

Town of Olive
County of Ulster
State of New York

Wednesday, September 29, 2021

Minutes of the Public Hearing for Local Law #4 of 2021 Short Term Rental Law, held Wednesday September 29, 2021 7 pm at the Town Hall on Bostock Road, Shokan.

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

Recording Secretary: Dawn Giuditta, Town Clerk

Others Present: John Ingram, Zoning Code Enforcement Officer; Dianna Carchidi, Assessor; Janice Lanzarotta, Bookkeeper; Steve Dibbell, Planning Board, Zoning Committee; Timothy Peck, Planning Board; Bill Vilkelis, ZBA; Gene Sorbellini, Recreation & Facilities Director

Supervisor Sofranko opened the public hearing at 7:06 pm via ZOOM. He asked everyone to have their full name on the screen for identification and archival purposes.

The Town Clerk read the public hearing legal ad.

There were approximately 45 residents at the meeting: Sherret Chase, Howard Werner, Judy Coutinho, Compton Chase, Jeannie Franck, Christopher Sheller, Jeff Bauml, Anthony Carrino, Nick Banns, Nicola Whiteley, Lori MacHaffie, Lori Barrett, Jenny Mulak, Paul DeBenedittis, Kathy Hamilton, Britta Muehlbach, Kyle Applegate, Suzen O'Rourke, Lauren Espeset, Jo Ostrander, Camille Hackney, Josh Zabar, Maraleen Manos-Jones, Amy Oppenheimer, Helen Chase, and Edwin Maldonado. There were several others signed onto the meeting without names.

Supervisor Sofranko stated that the Local Law was introduced to the Town Board on September 14th. He asked all speakers to state their name and legal address for the record and limited each speaker to 3 minutes to voice their opinion. He advised the public that the Town Board would be listening and not commenting or answering questions at this time. He also advised that the public could email additional comments to him at olivesupervisor@gmail.com.

Supervisor Sofranko stated that the purpose of the public hearing was to give the public a chance to voice their opinions, concerns or support of the proposed local law #4 of 2021. This is a hearing for you to voice opinions and concerns to the Board so that in future meetings the Board can use this as a reference for any decisions they make. Supervisor Sofranko commented that this is the beginning of a long process and at this time the Town Board has not made any decisions or recommendations on the proposed regulation. There will be additional meetings where the Board will discuss the topic, but tonight they simply wish to hear your comments. The Supervisor has received many thoughtful emails and has forwarded them to the Town Board and Zoning Committee. Supervisor Sofranko thanked everyone for their submissions and would encourage people who have not submitted any comments to

do so at olivesupervisor@gmail.com. This method of communication has been very helpful, there has been some interesting insights into the issues that may have not previously been taken into account.

Supervisor Sofranko stated everyone has the right to express themselves, please be respectful and don't make any personal comments about each other. Anyone not abiding by a decorum of mutual respect will be asked to leave the meeting.

Sherret Chase- 189 Chase Road, Shokan

Mr. Chase commented there is so many in opposition to a proposed STR law that another public meeting in person might require a meeting at the High School Auditorium. He stated he would be brief with a recap of a letter he will be posting to all of the board members tomorrow. His primary points of objections to the STR Law are: a better use of the effort of the rewrite committee would have been to develop a public nuisance regulation. Which would cover the maxis of all the concerns that have been expressed. Also, many of the proposed regulations are arbitrary and capricious without support of data or documentation or objective analysis or justifiable. These will be the source of legal opposition to the STR law in whole or in part. He also objects to the taking of private property ownership through excessive regulation. He thanked the board for his opportunity to speak at the ZOOM meeting and he will send a much more detailed letter to all the Town Board.

Timothy Peck- 11 Brunel Dr, Boiceville

Mr. Peck stated he and his wife are longtime residents and are also owners of long term rentals in the town. He knows that the main thrust if the county and many people in the town is concern for affordable long term housing and he can say just from his stand point that when they put a long term rental on the market typically, they get 10-15 responses from potential renters and just recently in the last few years that number has doubled or even tripled. So, he thinks that it is accurate that there is a shortage of affordable housing in the area. His concern with the regulation is that the town may over shoot the cap. He knows the total cap being thought about is 2-5%, those with existing AIRBNB may have an opportunity to get grandfathered in, but he suggests to the town to consider after everything gets settled first. He thinks the town should give the cap about a 12 month period than set the cap. Mr. Peck did ask if the town has taken any steps to get accurate data.

Supervisor Sofranko stated that the Board is not answering any questions at this time; however, he would state that at the last meeting the Town Board authorized him to sign a contract with Ulster County that has software and an arrangement with AIRBNB to report; the STR on the platforms that they monitor. He stated the town will be looking forward to getting that data because we don't know the number right now of STR rentals in the town and not sure if that number is completely accurate.

Paul DeBenedittis- 24 Butternut Knolls, West Shokan

Mr. DeBenedittis stated he wanted to make sure he used his time wisely and wanted to say that he supports everyone that has spoken thus far. He wanted to find out how he best can agree with what has been stated. He is concerned as someone who's has been a long term owner in the community that also rents in the cap and he isn't a fan of it. He believes that it is also putting an undue burden on the town as many people that want to make a financial investment in this town will be deterred from doing that in the future. He doesn't believe this is the answer to affordable housing because he doesn't believe that any of these rentals really are a solution to affordable housing. He is also concerned that many friends, colleagues and people he does business with that primary business is supporting STR's are

going to be forced out and these are people who are multigenerational and have been here for a long time, their kids are on the verge of going elsewhere to find affordable jobs and they are actually able to stay in this community because they are able to support the STR business. He thanked the Town Board for listening.

Scott Barrett- 48 Lang Road, West Shokan

Mr. Barrett and his wife wrote a note to Board Member Boggess and Supervisor Sofranko a couple of days ago and it outlined a number of things. The main thing being that they are full time members of the community, they are active in the community and their son attends school at OCS. Mr. Barrett coaches AYSO at Tongore Park, they go to the library and vote here. They also have a STR they understand the need for some of these things, some regulation, however; they are also concerned about the cap. Mr. Barrett stated that the reality for people like them is their STR is on their property. They like to have control over who is there and when they are there. Right now, it is empty and it will just sit empty if there is a cap. There is not going to be another option for them. Mr. Barrett wanted to pose another question to the Board. He wanted to know what other measures were being taken to try and solve these problems because he thinks just looking at STR 's is a little bit short sighted and a little bit unfair? He thinks there are a lot of different things, whether its noise complaint , housing or whatever that are impacting that besides STR's and he'd love to hear from the town what other things they are considering to solve these problems?

Kyle Applegate- 128 Upper Boiceville Rd, Boiceville

Mr. Applegate thanked the Board for sharing their concerns. He stated his husband has lived in this area for 19 years, he was in Chichester before. His big concern is about trailers and campers. They have a camper that is like 25ft from his house in their backyard and all their renters are short term. Only weekends and seasonal April 1 through November 1st. Our renters have been respectful and quiet. He is concerned about a noise ordinance because while his renters are quiet all he hears is his neighbor's using chainsaws and construction on both sides of him all summer long. In the AIRBNB realm we are really small fish and we are heading into retirement. This AIRBNB really has helped them get through COVID and hopefully it will be our pre-retirement plan.

Jenny Mulak & Ariel Siso- 64 Chase Rd, Shokan

Ms. Mulak stated that they have a STR on their property and they live there as well. She sent an email with more details of their concerns, but wanted to try to reiterate their biggest concern is the occupancy limitation of the 126 days, 26 weekends cause currently they are making their living from their STR and would be limited severely if those limitations were put into place. They also agreed with some of the other concerns that were raised here. They do think that there is a need to have some kind of regulation in place, so they do appreciate that. They do love living here, the privacy, and the peace and quiet they wouldn't want to do anything to compromise that and understand some regulations in place. They just hope that what gets decided won't be to limiting for those of us who are living off this income.

Brian O'Rourke- 20 DeSeo Dr., Shokan

Mr. O'Rourke stated his concern is he has seen a lot of exchanges go back and forth that seem to be positioning this as AIRBNB's is maybe a nuisance. He commented that we just need some regulations to deal with the nuisances and we are trying to over regulate here. Mr. O'Rourke believes that people are missing the bigger picture. He stated that across this nation there are many serious problems with AIRBNB. In many other jurisdictions like the City of Santa Monica are either going to eliminate them or

clearly restrict them. Normal AIRBNB's, someone just doing things occasionally that's fine but when it becomes income generator the sole source of a business than things can get out of control. So out of control that these other communities are taking severe steps. He thinks Olive needs to take some conservative steps now so we don't make the mistakes of other communities. He stated that is all the town is attempting to do here, not trounce people's rights but make sure everyone's rights are respected.

Jo Ostrander- 11 Black Rd Shokan

Jo Ostrander would like changes to be made, she feels it is very restrictive. She is not only a town resident since 2003, but she also is a landlord of long term rentals and she does have an AIRBNB at her primary residence for the last 5 years. She feels the way the law has been written is far too harsh for her to continue to pursue her business. She has a lot of long term rentals and she has people with her for 11 years and she is kind of fed up with the situations she has that come with the long term rental. She was looking forward to starting another STR, it's much easier on her properties. It's easier on her to manage as a caretaker and her properties do not get damaged like they have. She is hoping that the people who have submitted more details the Town Board will look at all the pro and cons of lessening the restrictions so we can continue.

Josh Zabar- 3234 North Scottsdale Dr. Scottsdale Arizona

Mr. Zabar has a property located at 239 Bostock Road in Shokan. He assumed that Mr. Chase had already spoken and he wanted to second his comments. Mr. Zabar has been involved in the STR economy for some time. He stated he was one of the first people that started using AIRBNB's when it came out about 13 years ago in Los Angeles. He started using it because there were zero hotels in the Town of Venice in Los Angeles. People would visit and it's a wonderful thing for the economy. It allows people who don't have access to an area to access something that isn't a hotel which he thinks is really important from the prospective of families wanting to spend time together especially after COVID. Reunions of friends who haven't been able to see each other for a really long time. There is something very unique about spending time in a place that is not a hotel and especially considering the fact that there are very few hotels in the area that we're speaking of in the Town of Olive. He just wanted to mention that the concept of an STR is not evil it is actually incredibly beneficial. The regulations put in other towns like Santa Monica can't compare to Olive. Santa Monica is a thriving town of almost 100,000 people, they have different regulations based on different needs of their populous. Looking at Olive and his experience being here it's a beautiful place. It's a place that is inviting, welcoming, people are friendly, kind and nice and it's seen a huge growth since COVID has made people realize they don't want to be in cities anymore. I've seen STR laws from other towns and unfortunately the issue really short sighted regulations; that don't necessarily correct the core issues. As a renter when he was doing this in Venice, he had an apartment there and lived in another separate place for about 4 years he had zero issues with any of his guests. He was an appropriate renter, he made sure his guests were not being too loud and if there was an issue he went over there and he had everything organized properly. If there was an issue, he would make sure to handle it quickly and swiftly so that around him wouldn't get upset. He thinks sometimes when you create a rule that's onerous and sort of arbitrary in the beginning it limits the ability of people to engage in commerce and let's be honest a LTR is commerce, and a STR is commerce so there in the same bucket. He believes as one of the rights of owning property is the ability to earn money on it. He thinks the real issue here is that noise complaints and public safety are the main issues. Mr. Zabar doesn't understand how anyone could rightfully believe that the number of properties in the rental pool or the number of properties in the purchase pool is really an issue here

because the vast majority of STR homes that we're discussing obviously are second homes for my family. He stated they use the property 2 or 3 months out of the year and when they're not there they rent the property. He stated he can do LTR or a STR. STR is more beneficial, it keeps people in there and obviously has a lot less damage to the property as his experience doing LTR. His LTR they create tremendous amounts of issues to the house, clean up, maintenance and up keep. He has actually found doing a STR for him is far better because it keeps things fresher. He has people in there cleaning the property a couple times per week. He is opposed to completely cutting off his ability to rent his property from the beginning or cutting down the number of days from 365 to 180 which to him is completely arbitrary and doesn't actually do anything but hurt the local economy. The amount of people he has on his property is contractors. They are all going to be negatively affected due to the potential limitations on the ability to rent the house. He has about 12 to 15 folks' cleaners, rental managers etc., limiting the cap on that only really effects the town and effects that. He believes Olive wants the people to thrive in the town and be above the average income line. He stated you have to think of STRS as a really positive benefit to giving more money to the people in town so they can have extra income to go on those vacations or whatever it might be. By limiting that you cut businesses that are already struggling to be 365 days a year business anyway. He thinks the Board should think about that prospective. Mr. Zabar also takes issue with LLC's. When a family decides to put their property into an LLC or trust that's a family decision and he thinks there should be language in the proposed law that big corporations coming into do it with an LLC but to say that a family can't put our property in an LLC to protect ourselves legally for LTR or STR.

Maraleen Manos-Jones 434 Bostock Rd

Mrs. Manos-Jones commented that we are a small town she thinks we have about 5000 people, population ½ full time, and second half second home owners. Neighbors and Neighborhoods are different than living in large towns. We're a small town and all of a sudden, we're surrounded by hotels and people coming and turnover, turnover. More garbage on the sides of the road, less concern for the environment, less concern for the community. She stated she hears a lot of me making money and everyone should be able to make a living but not at the expense of the quality of life in this small town of Olive. She thinks regulations are appropriate and people who live here should be able to rent out their property and help their income. But people coming in from all over saying what a gem of a place. In fact, she is an environmental activist and she has help make this town and the surrounding community more beautiful, a better environment for pollinators and a better environment for people. Not to make it a commercial enterprise on this gem of a place and also there is concern with traffic on small mountain roads and quality of life, noise issues. Quality of life is important in this gem of a place. It's not someone coming in with a few maid services, that not how this town thrives. This is a wonderful community and community is about being connected and STR's have no investment in the community, they're not adding to them, are just taking out. I don't want to be surrounded by hotels it all has to be balanced.

Scott Barrett- 48 Lang Road, West Shokan

Mr. Barrett agreed 100 % with Maraleen especially around garbage and clean up and all of that stuff. As well as not wanting this to be a corporate enterprise. He thinks it shouldn't be a bunch of corporations coming in. He stated he wanted to comment on one more thing. He said he lives by Davis Park and they have had 6 different guests in the last year who were friends or family of their neighbors. A lot of them have been people who have grown up in Olive or West Shokan, who are coming home to visit people

and didn't have space in the house. He stated that that is another thing to remember, it's not all tourists.

Nick Banns & Tracy- 2638 RT 28A West Shokan

Mr. Banns wanted to add to what Mr. Barrett had said. His situation in relation to this might be a little different, he was considering building something with the hope of using it for family stays as STR to help pay for it. During COVID it become increasingly hard for people to travel and his mother is getting older and she is coming from the UK and for them to have a place to stay for a long period. It's harder to do a STR stay on her end. He was hoping to build something for her to stay in and subsidize it as a STR. If you are a permanent property owner could be classified differently than if your just purchasing multiple properties in the area to AIRBNB them.

Michelle Stuhl- 398 Peck Road, Shokan

Ms. Stuhl has lived in Shokan for many decades and enjoy the quiet life style and her concern that what we have here occurring in the STR space is the more event oriented marketing that's going on sort of masquerading under AIRBNB. The STR ad were buried in the ad or even more blatantly in the ad the idea these things are for events. This changes the whole neighborhood nature. She is not against the idea that some folks want to rent out a quest house or their home if they choose to travel. Those kinds of situations are very reasonable and she doesn't see them as changing the nature and flavor of the community, however; she really takes issue with investors coming in purchasing properties with the basis of renting them out as a commercial structure and building events into these commercial situations. They rely on complaints or policing of the neighbors to deal with what's occurred based on noise, water usage, sound connected to music, garbage, and traffic this is just completely outside what should be occurring in a residential focused area that's inappropriate. So, the concern is not reasonable use and ability to control your own property but the impact to the community that are geared in a way that are disruptive and really, really distrusting. She is taken aback by the quantity of sneaky marketing that's going on with this sort of imbedding an event space into a residential area. She encourages the town to restrict that for sure and find a balance. The other concern she had is the community without any option of home ownership. She would hate to see that in an area that is so family oriented.

Jennifer Perillo-5106 RT 213 Olivebridge,

Mrs. Perillo stated she was very pleased to see that this was a conversation happening, something the town was looking to try and gain better control over because she strongly believes there needs to be a better type of balance between rentals and affordable places that people can live. Obviously like a lot of other small areas that already brought a lot of tourists up for the weekend, we've seen exceptional growth. She stated that we probably all have seen property values go up and taxes go up. I do support having limits on STR, however; I don't have a problem with STR. What she had a little more issue with are the really strict regulations like having inspectors or getting a permit. She felt like it would really hold STR to the same standards as a motel, hotel or BNB. To Mrs. Perillo that doesn't fit right. She hasn't rented her house for very long time, she lives here full time, but as expenses get a little tighter and she tries to figure out family vacations, she not opposed to renting her home for a week or two to afford a vacation for her own family. She is against the need for inspectors or permits for the occasional rental of her home and believes she should be allowed the flexibility to do that. She believes there should be some middle ground.

With no more comments to share the Supervisor thanked everyone for participating and reminded them that if there are any further comments, they may email him and he will share the emails with the Town Board and Zoning Committee.

No further pertinent business the Town Board adjourned the meeting on a Sofranko/Bogges motion at 7:58 pm

Dawn Giuditta, Town Clerk