

Date	6:00 PM
Time	
Location	Tannersville Village Hall

Present: David Schneider, Mayor **Type of meeting:** Public Hearing
 David Kashman, Trustee
 Dylan Legg, Trustee
 Mary Sue Timpson, Trustee

Robin Dumont, Village Clerk-
 Treasurer

Absent: Gregory Thorpe, Trustee

Also Present: Rebecca Fitting, James Jerro,
 George Kelly, Fran Clark,
 Chris McGlinchy, Donna
 Haines-Williams, Tom
 Williams, Carl Giangrande,
 Serhiy Yevtushenko, Alana
 Yevtushenko, Ernie Reale,
 Marc Czermerys, Jeremy
 Fromer, Eric Powell, Joseph
 Sikorski, Peter Fimalino,
 Jennifer McAward

Minutes:

The Mayor opened the hearing with the Pledge of Allegiance and stated that this is a public hearing for Proposed Local Law #2 of 2023 – Establishing regulation & Permits regarding short term rentals.

The Mayor stated that since there are a lot of people here, they will be limiting comments to three minutes per person and ask that there is no talking over each other. He also stated when people are called on to speak that they state their name for the record.

The Mayor stated that we received some comments in writing and asked the clerk to enter those into the minutes:

From Ben Forman (Town of Hunter Resident):

I appreciate you taking the time time to understand our perspective and feedback on the proposed law. Unfortunately, I don't believe my wife and I will be able to make the in-person hearing.

We recently closed on our very first home at 6586 Route 23a. The home is a modest 624 sqft with 2 bedrooms on .17 acres. We fell in love with Tannersville as it is a beautiful town with a diverse culture and personality. We both work at nonprofits, my wife at the National Audubon Society, and myself at the Urban Land Institute. We work in GIS and community planning, and save as much as we can. With this savings, we decided to take a risk and make a long-term investment in this house to use as a rental property that we also use when it is not occupied. We currently rent in Hudson, NY as our primary residence.

Coming from the community planning space, we understand how these laws can benefit communities and the theory behind them. However, these laws often do not take into account the long term implications. When these types of laws pass, owners are faced with two choices to stay above water:

1. To sell, which can result in more home sales that exacerbate a housing cost issue or cause more vacant homes

throughout the town.

2. Raise nightly prices, which will deter future renters that drive the local economy, and potentially lead to more home sales.

These choices that owners will face hurt the Downtown Revitalization Initiative's goals as the enhancements afforded by the state's contributions won't be able to be maintained due to the lost revenue.

We do believe inspections make sense as a standard every couple of years, but the \$400 fee seems arbitrary unless elaborated upon. After researching other local towns, their inspection fees are not listed as it would make sense our home (624sqft) would cost lower to inspect than a 1500+ sqft home. With that said, if permitting fees are to move forward, we believe there are more equitable ways to enforce them than flatly charging short term owners.

1. A step system based on size and frequency of occupation. While our home is rented for less than 30 nights at a time, there are multiple months where the home is occupied by us for 2+ weeks at a time. We think this needs to be more granular as others in this situation should not be penalized in the same way that owners who are never home or even out of state are.

2. For those starting out that don't own large homes or a portfolio of rentals, should have alternatives that support the Downtown Revitalization Initiative. This may come in the form of minimum volunteering hours, local business support, and other ways that show our investment in the community that aren't necessarily financial.

We appreciate the village's concern about the impact of short term rental's on the community, but we urge the board to take into consideration the nuances, the different types of owners and the innovative ways that owners could contribute to the community in a way that doesn't hurt their business.

From Rebecca Fitting (Village of Tannersville Resident):

I'd like to submit the following questions and requests for clarification regarding the proposed STRP regulations.

Section 5 - If this law goes into effect 12/1/23, but is scheduled to renew bi-annually on the 31st of January, would the renewal come due 1/31/26? With the dates not lining up, this isn't explicitly clear. Additionally, since you're proposing everyone renew at the same date instead of having rolling renewals based on application date, if someone applies for a permit mid-year would this make their first term shorter, or longer? And, would the permit fee be pro-rated accordingly?

Section 6.4 - Occupancy restricted to 2 persons per bedroom except in extraordinary cases. This wording is vague – what qualifies as extraordinary? Also, while I understand the desire to limit the permitted number of people per bedroom for safety reasons, a 2 person cap feels excessively restrictive. For example, it excludes small families traveling together (two parents and a child). Modifying this language

to be a bit more flexible, or clarifying if 'extraordinary' already covers this, would better fit how people travel.

Section 7.1 – Can you clarify whether there is an additional permit fee, or whether the \$400 that's quoted is the entire price? The wording is a little inconsistent throughout the document, which makes this unclear. Additionally, would you consider a fee structure that is proportionate to the size of the unit or the number of beds/bedrooms, instead of a flat rate? Under this proposal, apartments or smaller houses with lower head counts (and most likely, lower rates) per night would be paying the same flat fee as larger houses (which usually command higher nightly rates).

From Michael Pascucci (Village of Tannersville Resident):

Section 4.5 If on Friday night there is an issue the LPM is called but was terminated or unwilling to act that day. So the problem goes on until Sunday and because they have 48hrs nothing happens. Then Monday morning they hire a new LPM and everything is good until the next Friday night another issue arises and when LPM is called he now has been terminated or unwilling to act that day and the cycle begins again how do you stop that cycle.

Section 6.4

What is the definition of a bedroom? You can call anything a bedroom and add a bed to it. What if two beds are in one bedroom what about multiple sets of bunk beds?

What is defined as extraordinary cases and who decides that. Is there a predetermined list of what makes things extraordinary cases, if not this can lead to improprieties being offered to make it a extraordinary case.

Section 6.9

Item 4 and item 5 what does this mean? Who decides good cause and financial hardship is there a criteria to meet those that is pre defined and a dollar amount set to define financial hardship? If not there is a lot of room for impropriety and favoritism.

Section 7.5

Again what is definition of a bedroom. Is there any special site plan review over a certain amount of rooms. The Town is 5 bedrooms then it has to go to site plan review. What about pull out couches. What if someone has 5 bedrooms but says they are only using 4 to rent out, they are blocking the other one off to avoid review if there is any.

Misc questions:

What happens when the house has 5 bedrooms and that allows 10 people at the rental yet the police show up and house has 30, 40 or more people and they say they are not staying there, they are just guest/visitors partying. Is there a time frame that there can be no more than the legal number of guest there if not it should be early enough to not to disturb the peace.

What about tents, motor homes, campers etc. on front lawns for people to sleep in on the property? Do guest have to be inside house?

Who is the enforcement on this. If police are called do they have access to information on how many people are allowed in the house and any other information needed for enforcement. Also which agencies will have the information State , County, Town or just Town that go off duty at 11:00 pm?

What if LPM tells the renter to quiet down and they don't what happens then.

Who is watching to see what is listed on the platforms and know where STR are in the area in the Village. The Town pays a company to monitor these. How do you inventory the STR's in the area.

What happens if the LPM does not answer the phone. The Town has a company (Hotline Number) that gets the call and they contact the person if that person does not respond the police get called.

Garbage no rolloff bins in Villages residential areas they are loud and ugly to the scenic area. South main looks like crap with all of them.

Who is tracking how many complaints a property gets. The Town has a company that tracks it and after a certain amount of complaints action can be taken.

Is there anything about upkeep to the property lawns, buildings, snow removal, garbage picked up after bear gets into it. Etc..

The Towns STR is much more involved and covers a lot more stuff and should be used in the village also.

Village leaves a lot of unanswered items and leaves a lot of leeway for STR's. In a Village where houses are closer together and the population is more condensed the STR's should be stricter than the Town's where there is space between residents. The Village STR is 8 pages long the Towns is 16 pages long. I feel this leaves a lot of area for STR's to manipulate the law especially if there is no full time enforcement available.

What happens if a person rents the property for more than 30 days and the law does not apply but then that person rents it out to others on the side no platforms or anything as a STR nightly weekly etc... what happens?

Need some kind of definition sheet attached to the law.

Terms such as extraordinary and financial hardships and good cause and bedrooms, etc...

Since a STR makes money and is being regulated is it now by definition a commercial establishment? Zoning issue.

Should also reward good owners of STR's somehow they are the ones doing the right things. Give some kind of incentives to do the right thing. Example no complaints gets discounted fee for that year. More with honey than vinegar.

Why did the Village not boiler plate the one the Town had already done the work on and change the municipalities name. Theirs covers a lot more stuff and spells it out a lot better. It would have saved time and money and it would cover same stuff so that the police responding inside Village or outside Village have the same thing to work off and not have to try and keep track of multiple rules and regulations. The public already asked questions and the Town already has answers no wasting time with having to research questions that now are raised at Village hearing.

Honestly don't believe this STR will be effective or enforceable.

From Katie Nasherson (Village of Tannersville resident):

Hello! We are proud homeowners in the Village of Tannersville since 2018- we have lived full time in our home, used it ourselves on weekends/seasonally, and have utilized short term rentals through Airbnb when we are not using our home. We are superhosts and take great pride in sharing our home, that we love very much, with our guests and introducing them to all that Tannersville and the northern Catskills has to offer.

We are grateful to the village for working on some common sense regulations for the short term rentals in our community- as we care deeply about the impacts on the local community, have high standards for safety, and enjoy welcoming visitors and sharing the magic of the Village of Tannersville.

After reviewing the draft policy, we wanted to provide some feedback on a couple of points.

In Section 4.5- the restriction for a Local Property Manager (LPM) to live within 15 miles feels arbitrary and completely impractical. Especially given the mostly rural/remote surroundings of the Village of Tannersville, we feel strongly that this number does not make sense.

Section 6.6 states that in the case of an emergency, the owner or LPM needs to be able to be on-site within 60 minutes. This is a clear & practical requirement and makes complete sense. Given this time frame, a reasonably allowable distance for a homeowner or LPM to live should match this requirement- As an example, you can be on site in under 45 minutes from 30 miles away.

Please adjust section 4.5 to match the clear safety requirement stated in section 6.6, clarifying that a local property manager should live within a 60 minute drive of the property.

Additionally, can you clarify section 6.4 in regards to occupancy? "Except in extraordinary cases" is not very clear. What accommodations are allowed for children/infants (perhaps that sleep in a pack & play) and for pull out couches? The Hunter STR law seems to take these possibilities into account by allowing 2 per bedroom, plus 2 additional occupants- which might be a more clear policy to enact, rather than the "extraordinary cases" caveat.

Thank you for your work & all you do for the village.

The Mayor opened the floor for public comment.

George Kelly of Raspberry Lane, Tannersville asked when the Village is reviewing short term rentals, if the Village Board was going to look into the star exemption status of the properties as you must live there full time to receive it.

Trustee Kashman stated that they would look into it.

Fran Clark of Unique Realty, asked who was going to be looking over the platforms (i.e. AirBnB, VRBO, Home Away, etc), and if the Village will have any communication with these platforms and asked if the STR's will have to show their permit on these platforms.

The Mayor stated that we are taking comments.

Ms. Clark continued and asked if there will be a salary and will it be paid by the taxpayers and fees. She stated that the homeowner that doesn't rent shouldn't have to pay a salary for this position. It shouldn't be the burden of the taxpayers. She further asked how many AirBnb's were in Tannersville.

The Mayor stated that we are taking comments, not debating. We will incorporate the comments, and look into suggestions. The Mayor stated that we have not made a decision on that yet, we may look into hiring an outside agency. The town hired a consultant.

Ms. Clark stated when she asked the Town [of Hunter] if there would be an additional salary, she was told no, and there is.

The Mayor stated he couldn't verify as we are not the Town. He stated in terms of enforcement it would be under our code enforcement officer.

Ms. Clark asked if he will have to take on additional tasks, if his salary would be increased.

Trustee Kashman stated that it was our goal that the permit costs should go towards implementing this program.

Ms. Clark asked if there was going to be a cap or no cap on the short term rentals. Trustee Kashman stated that there was no cap in this law.

Chris McGlinchey of Tannersville, asked about the parking on Main Street as his house is on Main Street. Rebecca Fitting asked if any others shared the same comments or concerns as her.

Trustee Kashman stated that they will review all comments and see which are applicable to be incorporated into the law and have another public hearing.

The Mayor asked Mr. McGlinchey if he was referring to section 6.5. Mr. McGlinchey replied yes.

Trustee Kashman stated that Mr. McGlinchey's property is in the central business district on Main Street and he would be able to use the public parking on Main Street.

Ms. Fitting stated that there are a lot of inconsistencies in this law. Where at times it refers to unit, sometimes property, sometimes inspection sometimes permit. Its hard to read and know where it means and she wants to be able to follow the rules.

The Mayor stated that this is only a draft.

Donna Haines-Williams of Hill Street in Tannersville, stated under section 4.5, if the board could consider it to be 60 minutes rather than a number of miles away. In regards to 6.11, she is concerned that anyone can sue another party. She stated this was struck down in the Town of Hunter Law and it seems discriminatory against Short Term Rentals.

Ms. Haines read the following: *Per draft, board members for the Village of Tannersville want the homeowners to defend and hold the Village harmless against any lawsuits they are co-named on with the STR. Anyone can sue another party in the village, whether it be a homeowner, BNB, hotel, retail establishment etc., and they can name the Village in the summons. None of these establishments listed above have to defend and hold harmless the Village if they are co-named in a summons. This should also hold true for owners of STRs. Since our homeowners policies will not name a public entity as an additional insured on our policy, this would mean a STR owner would need to supply counsel for the Village and pay out of pocket if they are co-named in a suit. This was struck from the Town of Hunters STR proposal requirements. It is discriminatory against STR owners. The Village of Tannersville should do the same.*

Mr. McGlinchey asked about the time schedule in the law regarding the effective date, inspections, etc.

The Mayor replied that these dates will be changed when the law is finalized.

Tom Williams asked why the Village was doing this and what the premise was.

Trustee Kashman stated that the premise was for health and safety. There are some places that are abusing the AirBnB system and overcrowding people into a house. They want to be able to protect the homeowners and visitors as well. They want to ensure there is proper ingress and egress. This allows for some enforcement.

The Mayor stated that Section 2.1 of the law gives a statement. He stated that its away to get control without having to burden the tax payers.

Joe Sikorski of Tannersville asked who would be making the decisions about how many people are in the AirBnB's and how to they come to make that decision.

The Mayor stated that it is in the law and we are taking comments and not debating. The occupancy is proposed to be 2 people per bedroom with the exception possibly for small children/infants.

Serhiy Yevtushenko of Tannersville asked how the Village would enforce noise complaints from the AirBnB's.

The Mayor stated that the noise complaints are handled by the police.

Mr. Yevtushenko asked if a repeat owner with noise complaints can get their permit taken away or get fined for the noise. He further stated that the owners will find away around the platforms and still rent it out. The Village needs to look into differentiating short term rentals from people who let different friends and family use their homes.

Trustee Kashman asked Mr. Yevtushenko if he had any suggestions on how to regulate. Mr. Yevtushenko replied he didn't see at this point how it was to be regulated.

George Kelly suggested to do what they did in Montauk/East Hampton. If there are 4 parking spaces, the owner would be permitted to have 4 cars registered to them only. He suggested having the AirBnb's registered the cars and if more than registered, send code enforcement and fine them or revoke their permit.

The Mayor thanked Mr. Kelly and everyone for their comments.

Mr. Yevtushenko stated that short term rentals also need to provide proper receptacles that are bear proof and can protect guests and the people around. Said everything should be kept clean and neat.

Fran Clark suggested looking into Hunter Highlands condos and how it is done. She stated that basically they have to pay the board to rent the property and fill out a form to the board. They must list the name of the tenant, how many people, how many allowed in each room and put the plate number down. 90-95% of homeowners there abide by the form and send it in.

Jim Jerro asked if he would have to get something from this board if he were to rent out something in his house.

The Clerk noted that Mr. Jerro's property is in the town and he would have to follow their law. This law was for the Village of Tannersville only.

A woman from the public asked what the next steps would be.

The Mayor stated that we would leave the public hearing open to continue accepting comments and have another hearing. Eventually getting to the point of adopting the law.

Mr. Kelly asked if the board would be open to looking at other Town and Village Laws.

The Mayor stated yes and to send them over or drop off to the Clerk.

Mr. Sikorski asked how he could get a copy of the law. The Mayor replied that there were copies available here, and online.

The Masked if there were any further comments.

Being there were no further comments, Trustee Kashman made a motion to adjourn the public hearing to a future date to be determined by the board. Trustee Legg seconded. Four in favor, one absent, motion carried.