

June 11, 2024

Schultzville, NY

A 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 6 people in the audience.

### **PLEDGE OF ALLEGIANCE**

At 6:25 PM, Supervisor Whitton called the public hearing to order and led the Pledge of Allegiance.

### **LEGAL NOTICE**

The Town Clerk read the public hearing notice aloud.

### **PUBLIC HEARING**

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

Jack Auspitz – Planning Board member, the Planning Board supports the shift for renewals to go from the Planning Board to the MCEI review. He is curious about if the applicant disagrees with MCEI why does the appeal then go to ZBA instead of PB. Supervisor Whitton said he feels that all appeals go to ZBA. Did you consider limiting total number of STRs in town? Supervisor Whitton replied yes, we considered it; we will be on shaky legal ground if we do that.

Arlene Campbell – Planning and Zoning Secretary, as a follow up to Mr. Auspitz on renewals: if a renewal is not in compliance, it should go to PB not ZBA, as it needs more processing.

Mike Dickett – has an STR next door. Felt the concerns he had were not given much concern during the application process and the permit was granted. The neighbor was supposed to follow certain criteria to renew and they were not followed and the permit renewed. We have over 60 STRs now and more will be coming in his opinion. You make the law; how can you not limit the number? Rhinebeck started STRs, they were overwhelmed and had problems, now they are looking to do away with STRs as they don't bring anything to the town. They increase traffic and cause problems with our roads. We are being run by NYC people who are buying homes and renting them. They spend no money here and we have limited offerings in Town. Katherine Mustello asked if he had a problem with a hosted str. He feels we are brining people in with no investment in the town. Believes we should outlaw them in the town. Feels most homeowners are not Clinton residents but an investment. Safety is a big concern and it is being ignored by the town. We should do away with STRs.

Chris Juliano former board member, there should be a benefit to the town with these STRs, we should consider a tax of some sort. Councilwoman Mustello said a tax is very complicated. Supervisor Whitton said we decided to raise fees and fines as a way to make income on these STRs. He has been consulting with the town attorney and advised that we will face lawsuits if we limit them. Mr. Juliano noted there are safety issues and is concerned about enforcement. Supervisor Whitton said we are enforcing the law, but we need additional help.

Arlene Campbell – regarding those that are unhosted, do they need an inspection? She does not see that in the law. Other towns have a cap on the number and believes we can do that. Supervisor Whitton asks: who will enforce that? Ms. Campbell replied that we wrote the law because we had many who had STRs illegally, and now we can control it.

Dean Michael – there is no financial benefit to the town with these STRs. Believes in landowners rights but we should limit them. Corporate owners drive homeowners out and drive up home prices. On Item D-3: limiting two properties to one ultimate benefit owner, he recommends changing the limit to one property per owner. Previously, the major complaints come from out of control tenants, so under section 2 we talk about the no. of rooms as to septic size, suggests we say there should be a cap to 2 tenants per room, this won't stress the septic system and will limit the number of residents to the original design of house. Deputy Supervisor Werner said the Planning Board does limit the number of lodgers in general. PB member Jack Auspitz said the PB assumes no more than 2 per bedroom and then a total number is listed.

Lynn Miceli - the landscape of real estate is changing. Some towns allow timeshares. There are brokers buying 100s of acres and then subdividing building million dollar homes on smaller parcels. Feels it is Not right that a residential property be assessed against an LLC. The assessor uses numerous codes. Once you change ownership to an LLC it is now a company, not a residential property. The LLCs should be assessed against each other not against a residential property. To increase application fees by \$1000, large landowners are not going to care about that increase. Renting a home for a year is a commercial property and it should be coded that way.

Jeff Newman – MCEI, questions the definition of lodger, does it apply to minors? The hosted doe not require an inspection of MCEI, should be reviewed. Any amendments tot a permit go before the PB. Regarding the section discussing the Hotel tax certificate: he understands that the site Airbnb collects the tax on behalf of the str, so the county has stopped issuing tax certificates for those listed on Airbnb. We need language that address this as the county will not issue a certificate of taxation to Airbnb. As written, Hosted section does not require septic inspection, this should be changed. In Section d 2 g update to include "chapter" to be sure the property is in compliance with the uniform code. After the MCEI reviews an initial application, it should read that it then goes before the

planning board for approval. It should say that renewals go to the MCEI for approval. Appels should go to the ZBA for an MCEI determination of an issue or concern but changes made to the initial application upon renewal should go to the Planning Board for review. He notices in many towns that STRs have changed homeownership affordability. Feels that limiting STRs should be explored as they change the nature of the town.

Bruce Brown - how do you handle a hybrid situation such as an accessory unit and non-accessory units, for ex 3 buildings on a property being rented, one hosted, one non hosted. Whitton said there is limit on number per parcel. The new law limits how many a person can have.

Jeff Newman, MCEI - there is currently no limit to hosted STRs. But we do have properties that have more than one accessory dwelling unit, they are a non-conforming use. Read the definition of hosted aloud and explained one owner can have adjacent properties each with their own ADU and each being hosted and not required to come before the Planning Board Councilwoman Mustello said we need to review that definition.

Lyn Miceli - LLC properties she researched were underassessed. Residential properties are the opposite. The LLCs Bought high and assessment is lower.

Arelene Campbell - how can we avoid people buying properties just for investments, we need to find a way in the law to be sure an owner lives there.

At 7:04 PM, MM Supervisor Whitton, 2nd Councilman Werner to **keep open the Public Hearing until 6:15 pm on July 9, 2024.** All aye. Motion carried.

Sup Whitton thanked all for their comments and in response to Mr. Dickett's comment, said that he does not see how STRs vs. home ownership creates a traffic issue.

### **ADJOURNMENT**

At 7:05 PM, MM Supervisor Whitton, 2<sup>nd</sup> Councilman Werner to adjourn the public hearing. All aye. Motion carried.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Carol-Jean Mackin". The signature is fluid and cursive, with the first name "Carol" and last name "Mackin" clearly distinguishable.

Carol-Jean Mackin,  
Town Clerk