

VILLAGE OF FLEISCHMANN'S
PLANNING BOARD
PO BOX 339
FLEISCHMANN'S, NY 12430

NOTICE

The Village of Fleischmann's Planning Board will be holding a regular meeting on Thursday, September 3, 2020, at 5:30 pm at the Town of Middletown, Town Hall, 42339 State Highway 28, Margaretville, NY 12455.

AGENDA

1. Approve/amend minutes from the December 2, 2019 meeting.
 2. Preliminary discussion on application VFSP-7 Clare Friedrich would like to operate a tourist home at her residence at 140 Schneider Avenue in Fleischmann's. Tax map # 287.13-2-14.
 3. Preliminary discussion on application VFSP-8 1053 Main Street, LLC (Mark Birman) would like to operate 2 apartments as a tourist home at 1053 Main Street in Fleischmann's. Tax map # 287.13-2-19.
 4. Anything else to come before the meeting.
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Village of Fleischmanns Planning Board
PO Box 339, 1017 Main St., Fleischmanns, NY 12430
September 3, 2020 Meeting Minutes

The Village of Fleischmanns Planning Board held a regular meeting on Thursday, September 3, 2020 at the Town of Middletown, Town Hall, 42339 State Highway 28, Margaretville, NY 12455 at 5:30 p.m.

Chairman Jason Wadler called the hearing to order at 5:31 pm. Present were: Chairman Jason Wadler, and members Rob Allison and Jennifer Walsh. Member Igor Gofman was absent. Also present were Hiram Davis Code Enforcement Officer (COE) for the Village of Fleischmanns and the Middletown Building and Zoning Dept. Kent Manuel of the Delaware County Planning Dept was absent due to a scheduling conflict but was available via phone if needed.

Minutes

Motion to approve December 2, 2019 Village Planning Board Meeting minutes, made by Jennifer Walsh; seconded by Rob Allison. All ayed; motion carried.

Village Clerk noted that the Building Dept had verified County 239 Review not required as both properties were not within 500 feet of State Route 28.

The Planning Board had two items on the agenda.

At 5:33 pm, Member John Fronckowiak arrived.

At 5:34 pm, members of the public arrived. In attendance: Janet Becker, Wigdor Mendlovitz, Abraham Mendlovitz.

Hiram Davis noted that Town of Middletown does not have a "Tourism Home" section in Town Zoning but Village of Fleischmanns does in Section 100-49 Section D. Letters were sent out to approximately 25 property owners where it appeared that the properties were being used as Airbnb's, VRBO or other short term rentals which requires a Special Use Permit. These are the first two of 4 or 5 who responded to the letter sent to 25 properties.

Hiram Davis then read Article XI Section 100-49 Special conditions and safeguards for certain uses Paragraph D and the 10 subsections below which has been scanned using optical character recognition and reviewed against original law for accuracy into these meeting minutes:

"D. Tourist home.

- (1) The tourist home building and equipment shall comply with all relevant health, housing, and building rules, standards and permit requirements.
- (2) The tourist home shall be maintained and operated, at all times, in a manner that does not create a health, safety, or fire hazard or other nuisance to the neighboring properties, uses, or residents.
- (3) The number of guests occupying the tourist home shall not exceed one guest per fifty (50) square feet of guest area; four (4) guests per room regardless of room size, and ten (10) guests regardless of tourist home size. A guest is an individual of any age.
- (4) Tourist homes may not be occupied if substandard conditions of maintenance are found to exist. Without limitation, substandard conditions of maintenance result from a failure to comply with any of the following minimum tourist home standards: adequate smoke detectors and fire rated

- extinguishers; safe heating systems; intact window and door glass; structural soundness; hot and cold running water; functional washing and bathing facilities; and safe water supply.
- (5) A description of the tourist home boundary lines shall be clearly identified and shall be available to the occupants of the tourist home.
 - (6) Tourist homes shall be provided with a working telephone and list of emergency telephone numbers.
 - (7) Each tourist home shall have a local manager who possesses the authority and ability to promptly address and correct any violations of the conditions, use requirements, and/or limitations applicable to the tourist home. The name, address, and telephone number of the local manager shall be registered with the Village Clerk and Code Enforcement Officer and shall be placed in a conspicuous area of the tourist home.
 - (8) Off street parking spaces shall be arranged so that guests and/or occupants of the tourist home will not be required to back onto or off of any public road or alley in order to access property.
 - (9) Tourist homes shall be subject to residential sign standards,
 - (10) Tourist homes shall have one (1) off-street parking space per guestroom, plus one (1) space for the local property manager."

Preliminary discussion on application VFSP-7 Clare Friedrich would like to operate a tourist home at her residence at 140 Schneider Avenue in Fleischmanns. Tax map # 287.13-2-14.

Rob Allison began the discussion noting there was adequate parking but Schneider Ave is narrow and recommended a caution sign on Schneider Ave to ensure renters awareness of the condition. Rob Allison asked Hiram Davis what is the Code Department's responsibility in regard to Tourism Homes. Hiram noted that Safety Inspection required annually. Planning Board can request compliance with this requirement before issuing the Special Use Permit. Jennifer Walsh asked Hiram Davis to clarify terminology and definition of "guest rooms" as read by Hiram Davis. Rob Allison asked for Hiram Davis to speak to Kent Manuel at Delaware County Planning Dept for guidance on that question.

A member of the public, Janet Becker, asked when was the Public Comment period. Village Clerk responded that public comments were the purview of the Chair to allow a Public Comment period. Chairman Jason Wadler then asked Janet Becker what was her question. Janet Becker, asked how number of persons and garbage would be addressed. Hiram replied that village can revoke Special Use Permit if not in compliance due to code violations. Garbage is not directly addressed in the Tourism Home section but is in the zoning law's garbage section. Covid-19 and over occupancy requirements can be enforced through Governor's Executive Orders, zoning section 100-64 paragraph 1, and the village's garbage law.

Hiram Davis responded to a John Fronckowiak question as to how the properties were identified. Hiram again noted that the properties appeared to be operating as short-term rentals. Rob Allison noted probably through neighbor complaints.

Another member of the public, Abraham Mendlovitz, noting that if Janet Becker could speak then they should be able too and raised The Palace Hotel as an example of a "hotel" versus a single-family residence. During a period of raised voices where it was unclear who was speaking and what was being said the Chair Jason Wadler cut off Public Commenting to return to the 1st application.

Rob Allison requested the signage notifying renters to be careful of narrow road. John Fronckowiak noted they may have to put in additional parking.

Hiram Davis responded to the question “how long after the Public Hearing must the Planning Board make a decision?” “62 days from Public Hearing date.”

Motion made by Rob Allison; seconded by Jennifer Walsh to set Public Hearing on application VFSP-7 for Monday, October 5, 2020 at 5:30 pm at the Skene Memorial Library. All aye; motion carried.

Preliminary discussion on application VFSP-8 1053 Main Street, LLC (Mark Birman) would like to operate 2 apartments as a tourist home at 1053 Main Street in Fleischmanns. Tax map # 287.13-2-19.

Hiram Davis noted the property has 4 apartments upstairs and a commercial ground floor. Two apartments are yearly leases. Owner is seeking Special Use Permits for two apartments. Jennifer Walsh asked if there was sufficient parking. Hiram noted the garden on the grounds used to be additional available parking. Rob Allison asked if all prior Use Permit approvals tie up existing parking requirements. Hiram Davis responded he would review those by next meeting.

Motion made by Jennifer Walsh; seconded by Rob Allison to set Public Hearing on application VFSP-8 for Monday, October 5, 2020 at 5:30 pm at the Skene Memorial Library. All aye; motion carried.

Adjournment

At 6:01 pm, there being no further business, Chairman Jason Wadler moved to adjourn the meeting; seconded by Rob Allison. All aye; motion carried.