

Town of Olive
County of Ulster
State of New York
Tuesday, April 19, 2022

Minutes of the Public Hearing on Local Law #2 of 2022 Short Term Rental Law, held Tuesday, April 4, 2022 7 pm at the Town Hall, Bostock Road, Shokan

Members Present: Jim Sofranko, Supervisor
Drew Boggess, Board Member
Scott Kelder, Board Member
Victoria Read, Board Member

Not Present: David Edinger, Board Member

Recording Secretary: Dawn Giuditta, Town Clerk

Others Present: Gene Sorbellini, Recreation & Facilities Director; Steve Dibbell, Planning Board & Zoning Committee; Ed Kahil, Planning Board; Ed Maldonado, Zoning Committee; Dianna Carchidi, Assessor & Zoning Committee

Meeting was called to order at 7:04 pm. There was approximately 35 residents in attendance.

Supervisor Sofranko asked the Town Clerk to read the legal ad that was placed in the Daily Freeman on April 7, 2022.

Supervisor Sofranko thanked everyone for coming out for the public hearing on the Short Term Rental Law Local Law #2 of 2022. He stated this would create Chapter 114 entitled Rental Properties in the Town of Olive Code. This is a public hearing for the Town Board to listen to comments from the public on the proposed law. There will be no discussion or question and answer as this is a public hearing, it is for comments to be heard by the Town Board. He commented that a public hearing was held last year on September 29, which was an earlier version of this law and after hearing your input the Zoning Committee amended the law taking into account previous comments and input from the Town Board. He wanted the public to know that they listened and made some adjustments. He asked everyone to limit their comments to 3 minutes and if they would like they could submit their comments in to the Town Clerk or they could email them to the Board. Their comments will be filed and kept in the public record.

Jessica Grable- 614 Acorn Hill Road, Olivebridge- I am a dual resident, I am also from NYC my legal address for family and residency reasons is the NYC address. I have been a resident since 2011, I have been doing a Short Term Rental (STR) since 2013. When my daughter was born, it allowed me to stay home with her until she was 9 months old. I think a lot of the nuts and bolts safety stuff that's in here are what I was already doing. Some of it I have already implemented. It's nice to have, the platform I'm on is AirBnB they're not very comprehensive, so actually a lot of this stuff was good to see put down. I

am wondering about the inspections, it seems like a lot of man hours, and leg work for the town to do. So, I haven't seen much in here that explains how that's going to be handled. My main objection is 180 days cap since my tax address is Queens, I would count as a non-resident owner, but the house that I have is tiny and its my home, and I'm not going to not be there. I'm not going to be come a long term rental (LTR). I sympathize to the long term rental situation; I think that addressing the lack of long term housing and the lack of a system or nuisance complaints might be more constructive way to go further than with some of the limitations that are in this legislation.

Josh Paynter- 4253 Rt 28A, West Shokan- I've been a resident since 2007, it's been a nice time up here until recently. I don't want to be in a contentious situation with those that are in defense of the Airbnb's or STR, but I do think that living next to one the impacts have been pretty profound on our life, our comfort levels here and broadly speaking the impact on the schools or cost of living up here. I think that we all know what's happening with the property values and it's all artificially inflated. I believe by the prospect of any home to be essentially a small business and not an actual residence. Any house at this point is now valued at a business and not as a home, and that makes it that nobody can really live here anymore. I live next to a house that just went up for auction today, a fifth of an acre, and a tear down house sold for a crazy amount. A fifth of an acre for \$140,000 dollars. This is an untenable situation and the impacts we're probably going to see are going to redefine this area perpetuity. I do feel like I'm alienated from my community. I have to deal with people coming up sometimes every day, sometimes every few days. The amount of noise is preposterous, it's all summer long. I work all during the week, and I understand they're on vacation and they want to be festive or whatever you want to call it, disruptive is more appropriate. With a renter who is there for only a couple of days, they don't owe me anything personally. There not a committed participant in this society, they don't understand our culture here and they come up and their ready to rage and they do. When we make ourselves known to them, we have children trying to go to sleep, we don't get we're sorry and they do inside. We get expletives. I don't know where to turn, I don't know what to do, but the police, I'm not a cop caller, I don't want to do that. I literally could give the cops a full time job coming over to my house every week. It would be a preposterous use of our police force to be inforing sound variances all over the County, all over our township at all hours. So now I'm in direct contention with every single person that comes up there, there hasn't been a single guest that hasn't been inappropriate in my estimation , it's insane.

Allison Irwin- 26 Shokan Park Road Shokan- I watched the 9/29/21 meeting, I thought that you guys did a really great job on the 29th and I also listened to the January meeting. I don't live near anybody who has an AirBnB, but I live near 3 houses that were sold recently for really high prices and could be an AirBnB, and I hear terrible things about it, and I don't really want to have any problems with it. So, I'm happy that you're trying to address this. I don't think it talked about fees, and the other thing you guys mention that I thought was a good idea was inspections being staggered. Somewhere in there it says you must have the house number displayed; at our house we are very focused on our fire number. If they have to call the fire department the fire number being displayed, along those lines if there is a storm do they have to have a land line available. How many STR's are there now and are they listed somewhere? Will they be listed somewhere? Is there going to be some kind of depository and is there a section violation? If there are repeated violations, should they be revoked, along those lines , owner host should be available within an hour? Short Term Rentals is a business. I like that there are limits if you live here, you can have more than one, but if you don't you can only have one, and I like there are no corporations. What will the Town Board do about current LLC that might be grandfathered in?

Scott Barrett- 48 Lang Road West Shokan- I'm a full time resident with an AirBnB on my property. I have had people on our property 10 feet from our house for a year and never heard one of them. The fact that you have to hear any of your neighbors is awful, and the issue should be with the people that own that house and are not taking care of their guests and keeping control of things. I live here, I have a kid here, I coach t-ball here, and I want it to be quiet. I want it to be a peaceful place. The two issues I have and one has already been brought up, the application process feels really complex, it's hard to follow, I read it like four times today and really don't understand like the A to Z process of what I need to do, who I need to talk to, who is getting involved. I don't understand having my well water tested once a year. It's well water just like everyone else's here. We drink from it, it's the same well. If there is a way to simplify and streamline the application process a little bit, I would appreciate it. I don't know if other people would. The other thing I'd say is the 180 days thing, I'm full time resident it wouldn't really impact me, but I do think that you're not necessarily going to get people who are going to say, well if I can only get 180 days then I'm going to long term rent this place. I think what's going to happen is your just going to have places sitting empty, which again there are a lot of things that do need to happen with long term rentals and affordable housing here. I thankfully bought before the pandemic, but I know those things need to change, I know that the noise is an awful issue, I've heard stories about people who have had guest ring their doorbell because they couldn't find the house, they were looking for at 10:00 o'clock at night. None of those things should be happening and I think these addresses all of that and I really appreciate it.

Sherret Chase- 189 Chase Road, Shokan- My family has been up here for 100 years or so, we have 4 cottages on the property two are being lived in by my sister Helen and myself. The other two are 2nd homes for other members of the family, it's unlikely that any of the 2nd home cottages will ever get into the long term rental pool, because our family depends on the property. I'm in favor of having STR's in town it helps pay our taxes, it helps pay our maintenance. It does bring business to the local business owners, and we do have some STR owner neighbors. I've never found them to be a problem, and if there had been I would have addressed it to the owner of the property rather than depending on complaining to STR people, who of course have no particular reason to listen to you, but the owner of the property will. I'm opposed in general to excessive regulations. The object I've been hearing primarily could be addressed by a better use of regulatory process, and create public nuisance regulation. Why pick on STR's it's a target that's misdirected. If we have problems with noise, and trash, or parking on the road, that would be better served with a public nuisance regulation. It doesn't Necessarily have anything to do with STR's. You can have a public nuisance with any number of ownership situation, it doesn't always have to be a STR. It's always good to have guidelines, but much of what you got is reasonable and probably well thought out and certainly a lot of consideration has gone into it, but a lot is punitive and arbitrary and I don't think has any good basis in business sense or doesn't create any betterment for the town. I do have a list of suggestions for striking words, sentences, paragraphs, and just changing certain portions of your regulation Chapter 114 1-6 and I will submit that in writing to you because I don't have enough time to read all four pages of it. One question I do have is given the amount of effort required by the code enforcement officer, who is going to pay the extra salary this is going to take? We have 135 certificates of authority with the County for hotel/motel use, and STR falls into that category it will be more. Who's going to pay for the additional administrative costs, the additional cost of inspections, even writing the permits themselves. It's going to be a significant cost to the tax payers to administer this whole process.

Mr. Chase proceed to address the changes he believes should be made to the current version of the STR Law, but he stated he would forward this to the Town Board members.

Maryann Shepard- Private Road 6/RT 28A, West Shokan- I have lived in the Town of Olive for 40 years and I have seen what some people have described the changes in the town especially recently with the growth of STR's. I live in the village of West Shokan, I have an AirBnB very close to me that now has four units on a postage stamp size property. With all due respect, I don't know how he has potable water and adequate sewage system. So, water testing is a valid concern, sewer system is a valid concern. A septic system that would only have one or two houses on it, now has four units on it. Recently another house that was sold for an exorbitant amount of money, it's basically a shop, it's going to be renovated and they just let us know their going to have an AirBnB. We will be surrounded and with all due respect, in terms of long term rentals these are houses that people lived in, or if they did have a renter on their property it was a long term renter. I had a long term renter for 17 years on my property. I think that STR has a significant impact on housing in the Town of Olive and will continue , and I thank you for taking the time to draw up these regulations. I am not opposed to STR's I think they're a good thing in moderation and with some regulation.

Kimberly Ross- 62 DuBois Road, Shokan- I worked in the B&B business in Woodstock for the last 5 years cleaning them and I just want to make a very strong statement about the amount of garbage and the water usage. Not only in the home while the guests are there, but when we go in. So, we're there from about 4 to 8 hours , 2 to 3 girls moving 3 to 4 bedrooms at a time. I can not physically fit one homes garbage after 2 or 3 days stay in my CRV. So, I stopped working for them until they got a property manager, because the homeowners lived in Manhattan and were not close enough. So, I decided I couldn't work for them that way, there was no response at all, and I couldn't respond to the guest. I don't look at the guest, they should never see my face. There's no communication, so I don't know how you're going to tell people how much toilet paper you can put in a septic. I was here a couple of weeks ago for the sewer district discussion, which is very fragile discussion. A lot of these same people are here and the impact on the infrastructure is massive. In a 3 or 4 bedroom home I am washing in a washing machine for the entire time I'm there, and then I'm drying. It's a tremendous drain on electric, septic and your garbage. So, I have a huge concern. I also lived on Easter Island and I watched what happens to a place when people come in from the outside, it's not able to be pulled back ever. The changes are permanent and forever. Somebody mentioned culture, I'm very respectful to that term. We have a culture here and it's going to get washed and we're not ever going to have it back. We can not bring trees back, not going to be able to clean dirty water, even though you're trying. Bed and Breakfast have a wave, there are times of the year when they are light, like Thanksgiving or now, and then there going to pick up again. When they pick up in the Fall every single homeowner needs to clean their chimney and never are you to allow them to stock their homes with Duraflame and Fatwood the stuff causes creosote build up which starts fires. They don't know how to make fires in the city.

Allison Irwin- 26 Shokan Park Road, Shokan- When you said who was going to pay for this, I thought that the inspectors would charge a fee and we would get a part of it, and I thought they were going to get lots of different inspectors from different places not just the Town of Olive and it wasn't going to be anything you'd sue people over, it would be a cooperative thing that Ulster County would have a list or something. I want to say this, the guns, there are people that come up with guns and because there in the country they set up a target thing and start shooting. I don't know if you want to say no weapons can be discharged, I mean not hunters, but there are houses around and they start shooting.

Keenan O'Meara- 162 Freeman Avery Road Olivebridge- We moved up here in 2014, moved to Olivebridge in 2017. We started doing our STR last July during the pandemic, we lost our jobs, we lost our line of work. So, we didn't know what to do. Short Term Rentals were kind of our closest option. I don't think I've heard anybody speak up here that I felt was wrong, everyone's had an experience with this. So, I appreciate you guys' effort to try and see if there's a way to smooth out something tenable for everybody. For what it's worth I just wanted to say it helped us a lot, I had to buy a trailer and we'll rent the house for as many weekends as people will allow, which we live in normally. Usually in the winter we just live in it. So, I'm a little late to the game, I just saw this today. So, I appreciate some notes, we'll read it more, but just wanted to say a little thing of what it means to us, and how much it's helped us.

Jo Ostrander- 11 Black Road, Shokan- I'm both a long time resident and a long term renter so, I've had tenants at my house for 11 years and I have other rentals. I am a mixture of AirBnB and long term rental and I find it's getting harder to accommodate the long term renter that destroy my property over time from neglect and I'm so drained from the monetary problems that I don't get with my AirBnB, because my AirBnB are just there on weekends. I see both sides of it, I've been a long term renter since 2003 so this is nothing new. I do treat this as a business and I do treat this as my home. The thing that I wanted to address about this being a business, well there's lots of other businesses in homes, and they're not regulated. So, I don't think that we have to be as regulated at least as strict as what some of these guidelines are. I used to have rentals in Kingston, they never tested my water. They had regular safety checks like you would normally have from a building department, they come in and make sure things are there, but I think I'm going to look at this list and I'm going to see some if the restrictions are a little harsh. I see both sides to the story and I've been doing AirBnB in my home since 2015 and I've been a resident here since 2003, and I don't have any noise complaints, and I feel really bad for people who have had really bad experiences. I do think that maybe nuisance controls, maybe those people should be the cop caller. You know don't put up with it. If there's a bad egg fix it, don't just lump everything into a category that all of them are bad. I've had pig roast, parties, benefits for people who have lost their house in a fire at my property, where I've raised a lot of noise, I've had two bands there and I could be held responsible for a nuisance, but it wasn't an AirBnB situation it wasn't an STR. So, I think that guidelines that you have are very strict and I'm going to address them singularly, but I see the benefits of both, and I left a job and didn't take retirement because I left early just because I wanted to pursue my rentals long term and short term, and I do have multiple ones in the area. I regulate them myself and when I'm not available to, I have other people help me, and it's just like me paying somebody else to come and fix my gutters. I think that irresponsible property owners should be held accountable, but you should not limit the responsible property owners. So, these regulations you have, I think are way to harsh, and hopefully you'll find a good mixture because no matter what happens here with this Board people are still going to be selling their houses, there are still going to be people leaving and more people will be coming in, whether they live in their houses or they don't. The properties are still going to be sold and it's very sad.

On a **Bogges/Read** motion the Public Hearing on Local Law #2 of 2022 Short Term Rental Law was adjourned at 7:48 pm

Aye: Bogges, Kelder, Read, and Sofranko

Nay:

Absent: Edinger

_____, Dawn Giuditta, Town Clerk