

Town of Northumberland Zoning Board of Appeals
Wednesday,
January 8, 2025 7:00 pm
Subject to Correction by Zoning Board
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Zoning Board Members Present: Anne Haag, Paul Becker, Christopher McMahon, Sarah Mojzer, Vice Chairperson and Chairman Mark Boyce

Zoning Board Members Absent: Maureen Leerkes and Carl Harrison

Town Employees Present: Michael Terry, Code Enforcement and Tia Kilburn, Zoning Board Clerk

Quorum Established

Chair Mark Boyce called the meeting to order at 7:00 PM
All in attendance stood and recited the Pledge of Allegiance.

Chair Boyce announced the first item on the agenda public hearing for **Application #: 0011-24, Use Variance, Airbnb, 768 West River Rd** in the agricultural zone, **Nicholas LaFountain and Emily Getty**

The applicants approached the Board and explained the application and reviewed the previously submitted power point print out submitted to the Board the prior month. Mr. LaFountain explained they have completed upgrades to the property including removing old unsafe buildings, placing a vegetative buffer between them and the neighbors, updated the driveway to make it safer for exiting onto Route 29 (West River Road), he stated the septic use to go to the river, they updated that, they gutted the main house and renovated saving as much of the original materials and character as they could, and they remodeled and renovated the cottage they wish to use as a short term rental. Ms. Getty stated the cottage has been used for visiting family members to give them some private space while they are there.

Ms. Haag asked how large the property is, Mr. LaFountain replied just under 4 acres.

Chair Boyce asked if there were any questions or comments, there was no public in attendance.

Chair Boyce stated this is for a use variance and he asked Mr. Terry about the flood plain, Mr. Terry explained at the time of construction and renovations it was all permitted so now they need a use variance to use as a short term rental, he stated they are not going after short term rentals or Airbnb's but this is a second use on one property with an existing primary use therefore a use variance is required by zoning. Mr. Terry added unlike previous applications this is the most complete because everything has been inspected, and the cottage has a backup generator incase of a loss of power.

Mr. LaFountain stated it is 63' above the river, it is not in a flood plain.

Ms. Haag asked what the difference between Airbnb (short term rental) and a bed and breakfast is. Mr. Terry explained the definition of a bed and breakfast is owner occupied and connected to the primary dwelling. He stated that it is the only box he cannot check for this to fit zoning; the cottage is not connected to the primary dwelling. Ms. Haag asked about pets and the leash law, she asked where the responsibility would lie if there were an issue with visitors with pets, Mr. Terry stated with the owner. Ms. Haag stated that it needs to be addressed because the Town could be held liable. Ms. Getty stated it is in their contract "no pet policy", that is due to the proximity of the river and the small cottage with winding stairs to the 2nd floor, it could be unsafe for

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pets, and they did not want liability. Although the stairs are legal and have been inspected, they could be difficult for an animal to maneuver.

Chair Boyce stated the approval can be conditional, owner occupied and not managed by someone else. He asked if there were any additional discussion on this application. Discussion ensued on conditions.

Vice Chair Mojzer made a motion to approve application #0011-24 with conditions;
No pets, 29 days maximum for each rental period and the owners are present when rented.

Mr. Becker 2nd the motion.

Roll Call Vote,

| | | | |
|-------------------|-----|---------------|-----|
| Paul Becker | Yes | Chris McMahon | Yes |
| Vice Chair Mojzer | Yes | Anne Haag | No |
| Chairman Boyce | Yes | | |

Motion passed, 4 – 1

Discussion ensued on sending a recommendation to the Town Board to review the State Law to update the Town Law to add a definition for short-term rentals, including being owner occupied and pets instead of addressing on a case-by-case basis.

Mr. Terry stated a single-family residence on its own parcel does not require a variance. He explained they are only seeing these applications because there is a second use on a property and zoning does not allow a second use.

Chair Boyce suggested a moratorium until it is all sorted out.

Chair Boyce asked if there were any additional business for the Board,

Mr. Becker made a motion to accept the December meeting minutes,

Vice Chair Mojzer 2nd the motion,

All in attendance unanimously agreed.

Chair Boyce made a motion to adjourn the meeting at 7:47 pm,

Mr. Becker 2nd the motion,

All in attendance unanimously agreed.

Respectfully submitted,

Tia Kilburn, Zoning Board Clerk