

July 9, 2024

Schultzville, NY

A continued public hearing on proposed local law No. x of 2024 (STR Update) was held on this day in the Town Hall. Present were Supervisor Whitton, Deputy Supervisor Werner, Councilman Dykas, Councilwomen Mustello and Councilwoman Auspitz as well as Town Clerk Carol-Jean Mackin. There were approximately three people in the audience.

PLEDGE OF ALLEGIANCE

At 6:15 PM, Supervisor Whitton called the public hearing to order and led the Pledge of Allegiance. No legal notice was read as this is a continuation of the public hearing on STR amendment, an update to a current law. The original law stands if this is voted down. These changes tighten up the law.

PUBLIC HEARING

MM Supervisor Whitton, 2nd Councilman Dykas to open the floor to public comments. All aye. Motion carried.

Deputy Supervisor Werner read from Alex Ferini PB member submission and also read aloud comments from John Calogero, ZBA member,

Alex Ferini - Here are my comments on the proposed STR

- I understand the purpose of D(3), but the provision ((together with D(1)) allows absentee owners to own and rent out - on a full time basis – two houses, with no overall limit on the number of absentee STR landlords in the Town. I suggest that perhaps the Town should require at least one of the beneficial owners to be a resident of the Town, and that one of the two allowed STR sites would have to be that resident's residence.
 - If the board is going to use “beneficial ownership” as a means of regulating STRs:
 - The application requirements in D(2) should include a requirement to list all beneficial owners (and D(7) should be conformed to reference beneficial owners);
 - Who will be responsible to compile and cross-check the list of beneficial owners?
- I suggest that D(4) should read that the failure to timely submit a renewal application “shall” result in the lapse of the special use permit (instead of “may”).
- I suggest that the fines, and the Non Hosted STR permit and renewal fees should be much higher (like, double for the fines, and triple or quadruple for the permit fees).

John Calogero and Gina Palmer - I am unable to attend in person tonight but I would like to comment on STRs:

Through the years as you have wrestled with the STR issues, I have shared many thoughts with you and made many comments so I will not be repetitive as these were emailed to you and brought to you at town meetings. I am a taxpayer and resident of two small towns which are wrestling with this issue and though STR should be a win for all parties, once human nature enters the equation, all bets are off. Many town rules should be totally unnecessary if common courtesy were universal but as we know, it is not. I am in almost total support of hosted situations where the property owner is in residence and self disciplines the use of his space and remains a good neighbor. Non hosted is a very different animal.

In the interest of brevity, let me say I fully support the Supervisors comments on fines that he made at the last meeting. They should be very steep and imposed very quickly AND collected relentlessly to demonstrate that the town protects its residents from "bad actors", and will consistently put the welfare of the town and its residents over the monetary desires of commercial endeavors in what is supposed to be residential areas.

My second point is that the permit fees for non-hosted are ridiculously low. The town has to inspect, license, maintain records, enforce etc. The owner rakes in significant profits. The various platforms get between 3-8% for their service, and in some case more in fees. The town gets costs incurred in manpower needs etc. and that cost gets covered by our budget paid for by **all the taxpayers**. The STRs are being **subsidized** by the town and provide significant income to some residents while they incur costs to others. In what world is this fair?

Residents of Clinton pay many thousands of dollars each year to reside in the quiet, rural, setting they bought into and continue to pay for! There is not much difference in principle between STRs and a hotel, albeit one spread around the neighborhood. Running a business in a residential neighborhood is at the very least a huge privilege. Residents will have to tolerate all the down sides of this egregious practice. They should NOT have to pay as well. Thank you for your time and effort.

MCEI Jeff Newman - The issue of occupied comes up a lot and read the definition aloud. Regarding D1 ADUs, where ADUs require one home to be occupied, he points out that occupied does not mean you have to be there all the time. Discussed the meaning of unoccupied. Clarified that STRs are an accessory use. They cannot be a principle use on a property.

Arlene Campbell - Concerning this law, asks if you can have two STRs if you have a home and an ADU. Supervisor Whitton said we want to change it so the owner must live in one dwelling and have one STR located in the ADU. Homeowners will need to comply in the future for renewal. Page 4 bottom, d 4, end of paragraph: why are we sending a

copy to the liaison. Supervisor Whitton said the town attorney suggested it, he will follow up. The fees will be increased, they are found in the fee schedule to be approved later this meeting.

Supervisor Whitton said we received all the comments in the last two days even though the law has been on the table for two months.

Katherine Mustello – agrees with raising fees and not sending renewals to the PB for approval. Wonders how many complaints there are on the STRs. Seems there are very few bad actors. Deputy Supervisor Werner said some people do not want to go on record as complaining; they are concerned about the backlash with neighbors. We need to assume there are more complaints than those who voice their concern. Katherine Mustello does not agree with one person having multiple rentals. MCEI Jeff Newman addressed the number of complaints. There are not a lot, there are concerns, neighbors show up to public hearings and they complain about STRs as a whole. Sees complaints about people buying homes strictly for STRs. Deputy Supervisor Werner said some complaints are not related to specific problems; they are philosophical objections.

Arlene Campbell - in Rhinebeck village, they do not allow non hosted STRs.

Paul Thomas, Chair PB – At the PB public hearings, the objections are mainly philosophical. One instance had a specific objection and the PB tried to deal with that issue. Asks the Town Board if they are changing the STR use to accessory use in the schedule of uses.

MCEI Jeff Newman - the use is still a gray area, read the definition of accessory use. Looks to the enforcement issue and points out that STR rentals have slowed. We have not seen any new applications.

Cynthia Koch – why aren't we charging a tax or a fee on these rentals like hotels do. Supervisor Whitton said we talked about it. We would have to hire someone to maintain this tax, rather our solution is to double the fees and increase the fines.

MCEI Jeff Newman – licensing fees can be charged for the operation of a business; this is an additional fee we can explore to raise fees.

Supervisor Whitton - said we are doubling the fees tonight and we can consider a charge per sq footage fee rather than a flat fee. Katherine Mustello is concerned that the per sq foot charge is more work for the Planning department.

At 6:41 PM, MM Supervisor Whitton, 2nd Councilman Werner to keep open the Public Hearing until 6:15 pm on August 13, 2024. All aye. Motion carried.

ADJOURNMENT

At 6:41 PM, MM Supervisor Whitton, 2nd Councilman Werner to adjourn the public hearing. All aye. Motion carried.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Carol-Jean Mackin".

Carol-Jean Mackin,
Town Clerk