants.

Scott asked if there is a sign showing the address.

Bill said that the board received a letter asking for her to put up some screening. The neighbor at 99 Lily Lake Rd asked for screening to be put up because of their deck or patio being close to yours.

Lyndsay asked what would be acceptable.

Dave said what would they be protecting, is it to keep people from wandering over there or the viewshed.

Scott said he doesn't know why they would need to protect the viewshed.

Gerry said is it more of a privacy thing.

Scott said the people know the border of where they are able to go.

Lyndsay said she put up little sticks with the reflectors on them where they are not allowed to go.

Scott asked for a motion to open the public hearing.

Motion made by Franco, 2nd by Bill.

All ayes motion passed to open the public hearing.

Mark (99 Lily Lake Rd) said that he is not against it, he just would like a privacy fence between

the houses as they are 50-feet apart, so their deck overlooks her patio. He thinks a 6-foot privacy fence close to her house would solve their problem. He doesn't want transient people to be looking at them and he doesn't want to be looking at them. He also has dogs and doesn't want them to cause issues.

Scott asked if he was having that problem now without it being a short-term rental.

Mark said no, but there will be transient people coming. He just wants to ensure some privacy.

Susan (99 Lily Lake Rd) they have a deck and she does not, so when you come out she's right there and it's just a patio. All they are asking for is for her to put a fence around the patio, even for the people staying there they don't want to look at them. The other thing is that the house is a two bedroom and she doesn't know how it is a 3 bedroom.

Dave said this is one that is lagged on the county site as they did get a permit to add a bedroom which the board was all copied on.

Scott said it is a 3 bedroom by town understanding, they permitted the extra bedroom at one point.

Bob (87 Lily Lake Rd) said that the far corner of the property of her property, what you don't see is that there is a 20-foot rise there. If stood up there you would look into his bedroom window. No one has walked on the ridge, but now you have transient people and all he would ask for is for them to know the end of their property. They have a deck there and like to sunbathe. He mentioned that he has never been up there.

Lyndsay said that there are trees and things up there.

Dave said it is heavily wooded.

Bob said that all he is asking for is that people don't hunt on the property. He has no objection to this; she is a nice neighbor.

Franco said you would want the property line that meets your property line flagged.

Bob said he doesn't care if she puts a fence around her property line, all he wants is that her guests that this is the barrier of what you are renting.

Dave said the back of the property that the gentleman who was speaking about is heavily wooded, it might be possible to put signage on trees that state please don't go beyond this line, because if you get to the property line you are looking down into his house. If you put those signs up back from your property line so, he can sunbathe outside. On the other side would you be amendable to a 30-foot, 6-foot-high privacy fence.

Lyndsay said sure, it's more that the short-term rental people cannot really see into her

neighbor's property, they can see into hers.

Franco said once the leaves come off the tree you might see through the trees.

Charly said just look into some fencing.

Lyndsay said like a permeant fence that is put into the ground.

Franco said a 6-foot solid fence, so you cannot see through.

Lyndsay said if she was to build a 6-foot-high fence along the property line would that be okay.

Franco said you don't have to do the whole property line, they just want from the rear of the house, this way when they go out to the back of the house they cannot see.

Lyndsay said that she doesn't want to put it along her patio, but it is okay to put it on the property line.

Franco said if you went along the side of the house and go 30 feet out.

Romanek, Danielle: 3-5 Bell Dr

Review Status: Application and supporting documents circulated to the board.

Potential Action: Open public hearing.

Danielle (applicant) said that it is a multifamily home they live on the bottom portion of the home. It is a really old house that was renovated in the past to be a multifamily home. The top half is a one bedroom, one bath and has a little kitchen. It is two guest maximum. They primarily just have people on the weekends, they don't really have access to their property, they just have access to the front porch to hang out if they want to. They live on the bottom, so they are there if anything goes wrong.

Franco asked is there two separate entrances.

Danielle said yes there are separate markings and she makes it very clear. They can check in themselves.

Scott asked if you are away is there someone else they can contact.

Danielle said if they are away, she normally doesn't have guests.

Scott asked for a motion to open the public hearing.

Motion made by Franco, 2nd by Bill.

All ayes, motion passed to open the public hearing.

No public comment

Youngstrom, Jean Marie: 190 Hawley's Corners Rd

Review Status: Application and supporting documents circulated to the board.

Potential Action: Open public hearing.

Jean Marie (applicant) said that she has an efficiency apartment in front of her house at 190 Hawley's Corners Rd. She is retired and doesn't want someone there full time.

Gerry asked is it all one structure.

Jean Marie said yes.

Scott asked how many bedrooms are in the house.

Jean Maire said 4 bedrooms.

Bill asked how many bedrooms in the apartment.

Jean Marie said it is a one room studio, 350 square feet.

Scott said there is parking and a designated area.

Jean Maire said there are these terracotta markers and they park flush with those.

Scott asked for a motion to open the public hearing.

Motion made by Franco, 2nd by Bill.

All ayes, motion passed to open the public hearing.

No public comment

Rosinski, Michael: 19 Grove St

Review Status: Application and supporting documents circulated to the board.

Potential Action: Open public hearing.

Amanda (applicant) said that she owns 19 Grove St with her husband and it was purchased in 2018 and they did a lot of work on the house. They did live in it for a little bit and then decided to Airbnb it out. There are 2 bedrooms, one bathroom home with an eat-in area and kitchen. They only allow 4 guests maximum, there are two parking spots, fully fenced in backyard. They have been on Airbnb for 2 years, they vet all their guests. There are cameras on both entrances, they make sure there is no noise, no parties. They also try to give back to the community by giving out gift cards to local eateries, they hire a cleaner who is local.

Scott asked who is the emergency contact and how far away are they.

Amanda said that they reside in Marlboro now, so they are very close.

Bill asked is this a one bedroom.

Amanda said no, two bedrooms.

Scott asked for a motion to open the public hearing.

Motion made by Franco, 2nd by Bill.

All ayes, motion passed to open the public hearing.

Jean (21 Grove St) said that she has no problem with this. She mentioned that her bathroom looks into theirs, so she would like a fence on the line between the properties.

Michael (applicant) said that the bathroom window is too high it would be looking over a 6-foot-high fence. The window is glazed, so it cannot be seen in or out of.

Jean asked if they sold the property what would it sell as.

Franco said as a single-family house.

Dave said it doesn't transfer.

Continued Short-term Rentals (Public Hearings)

Agarwal, Impa: 114 Hawley's Corners Rd

Review Status: Public hearing opened on August 17, 2023.

No applicant

Critchett, Dan: 7 Greatview Ln

Review Status: Public hearing opened on January 26, 2023.

Dan (applicant) said that one of the neighbors brought up the point that a guest he had pulled into the wrong driveway, which was one of his friends that came to visit. He has not engaged in short-term rentals in over 10 years since he found out that it was illegal. This home is his primary home and the only one he owns. He rents out the house long term or on a month to month basis, swapping it with others around the world. He said that there hasn't been a single incident that needed a police report or complaint. Long term guests are responsible for their own behavior, where for the short-term guests he is responsible as he is the one with the permit. He has no intention of renting to groups or for events or to anyone who would harm his property. He doesn't think that he will be renting it out to short-term guests more than 3-4 times a year,

beyond the legal longer-term renting and home swapping that he does now. He spent over \$60,000 to comply with all the restrictions and regulations required to be issued a short-term permit.

Bill said that the public hearing was opened in January 2023, and wants to know what has gone on in the last 8-months.

Dan said that he had to comply with all the requirements for putting his house in condition to make it available for short-term rental, those things included the construction of 150-foot fence, the re-construction of a deck that was not up to code and now is. Those projects took 3 or 4 months.

Bill said it hasn't been used as a short-term rental since November.

Dan said no, he has swapped his home.

Bill said no short-term rentals.

Dan said he has rented on a month-to-month basis. He has not allowed his house to be rented short-term for over 10 years.

Discussion about house swapping took place.

Bill said that on the application it says you have a 3-bedroom house, but you are looking for 8 occupants.

Dan said there is a fold out in the living room.

Scott said that the board governs it by the number of bedrooms.

Dan said he could limit it to six.

Bill asked where does his emergency contact live.

Dan said she lives across the river in Poughkeepsie.

Scott said is she within 30 minutes.

Dan said yes, she lives just over the bridge.

Franco asked if all the code violations were corrected.

Dave said yes, all the inspections were done.

Discussion about house swapping took place.

Dave said that the building and property are compliant with the property maintenance and residential code.

Scott said that the only thing that needs to be changed is the number of occupants and the number of bedrooms.

Joan (neighbor) said that she reached out to the previous owner as they were trying to figure out the size of the septic tank which determines the number of people. The previous owner said it was sized for 3 bedrooms and his ads all say 10 people. The board should put a limit on the number of people and if he advertises for more than that it should be a violation.

Franco said the board did, there are 2 people per bedroom, so he will only be allowed 6 people.

Joan said that he would say that he is only doing 6, but the ad says 10.

Dave said that they check the ads.

Joan said that he stated that he hasn't been renting it in the time period, he has she has logged it. He says that it is his primary residence, he has been there 40 days, so far this year and therefore there is no way it can be considered his primary residence. Her main issue is the nude bathers, as recently as Memorial Day weekend, she had people over as guests, to walk out of her property, you have to walk from her house to the garage and there is his pool and doesn't want her granddaughter to see that. This is not the first nude bather there have been others.

Franco said the board could make that a condition being how close it is.

Joan said if they want to go skinny dipping do it at night, not during the day when everyone can see. She said that the bed and breakfast was denied, and this is basically an unsupervised bed and breakfast, this should be denied as well.

Scott said that since there were no STR rules or ordinance in the Town of Lloyd it was the wild west.

Joan said there is rules, there was an interpretation that the town attorney that said he is in violation.

Scott said that we are talking about an STR, a short-term rental. There has never been a short-term rental law in place in effect.

Joan said there was an interpretation, which is the same thing as a law.

Scott said they are talking about today, the new law that has been written, so whatever that was before this has nothing to do with that.

Joan said that they should look at the history as he said that he never rented it out, when she has logs that he did.

Scott said that now that the law has been imposed and if he gets his permit, anything that he does that is in violation of that law then he will be held accountable.

Franco said that there was no way to enforce it.

Scott said that they do yearly inspections to make sure these properties meet the code. They would also hear from the public on the amount of complaints that would come to the town and they would listen to say that okay he has violations against him and that the neighbor has a leg to stand on and then he wouldn't get a permit. The board doesn't know what he is liable to do at this point, but all the board can do to hope that he will follow the law that has been imposed. He spoke to the police department and there was one medical he believes.

Joan said that she has 7 violations and if the board would like she will copy them and hand them in.

Scott said that the board is only going to base any violations from the time he gets his permit, if he gets it for next year.

Franco said those violations are pre-STR. They are going to enforce the STR law and if there are violations, he loses his permit.

Joan said he has been doing short-term rentals that were against the law and he admitted that they were against the law, he says he hasn't been renting, but she has them logged. What you are seeing is that he has a history of ignoring the regulations, so when the board says they are going to start over from fresh, she wants to know why.

Paul said that denying a permit based on past record, but what the permit does is it's granted for a two-year period, so anything that happens over that two-year period, if you come back and say there are these continuing issues are occurring then the board will be able to take that in account and consider whether or not to renew it. Also the chair indicated that if during that period there are continuing problems and they are brought to the attention of the building department, those complaints can result in not only in enforcement action, but it could also result in the revocation of the permit.

Joan said there is nothing in the code that says three strikes and you are out, it is up to the building department to make that decision.

Paul said no there are standards in the code that they have to meet, so the compliance of the standards to be enforced by the town.

Franco asked if no nude bathing could be added to the house rules.

Dan said sure.

Robert (2 Greatview Ln) said that the neighborhood wants this to be denied. He thinks that the applicant being forced to put \$60,000 into the property shows the board what kind of neighbor he is. Without the need for this application would he have made these improvements or would he have just lived with them.

Dan said that the year after he moved in he did apply for a bed and breakfast permit, he thought he had a big house, he'll have guests that will help him support the house. It was denied as it was not a suitable location. When he decided to rent it on a short-term basis approximately a year later he was issued a violation and paid a fine and promised the judge that he wouldn't do it again. He travels a lot and lives alone and he wanted to get as much as he could out of the home, so he joined a swapping program because everything that he read said that it was not rental and he also rented the house out on a long-term basis which is a legal use of a home.

Pat (Resident) said that she wants to know what residential mean. Her understanding was that when you bought a house and its residential it was for families and that is her understanding of her neighborhood. When you have a house that is being rented out like a motel in your residential neighborhood, that's not the same thing. When she bought the house, it was residential only.

Scott said that he is not operating a business out of it, so people still living in that home it is still a residential dwelling and it is still considered a residential use.

Pat said that residential to her means families, no rentals or things like that. You do get a little fearful as you don't know who you are renting to these days.

Motion to Adjourn.