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Zoning Board of Appeals Meeting

August 20, 2024

The meeting of the Village of Pulaski Zoning Board of Appeals (ZBA) was held on August 25, 2023, at 7:00 P.M. at the Snow Memorial Building, 4917 Jefferson Street, Pulaski, NY 13142.

Zoning Board of Appeals Members Present: Clayton Waite, Member; Michael Murphy, Member; and David Craig, Member.

Absent: None

Village Officials and Staff: Jen Gibbs, Deputy Clerk, Mayor Jan Tighe

Guest(s): Ernie Wheeler, Dan and Bonnies Moores

Agenda Item #1: Call to Order & Public Comment

The meeting was called to order by Clayton Waite 7:08 PM. Mayor Jan Tighe read the following statement regarding the use variance application for 56 Lake Street:

Thank you for letting me address the Board. The present zoning code went through a thorough re-write a little more than 3 years ago. Everything was taken into careful consideration as to what would have positive long-term effects on the growth and welfare of the Village.

One topic that was discussed at length was short-term rentals, often called Air BnB's. The Zoning Re-write Committee, which included a code officer, planning board and ZBA member, looked at the effect of short-term rentals in other communities and concluded that they needed to be regulated and only allowed in certain zones.

One of the results of short-term rentals that the committee wanted to avoid, that has happened in other places, was the scarcity of needed housing. Communities that had not regulated short-term rentals lacked housing for the employees of local businesses and found that the restaurants, schools and police departments, to name a few, were constantly in need of employees. So, it was with great care and forethought that the current zoning, not allowing short-term rentals in an R-1 area, was established. The hope was to hit the sweet spot where the Village could have the best of both, an established R-1 residential area and other areas within the Village where short term were allowed.

Residents have purchased or built homes in R-1 Districts, secure in the knowledge that their property, sometimes the largest purchase in a lifetime, would remain in an R-1 District and not have short term rentals.

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This Zoning Ordinance has been challenged in the past. When a variance was not granted, a court challenge followed. It was denied and the Village's Zoning remained intact.

This request for a variance should be denied on the basis that it is a self-created problem. Inquiries could have been made as to the zoning requirements before the property was purchased. Property in the other parts of the Village, where short-term rentals are allowed could have been another option.

A variance does not come and go with the people who are applying for it. The variance goes with the property and does not expire. So, when this property has new owners, the variance does not dissipate when the applicant for the variance might relocate.

A variance for this piece of property is a perfect example of spot zoning. Once an exception is made, this would open the door to anyone and everyone and change the character of the Village.

So, for these reasons, it is self-created and would change the character of the neighborhood and all R1 neighborhoods, this variance should be denied.

Agenda Item #2: Review of Minutes

David Craig made the motion to accept the minutes of August 15, 2023, and Mike Murphy seconded the motion. It passed 3-0.

Agenda Item #3: Area Variance Application for Short-term Rental 56 Lake Street

Paul Daniel and Boonie Moores submitted a use variance application for a short-term rental at 56 Lake Street located in a R-1 district. The owners are not there year-round and would like to rent out the home when they are not occupying the house. According to the Village Code short-term rentals are not allowed in an R-1 zone. The members of the ZBA reviewed the application and made the following comments:

- The requested variance will create an undesirable change in the character of the neighborhood or detriment to nearby properties because it is a direct violation of the R1 zoning laws meant to preserve the housing stock for village residents.
- The benefits sought by the applicant could have been achieved if the owners researched the ability to rent in an R1 zone in the Village of Pulaski. The Code is available on the Village website for the public to see.
- The requested variance is substantial in that, if the variance is granted the Village would have to grant all future requests resulting in the invalidation of the code.
- The proposed variance will have an adverse effect or impact on the physical and environments conditions of the neighborhood or district because short-term leases take away living space for permanent residents.

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- The alleged difficulty was self-created because the owners purchased the property as a vacation home, deciding after the fact to rent out the home without checking with Village Code office.

David Craig made the motion to deny the area variance. Mike Murphy seconded the motion and it passed 3-0.

Agenda Item #4: Other

There was no other business.

Agenda Item #5: Adjournment

Clayton Waite made a motion to adjourn the meeting at 7:18 PM. Mike Murphy seconded the motion and it passed with all in favor.

The next meeting will be held September 17, 2024, if there is current or new business, at 7:00 PM.

Draft & Unapproved

Jennifer Gibbs, Deputy Clerk