

Dear Residents of Seventh Lake Road, Island Avenue, Tyler Road and Jones Road,

In October I hand delivered or mailed you an explanatory packet with an attached survey entitled:

Request to change Zoning Districts  
Along Seventh Lake Road, Island Avenue, Tyler Road and Jones Road  
Change to Residential 1  
“To Fit the Principal Existing Property Uses”

If you have already completed and returned the survey, thank you very much!

If you have not done so, please consider participating by completing the survey and returning it to me ASAP. I have enclosed another copy along with a self addressed envelope in case it was misplaced or not readily available.

In addressing some concerns that have been expressed, please take note of the following:

- A public hearing will take place next summer.
- A change to Residential 1 will not change property tax assessments or tax rates.
  - In the Town of Inlet there are no differences in tax assessments or tax rates between a Commercial Zone and a Residential Zone.
- Renting of a non-owner occupied rental dwelling(s) *is legal* in Residential 1.
  - There is a Town permit process. An application and five-year permit is required, unless the property owner has obtained a permit from the New York State Department of Health for rental of a building(s). Then the owner is exempt.
  - ~~The R-1 permit process made short term renting of a non-owner occupied dwelling(s) legal. It was not legal prior to the permit. [Corrected/Revised 2/1/2010]~~ The R-1 permit process was upheld by a 2004 State of New York Supreme Court, Appellate Division ruling which stated:
    - “While short-term renting was not prohibited ... it was clearly restricted...”
    - “...the amendment is not arbitrary, capricious or illegal...”
  - The permit addressed a needed balance between property owners who rent and those who had concerns about rental properties in a residential neighborhood. It made it palatable for both, while maintaining the integrity and character of residential neighborhoods.
  - The permit process is not intended to deter renting but to allow renting with well recognized and accepted safeguards.
  - It helps insure the health, safety, and welfare of all the stakeholders. At the same time it addresses the need for this type of housing in a tourist community.
- Establishing a business or pursuing a commercial endeavor in Residential 1 *is not* legal.

As of 12/2/09 the survey results are:

- Out of the 62 property owners whose property would be re-zoned 35 have responded.
- 21 Yes: I support the zoning resolution submitted to the Town Planning Board.
- 10 No: I do not support the zoning resolution submitted to the Town Planning Board.
- 4 Indifferent: I do not care one way or the other.

I thank you for your time and consideration. I sincerely hope you will respond.

Happy Holidays!

David Kelsey