



# Zoning Board of Appeals

Minutes of Wednesday, June 27, 2018 – 6:00 PM

**Board of Appeals members present:** Charles Dudek, Gerry Mann, Marcianna Caplis & Paul Kennedy

**Applicants present:** Robin Karlin and Robert Allen, Tris Metcalf-Architect

**Public Present:** Terry & Joan Lenkowski, and Louis Hasbrouck-Building Inspector

## **Karlin & Allen-99 Main Street Public Hearing**

(CD) opened the meeting at 6:00 pm. The Public Notice was read. The public hearing was called after an application from Robin Karlin and Robert Allen, 99 Main Street, Assessors Map K, Parcel 40, seeking a Special Permit as required by Section 12.0e of the Zoning Bylaws of the Town of Williamsburg, for a proposed addition of three (3) residential units to be used as Air BnB units that will not be more detrimental to the neighborhood. Currently there is already one (1) residential unit they use as Air BnB space. The building is currently used as a Veterinary Clinic and will continue to do so on the west side of the building. That business occupies approximately half of the building and is run by the applicants.

Robin Karlin was asked to speak to the application. She noted that currently there is one apartment which they have turned into an Air BnB rental. Due to some rental problems they no longer want to rent the space as an apartment. They have empty space that they want to convert into more units. There is 6000 square feet in the building and the veterinary business takes up approximately 3000 square feet. The plan is to add three (3) more rental units for a total of four (4).

(MC) stated that she understood it to be state law that in a mixed-use building, residential units had to be on the upper floor not on the same floor as a business. Louis Hasbrouck said there is no state law only local bylaw. There are laws about mixed-use buildings regarding code. He stated that according to State code that Air BnB can only be in an owner-occupied single-family home not in a business building with no owner living there. He would call this a motel or hotel space for short-term rental not Air BnB. There are building code requirements for hotel or motel that are more stringent for transient housing which is a rental for less than 30 days. This change would be non-conforming.

(CD) asked about parking. The Board had a problem with the plan submitted. It does not give the requirements of the building. Louis Hasbrouck assured the Board the building will meet code requirements.

The Board requested to see statements or documents from Air Bnb that they meet the requirement. There was discussion of Bed and Breakfast and Air BnB. The architect of the plan, Tris Metcalf showed the plan that he has drawn up to the Board. The outside of the building will not change with the possibility of adding one extra door in the back. Parking would be in back on an unpaved area for several cars. Staff of the vet's already park in the back. The area in the back will not be paved due to conservation issues. There are wetlands in the back. There would be parking for eight cars in the front. All construction would be interior. The lot area is sufficient for the additional residential use. Parking for the dwelling units would be eight (8). The Board asked how many parking spaces are used by the veterinary office. Ms. Karlin stated that parking for the units and the business would be at different times as they units would be for overnight stays. The overlap would depend on how people park.

Louis Hasbrouck asked for clarification of whether the units would be transient housing or short-term rentals or apartments. There is a big difference in zoning and building code depending on the answer. The building is non-conforming and so is the apartment they are using as Air BnB now.

Louis Hasbrouck stated it is a non-conforming use with the existing unit which according to bylaw only needs to prove it will not be more detrimental to the neighborhood. A change of use to a motel or hotel is allowed in the village with a special permit. Code requires alarms and sprinkler system for transient housing. Discussion about different building codes which are needed for different classifications (R-1 or R-2).

There was discussion regarding the existing apartment which is non-conforming and whether it was grandfathered in or not. The veterinary business has been in the building since 1994. Louis Hasbrouck stated if there is a change from long term rental to short term rental, whether the apartment is grandfathered does not matter.

Abutter Terry Lenkowski expressed some concerns. His property line is within 13 feet of the building. If he needs to install a fence would he be able to? The land where a fence would go is wetlands. Discussion of requiring applicant to put up a fence. There was discussion of the wetlands and the ongoing issues with the water. Ms. Karlin and Mr. Allen went through DEP and did all the work that was required of them fifteen years ago but not all the neighbors did so and there is a backup of water on certain properties.

The Board discussed parking in the back and that two of the units are only accessible from the back. Allowing parking in the back would require a Conservation Commission visit. (GM) asked the Lenkowski's about the privacy and installation of a fence and where and type of fence they would like. A fence cannot be installed in wetlands without a meeting with Conservation. There was also a discussion about lighting.

(MC) wants a better detail of a parking plan, a lighting plan, a drawing of the property showing the layout of the building and neighboring property lines and agreement with Air BnB regarding policies.

Motion made and seconded to continue the public hearing to 7/9/18 at 7:00 p.m. Motion so voted.

A site visit was planned for 6/28/18 at 9:00 a.m.

Meeting ended at 6:50 p.m.

Respectfully submitted,

Brenda Lessard, Secretary