

The Town Board of the Town of Spafford assembled at the Spafford Town Hall, 1984 Route 174, Skaneateles, New York.

PRESENT: Supervisor Christopher Kozub, Councilor Christine Fesko, Councilor Dave Venezia, Councilor Luke DeWitt.

ALSO PRESENT: Highway Superintendent Eric Fordock, Town Clerk Lisa Valletta, Code Officer Howard Tanner, Accountant Thomas Chartrand and Town Attorney James Gascon.

ABSENT: Councilor Cherry Randall

Supervisor Kozub called the meeting to order at 7:01 p.m. The Pledge of Allegiance was recited.

MINUTES

A motion to accept the minutes of the February 9, 2017 Town Board meetings as submitted was made by Councilor DeWitt, seconded by Councilor Fesko. The motion PASSED: AYES- 4, NAYS- 0.

HIGHWAY REPORT

Supt Fordock reported the purchase price of the fully assembled 2016 Dodge Ram 5500 with plow and rear strobe lights is \$60,763.50 under Onondaga County Contract #7974 with Purchase Agreement #50603.

RESOLUTION 21-2017

**2016 Dodge Ram 5500 Purchase**

On a motion by Councilor Fesko, seconded by Councilor DeWitt the following resolution was PASSED.

AYES – 4	Kozub, Fesko, Venezia, DeWitt
NAYS – 0	
Absent – 1	Councilor Randall

Resolved Highway Superintendent Fordock is authorized to purchase the 2016 Dodge Ram 5500 under Onondaga County Contract #7974 at a cost of \$60,763.50 as per Purchase Agreement #50603 with Longley Brother, Inc.

WILLOW HILL ROAD PAVING PROJECT

Supt Fordock consulted NYS DOT regarding the planned paving of Willow Hill Road and was advised the grindings on hand are insufficient for repaving the entire road. Supt Fordock reported he is not looking to alter the cost of the project and will update the Board as plans for the project are finalized.

TOWN CLERK’S REPORT

A motion to accept the Town Clerk’s Cash Report for February 2017 was made by Councilor DeWitt, seconded by Councilor Fesko. The motion PASSED. AYES – 4, NAYS – 0.

CODE OFFICER’S REPORT

Mr. Tanner’s reported on the following activity for February/March 2017:

- Permits Issued
  - 668 Otisco Valley Road – new residence
  - 2559 Nunnery Road – interior remodel
  - 1261 State Route 41 – addition to residence
  - 2191 Sunset Cove – new residence

ZONING BOARD OF APPEALS (ZBA) & PLANNING BOARD

The ZBA has one case for March. The Planning Board has two subdivisions pending.

RESOLUTION 22-2017

**Abstract #3 – General & Highway Funds**

On a motion by Councilor DeWitt, seconded by Councilor Venezia the following resolution was PASSED.

AYES – 4 Kozub, Fesko, Venezia, DeWitt  
NAYS – 0  
Absent – 1 Randall

General Fund Abstract #3 and Highway Fund Abstract #3 are approved. (Audited abstract totals will be reflected in the April 2017 Town Board meeting minutes.)

ABSTRACT #2 – FEBRUARY 9, 2017

Audited bills for Abstract #2 were as follows:

General Fund	vouchers 28 – 67	\$ 386,405.77
Highway Fund	vouchers 8 – 19	\$ 10,911.50

RESOLUTION 23-2017

**Abstract #3 – Southern Onondaga Area Water District Fund**

On a motion by Councilor DeWitt, seconded by Councilor Venezia the following resolution was PASSED.

AYES – 4 Kozub, Fesko, Venezia, DeWitt  
NAYS – 0  
Absent – 1 Randall

Southern Onondaga Area Water District Fund Abstract #3 is approved. (Audited abstract total will be reflected in the April 2017 Town Board meeting minutes.)

TOWN SUPERVISOR’S REPORT & STATEMENT

The Town Supervisor’s Report & Statement for March 2017 was read by Accountant Thomas Chartrand and filed. The Town Supervisor’s 2016 Financial Records are ready for audit.

A motion to accept the Town Supervisor’s Report for March 2017 was made by Councilor DeWitt, seconded by Councilor Fesko. The motion PASSED. AYES – 4, NAYS – 0.

RESOLUTION 24-2017

**Budget Transfer**

On a motion by Councilor DeWitt, seconded by Councilor Fesko the following resolution was PASSED.

AYES – 4 Kozub, Fesko, Venezia, DeWitt  
NAYS – 0

Resolved to transfer funds in the Highway Fund as follows:

FROM:	DA599	Surplus, Insurance Recovery	29,000.00
	DA599	Surplus, 2016 Surplus	50,000.00
			<u>79,000.00</u>
TO:	DA5130.2	Machinery, Equipment	29,000.00
	DA9950.9	Transfer to Capital Reserve Fund, Inter Fund Transfer	50,000.00
			<u>79,000.00</u>

RESOLUTION 25-2017

**Annual Financial Report**

On a motion by Councilor Fesko, seconded by Councilor DeWitt the following resolution is PASSED.

AYES – 4 Kozub, Fesko, Venezia, Dewitt,  
NAYS – 0  
Absent – 1 Randall

Resolved the Town Clerk is authorized to publish notice of filing of the Town of Spafford Annual Financial Report for 2016.

RESOLUTION 26-2017

**February 2017 Bank Reconciliation**

On a motion by Councilor Fesko, seconded by Councilor Venezia the following resolution was PASSED.

AYES – 4 Kozub, Fesko, Venezia, Dewitt,  
NAYS – 0  
Absent – 1 Randall

Resolved to find a positive audit of the February 2017 bank statement as presented before the Town Board.

**PUBLIC HEARING – PROPOSED LOCAL LAW A-2017 – to repeal and replace Local Law 4-2016**

A motion to open the Public Hearing for proposed local law A-2017 was made at 7:28 p.m. by Councilor Fesko and seconded by Councilor DeWitt. The motion carried. AYES – 4, NAYS – 0.

Comments regarding the proposed law included (with any responses in italics):

- > Suggest the Town set a decibel level for noise – *It is covered under the Town of Spafford Zoning Ordinance.*
- > Concern the proposed law specifies “no weddings” – *It specifies “no commercial purpose, ... .. such as... weddings”.*
- > Concern there is no vehicle to deal with “chronic complainers”. – *Nowhere in the Town of Spafford’s Zoning Ordinance is that matter addressed. A property owner does have the right to appeal to the Town of Spafford Zoning Board of Appeals regarding a complaint.*

There were no additional comments. A motion to close the Public Hearing at 7:51 p.m. was made by Councilor DeWitt and seconded by Councilor Fesko. The motion carried. AYES – 4, NAYS – 0.

RESOLUTION 27-2017

**Audits of the Town Court 2016 Financial Records and the Town Clerk 2016 Financial Records**

On a motion by Councilor Fesko, seconded by Councilor DeWitt the following resolution was PASSED.

AYES – 4 Kozub, Fesko, Venezia, Dewitt,  
NAYS – 0  
Absent – 1 Randall

Resolved to find a positive audit of the Town Court 2016 Financial Records has been completed; Further resolved to find a positive audit of the Town Clerk 2016 Financial Records has been completed.

**PLANNING BOARD VACANCY**

A motion was made by Councilor DeWitt, seconded by Councilor Venezia to appoint Dennis Spina as a member of the Planning Board with a term to expire January 15, 2022.

LOURDES DAY CAMP

Supervisor Kozub reported Town of Spafford residents are again welcome to enroll their children in day camp at Lourdes Camp for a reduced rate.

CEMETERY MANAGEMENT BIDS

Two bids were received for the Cemetery Management Package which combines the 2017 Mowing Contract, the duties of the Cemetery Supervisor and the responsibility for opening and closing graves. Both bids included the required Certificate of Insurance. The received bids were:

- R&L Mowing Service.... \$10,500 plus \$450 per burial and \$1,000 for Spring Clean Up
- Jedik Outdoor.... \$ 9,500 covering all specifications of the bid

RESOLUTION 28-2017

**2017 Cemetery Management Contract**

On a motion by Councilor Venezia, seconded by Councilor DeWitt the following resolution was PASSED.

AYES – 4	Kozub, Fesko, Venezia, Dewitt,
NAYS – 0	
Absent – 1	Randall

Resolved to award the 2017 Cemetery Management Contract to Jedik Outdoor for the bid price of \$9,500.

RESOLUTION 29-2017

**Enacting Local Law 1-2017 “A Local Law to Repeal Local Law 4-2016 and Replace it with the Following Language Amending the Zoning Code of the Town of Spafford for the Purpose of Regulating the Short Term Rental of Homes”**

The following resolution was offered by Supervisor Kozub who moved its adoption, seconded by Councilor Fesko, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law A-2017 entitled, “A Local Law to Repeal Local Law 4-2016 and Replace it with the Following Language Amending the Zoning Code of the Town of Spafford for the Purpose of Regulating the Short Term Rental of Homes” was presented and introduced at a regular meeting of the Town Board of the Town of Spafford held March 9, 2017; and

WHEREAS, the Town Board held a public hearing to consider said proposed Local Law A-2017 on March 9, 2017, and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed Local Law having been in the possession of the members of the Town Board of the Town of Spafford in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the Town Board has previously determined the enactment of Proposed Local Law A-2017 to be an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA) with the completion of the Full Environmental Assessment Form, and has further determined that it will have no significant effect on the environment, thus concluding the SEQRA review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law A-2017.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the Town Board of the Town of Spafford, Onondaga County, New York, does hereby enact Proposed Local Law A-2017 as Local Law 1-2017 as follows:

**TOWN OF SPAFFORD  
LOCAL LAW 1-2017**

**A LOCAL LAW TO REPEAL LOCAL LAW 4-2016 AND REPLACE IT WITH THE FOLLOWING LANGUAGE AMENDING THE ZONING CODE OF THE TOWN OF SPAFFORD FOR THE PURPOSE OF REGULATING THE SHORT-TERM RENTAL OF HOMES**

**Be it enacted** by the Town Board of the Town of Spafford that Local Law 4-2016 entitled, “A Local Law to Amend the Zoning Code of the Town of Spafford for the Purpose of Regulating the Short Term Rental of Homes,” is hereby repealed and replaced by this Local Law as follows:

**SECTION 1:** The purpose of this Local Law is to amend the Zoning Code of the Town of Spafford to regulate the short-term rental of homes within the Town. The Town recognizes that, from time to time, property owners within the Town wish to rent their homes, many of which are camp properties located on or near the shores of the two lakes located within the Town borders, Skaneateles Lake and Otisco Lake. The Town also recognizes that, historically, Spafford has been a small, residential and agricultural community of primarily owner-occupied dwellings, and that extensive short-term rentals may endanger the rural, residential character of the community and may cause disruption to the peace, quiet and enjoyment of neighboring homeowners. Accordingly, in order to respect the property rights and interests of all homeowners in the Town, this Local Law seeks to achieve a balance between those who would offer their homes as short-term rental properties and those who choose not to do so.

**SECTION 2:** To achieve these stated goals, the Zoning Code of the Town of Spafford is amended as follows:

**Article I (“Title, Intent and Definitions”), Section 1-5 (“Word Usage; Definitions”) of the Zoning Code of the Town of Spafford is hereby amended to remove the definition of “Temporary Rental” and replace it with the following:**

**Short-Term Rental Property**

A one family or two family dwelling rented by the owner of the dwelling to an individual or a group of individuals for the purpose of residential occupation for a term of one hundred twenty (120) days or fewer.

**Article VII (“Regulations Applicable to All Zoning Districts”), is amended to repeal the language of Section 7-24 and replace it with the following language:**

**Short-Term Rental Properties** are subject to the following rules and regulations:

1. **120-Day Maximum.** The owner of a one-family or two-family dwelling may, subject to all terms and conditions of the Zoning Code of the Town of Spafford, rent the dwelling as a short-term rental property for a term or terms of anywhere between one (1) and one hundred twenty (120) days, but in no event shall an owner be allowed to rent the dwelling as a short-term rental property for more than one hundred twenty (120) total days per calendar year. For purposes of this Section, a calendar year runs from January 1<sup>st</sup> through December 31<sup>st</sup>.
2. **Maximum Occupancy.** The maximum occupancy of any short-term rental property shall be three (3) people per bedroom, as that term is defined by Section 202 of the New York State Property Maintenance Code, plus two (2) additional people. For example, if the short-term rental property contains two bedrooms, the maximum occupancy of said dwelling would be eight (8) people.
3. **Violations.** An owner of a short-term rental property violates this Section whenever:
  - a. The owner rents the dwelling as a short-term rental property for greater than one hundred twenty (120) total days per calendar year, as provided by Subsection 1 of this Section;
  - b. The owner rents the dwelling as a short-term rental property without completing a registration form and/or remitting payment of all applicable fees pursuant to Subsection 5 of this Section;
  - c. The overnight occupancy of the short-term rental property exceeds the applicable maximum occupancy as set forth in Subsection 2 of this Section;
  - d. During a rental term, the individuals occupying the dwelling are cited for one or more violations of Section 7-17 of this Article, including, but not limited to, violations for excessive noise, smoke and/or odor;
  - e. The short-term rental property is cited for a violation of Chapter 3 of the New York State Property Maintenance Code.

4. **Non-Residential Uses Prohibited.** A short-term rental property shall not be rented for any commercial purpose, or any other purpose not expressly permitted under this Section, such as concerts or weddings.
5. **Registration of Short-Term Rental Properties; Fees.** All owners of one or more short-term rental properties must complete a registration form, a copy of which is attached hereto as Exhibit "A", and are required to pay an annual registration fee of \$100.00.
  - a. The initial registration fee shall be submitted along with the registration form, and for each subsequent year that the owner intends to rent the dwelling as a short-term rental property, annual registration fees shall be due and payable upon the anniversary date of the filing of the initial registration form.
  - b. If an owner intends to rent more than one dwelling within the Town as a short-term rental property, a separate registration fee must be paid for each dwelling.
  - c. The Town Board may, from time to time, modify by resolution the registration form and/or the registration fee.
6. **Enforcement.** The Code Enforcement Officer of the Town of Spafford shall have the authority to determine whether the owner of a short-term rental property has violated this Section, and to enforce his or her determinations pursuant to Article IV of the Zoning Code of the Town of Spafford. Violations of this Section may be determined by the Code Enforcement Officer's firsthand observations, or after an investigation upon a complaint from a resident of the Town of Spafford. Complaints must be in writing, and include the date, time and nature of the alleged violation as well as the address where the alleged violation occurred.
7. **Suspension or Revocation of Registration After Multiple Violations.** If the owner(s) of a short-term rental property are found to have violated any provision of this Section on two or more occasions, the Code Enforcement Officer shall have the authority to suspend or revoke the registration of any short-term rental property where such violations have occurred.
8. **Appeals.** Upon receipt of a determination of the Code Enforcement Officer pursuant to this Section and Article IV of the Zoning Code of the Town of Spafford, the short-term rental property owner shall have the right to appeal said determination within 30 days. The appealing owner shall make a written request for a hearing to the Town Clerk, and the Town Board shall hear the appeal at its next regular meeting, during which time the decision of the Code Enforcement Officer shall be stayed. At the hearing, the Town Board shall accept evidence offered by the property owner, the Code Enforcement Officer and any other witness with relevant evidence. After the hearing, the Town Board shall decide the appeal, and, in so doing, may uphold the Code Enforcement Officer's decision, reject it, or modify it.
9. **Fines and Penalties.** Notwithstanding any other provision of the Zoning Code of the Town of Spafford related to fines and penalties for violations of said Code, any violation of this Section shall constitute an offense punishable by a fine of up to \$250.00. Each day for which such violation occurs shall constitute a separate offense. In addition, the Town may pursue such other remedies as provided by law to abate any violation of this Section.
10. **Compliance with Tax Laws.** All owners offering a short-term rental must comply with all applicable local, state and federal tax requirements.

**Article VIII ("Regulations Applicable to Special Use Permits"), is amended to repeal the language of Section 8-17 and replace it with the following language:**

**Short-Term Rental Properties**

An owner of a one family or two family dwelling may seek approval to rent the dwelling as a short-term rental property under terms that may be inconsistent with or deviate from the requirements set forth in the Zoning Code of the Town of Spafford through application of a Special Use Permit and pursuant to the terms and procedures as set forth under Article VIII of the Zoning Code of the Town of Spafford.

**SECTION 3: Sunset/Amortization**

- 3-1. Preexisting, non-conforming rentals of one-family and two-family dwellings that predate the enactment of this Local Law, which amends the Zoning Code of the Town of Spafford to limit the short-term rental of such

dwellings to one hundred twenty (120) days per calendar year and to require the owner(s) of such short-term rental properties to register with the Town, shall conform Section 7-24 of the Zoning Code of the Town of Spafford, as amended by this Local Law, within five (5) years from the date of its passage. This is intended as a sunset/amortization provision.

3-2. The Planning Board of the Town of Spafford may grant an extension of time allowing the owner(s) of a one-family or two-family dwelling to continue the preexisting, non-conforming rental of the property after the conclusion of the five (5) year amortization period described in Section 3-1 of this Local Law, provided that the owner(s) prove that, due to specific circumstances, such amortization period is unreasonable and will result in a substantial loss of investment. In order to secure an extension of time, the owner(s) must submit to the Planning Board a written request for such extension at least sixty (60) days prior to the expiration of the amortization period, together with relevant, credible documentary evidence supportive of their request, such as financial statements and tax records. In making its determination, the Planning Board shall consider, among any other relevant factor:

- i. the nature of the non-conforming rental property;
- ii. the cost of converting to a conforming short-term rental property;
- iii. the amount and nature of the investment in the non-conforming rental dwelling;
- iv. the detriment caused by the non-conforming rental;
- v. the character of the neighborhood;
- vi. the good faith efforts of the owner(s) to have amortized the cost of the investment during the course of the amortization period provided by Section 3-1 of this Local Law.

**SECTION 4: Authority**

The Town Board may enact this Local law in order to protect the health, safety and welfare of its residents, and derives its authority to do so from the New York State Constitution and Section 10 of the Municipal Home Rule Law.

**SECTION 5: Severability**

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

**SECTION 6: Effective Date**

This Local Law shall be effective upon filing with the office of the Secretary of State.

**ADJOURNMENT**

A motion to adjourn the meeting at 8:15 p.m. was made by Councilor DeWitt, seconded by Councilor Venezia. The motion was carried unanimously.

Respectfully submitted by,

Next meeting to be held  
Thursday, April 13, 2017 @ 7 p.m.  
@ Spafford Town Hall

Lisa M. Valletta  
Town Clerk  
Town of Spafford