

**APPROVED**

**1/9/2023**

**June 20, 2022  
Town of Taghkanic  
Town Board Meeting**

**Note all documents in these minutes may be clicked on and enlarged for easier reading**

**6:30 pm:** The Taghkanic Town Board held a meeting on the above date to review the STR Draft Regulations. *Supervisor Ryan Skoda* opened the meeting with the Pledge of Allegiance and moment of silence.

**Town Board:**

<b>Present:</b>	Ryan Skoda	Supervisor
	Joyce Thompson	Deputy Supervisor
	Elisabeth Albert	Board Member
	Elizabeth Craig	Board Member
	Kara Gilmore	Board Member
	Linda Swartz	Board Member
	Cheryl Rogers	Clerk

*Supervisor Ryan Skoda* turned the meeting over to *Board Member Elizabeth Craig Chair of the STR Committee:*

Members of community in attendance in person: Loretta Hoffman, Susan Raymond, Jeff Tallackson, Chris Tallackson, John Clarkson, Barbara Hermance  
In attendance by Zoom: Jordan Handler, Shay & Anat Moscona-Ishai, Donay Queenan, Amelia Tuminaro, David Plakon, others who did not comment

(Jordan H) What is process for adopting this STR law, referendum or what?  
(RS) Simple local law subject to public hearing, board vote will determine?  
(JH) Approx how many STRs in Taghkanic?  
(EC) Last check via Granicus found 32 STRs.

(Barbara Hermance) Asked whether STR regulations would be Local Law or part of new Zoning.  
(LS) Intent is to make it part of new zoning law.

(Susan Raymond) Regarding resident letters to board about STR, where will these be made available to public? Will these be posted on town website?  
(LS) Any correspondence will be in minutes of TB meetings. People can send correspondence directly to STR committee and they will be made publicly available.

TB reviewed the list of definitions in the draft STR document.

- LS suggested changing Bedroom to “sleeping room” to cover pull-out couch in a den, for example. After discussion: Either mirror residential code for ‘bedroom’ or come up with something new.

- EC re: Principal Resident definition: Committee's intent is to allow any resident of Taghkanic – whether part time or full time - to rent their property as an STR. Committee is not in favor of allowing businesses, or individuals who are not residents of Taghkanic, to operate an STR in Taghkanic.

(Loretta Hoffman): B&B are not licensed; they are the same as STR, residential property used for transient guests. Inns are licensed. This was noted by the Board.

TB reviewed the Regulations

(LS) 'Registration': draft does not make clear what that means. Need to clarify Registration vs Application – (EC) Sentence will be reworded.

(KG) Outline format should be improved: don't use A unless B

(Barbara Hermance) (muffled) Can non-resident owners be excluded?

(EC) Committee followed language of Red Hook law on this issue. Open to input to improve this language.

(KG) Was there consideration of how long a person had to reside in the dwelling before establishing STR? This topic was discussed by Board.

(EC) Advice from Granicus was that enforcing / verifying day limits virtually impossible. If you can't do this, then don't make law.

(KG, EC) Agree the language in the doc does not make clear the intention to exclude external corporation from establishing STR in Taghkanic. While the intent is to exclude corporations / entities who are non-resident and have no other relationship with Taghkanic, there is no intent to exclude individuals whose home may be 'owned' by, e.g., a family trust, where the residents do vote and show Taghkanic as a place of residence and in all other respects are recognized members of the community. So, the wording will have to make this distinction.

(John Clarkson) Cautions that much of this language may not be enforceable.

(Chris Tallackson) Did committee ever decide on how many days the STR can be rented? The host company (e.g., Air B&B) should have record.

(EC) The host company can tell how many days the STR is listed, but not how many days actually rented. Owners should keep records.

(EC): Do we want to work with Granicus or similar to track activity?

(Audience) Granicus is already in law suits; be cautious

Board reviewed the need for evidence that required safety provisions are provided for state and local building codes have been met, including: safety egress, 911-EMS- compatible, address marker visible from road - as required by Fire Dept.

Other: documentation of cleaning of chimney. Location of access gates, other property specific features

(KG) Will resident simply fill out application, or will it be required to go to Planning Board to get approved? Discussion followed.

(Loretta Hoffman) Neighbors have a right to know and comment when it's a business operating without the owner present.

Joyce read comments from Zoom

(Steve Smollens) - Registration will precede seeking a permit; can be used to prioritize if numbers are limited. He also sent links.

(KG) Is the application a Planning Board or CEO issue? Discussion

There was a discussion of the 1000-foot issue. When, how to raise an objection?

(Loretta Hoffman) Took several minutes to convey her dissatisfaction that STR regulations were not sorted out in 2010 when she first told the Town what they needed to do.

(RS) This is not a public hearing; the Board needs to get on with their review.

Board addressed Fire, Safety, Health requirements.

(KG) Should indicate a time period by which CEO will respond if there is a failed inspection. Re-inspection may be required - within 30 days.

(Shay Moscona) Building inspection will make town liable. Discussion. Suggested that resident must hire independent inspector.

Board will ask for attorney advice. Whole section will be revised with attorney advice.

(KG) Do we need Section 3? - Discussion

(KG) Needs more narrative. - Discussion - Need to spell out somewhere that only residents are permitted to have an STR.

(Amelia Tuminaro) STR owners submitted a revised draft on Mar 21 to the STR committee. Urges Board to please have a look at it.

(EC) The draft Amelia referenced was review by the Board in May and ideas incorporated.

(Loretta Hoffman) Suggests STR local host be in Taghkanic, and offered herself and her husband to do this for all local STRs.

(Donay Queenan) 20 miles is a long way, particularly in bad weather

**Zoning Law Review:** next meeting were set as follows:

**June 29, 2022 6:30 PM STR review and Zoning review**

July 18, 2022 6:30 PM Zoning review  
July 27, 2022 6:30 PM Zoning review

Audience Comment:

✚ *Susan Raymond*: give more time for comments.

8:30 pm Executive Session: *Board Member Linda Swartz* motioned to enter Executive Session to discuss personnel, seconded by *Board Member Elizabeth Craig*.

Approved      5 Aye      (*Ryan, Elisabeth, Elizabeth, Kara, Linda*)  
0 Nays  
0 Absent

8:40 pm Executive Session: *Board Member Linda Swartz* motioned to exit Executive Session, seconded by *Board Member Elizabeth Craig*.

Approved      5 Aye      (*Ryan, Elisabeth, Elizabeth, Kara, Linda*)  
0 Nays  
0 Absent

June 20, 2022 Abstract: on a motion by *Board Member Linda Swartz*, was approved for payment, seconded by *Board Member Elisabeth Craig*.

2022 General Fund Vouchers	#	239	-	\$	21,311.00
2022 Highway Fund Vouchers	#	-	-	\$	
2022 Hwy Project Fund Vouchers	#	-	-	\$	

Approved      5 Aye      (*Ryan, Elisabeth, Elizabeth, Kara, Linda*)  
0 Nays  
0 Absent

With no further business, on a motion by *Board Member Linda Swartz*, seconded by *Board Member Elizabeth Craig* the meeting was adjourned at 8:45 pm, carried unanimously by all members present. The next Regular meeting will be July 11, 2022 at the Taghkanic Town Hall.

<b>Audience:</b>	Barbara Hermance	Chris Tallackson	Jeff Tallackson	Susan Raymond
	Joann Klein	John Clarkson	Ellen Clarkson	Clayton Kirking
	Linda Reardon	Loretta Hoffmann	Andre Pretorius	

**ZOOM**

<b>Audience:</b>	<b>Joyce Thompson</b>	Kevin Pastor	John	Celine Keegan
	David Plakon	Amelia Tuminaro	Sherrill Kurland	Doug Craig
	Jordan Handler	Anat Moscona-Ishai	Shay Moscona-Ishai	Donay Queenan
	Steve Smollens	Nancy Rutter	Merridith Glabman	Nick Frost
	Lynn Cheung	Anna Badalamenti	Eugen Krishnan	Bob
	Michael			

Saved Chat from the June 20, 2022 Town Board meeting to review the Draft STR Regulations

19:03:10 From Steve Smollens to Everyone: Registration creates the hierarchy of persons standing in line for consideration of a permit. So the registration is before seeking the permit. Someone may show their registration as of a particular date for priority in consideration of a permit

19:08:16 From Joyce Thompson to Everyone: Thank you, Steve. I will bring chat items to the meeting at some point.

19:08:43 From Steve Smollens to Everyone: Thank you, Joyce.

19:11:09 From Steve Smollens to Everyone: Operators of Bed and Breakfast must register with NYS and collect sales tax [https://www.tax.ny.gov/pdf/memos/sales/m92\\_7s.pdf](https://www.tax.ny.gov/pdf/memos/sales/m92_7s.pdf)

19:12:48 From Steve Smollens to Everyone: NY State Codes and Regulations relating to Bed and Breakfast [https://govt.westlaw.com/nycrr/Document/I4f6b5935cd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/nycrr/Document/I4f6b5935cd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

19:14:34 From Steve Smollens to Everyone: Other existing rules for owners of Bed and Breakfast <http://www.cnybb.com/cnybbstandards.html>

19:23:45 From Steve Smollens to Everyone: Rental Permits issues <https://www.lilanduseandzoning.com/rental-permits/>

19:25:53 From Steve Smollens to Everyone: Example of Rental Permit requirements <https://ecode360.com/15351600>

19:33:46 From Steve Smollens to Everyone: Only neighbors within 1000. No other resident is entitled to notice of intent to operate an STR.

19:35:07 From Steve Smollens to Everyone: 1050 distance cuts off the neighbor's objection. 950 feet allows a neighbor's objection. A court may very well say that cut off is arbitrary.

19:36:27 From Joyce Thompson to Everyone: I see your point, Steve, but that is a common practice for the Planning Board and ZBA.

19:37:19 From Steve Smollens to Joyce Thompson (Direct Message): It is also common practice for persons who feel aggrieved by a rule or regulation to do an Article 78.

19:37:44 From David Plakon to Everyone: This is untrue; Airbnb does not allow parties or events on their platform: <https://www.airbnb.com/help/article/2704/party-and-events-policy>

19:37:56 From Joyce Thompson to Steve Smollens (Direct Message): Understood, thanks.

19:38:19 From Steve Smollens to Joyce Thompson (Direct Message): OK.

19:38:35 From Steve Smollens to Joyce Thompson (Direct Message): Who is speaking?

19:39:29 From Joyce Thompson to Steve Smollens (Direct Message): The owner of the B&B on Old 82

19:39:33 From Steve Smollens to Everyone: Airbnb says there are 50 STRs within 12521

19:40:05 From Steve Smollens to Joyce Thompson (Direct Message): Then she should know how highly regulated her business is

19:44:19 From Lynn Cheung & Nick Frost to Everyone: That zip code includes many towns which are outside of Taghkanic

19:47:08 From Joyce Thompson to Everyone: Good point. Taghkanic is part of several different zip codes. Good data would have to be specific addresses.

19:47:14 From Steve Smollens to Everyone: <https://www.airdna.co/vacation-rental-data/app/us/new-york/craryville/overview>

19:47:37 From Shay Moscona to Everyone: Reminding everyone that a building inspection will make the town liable...

19:53:40 From Steve Smollens to Everyone: A typical Inspection regulation for a home owner seeking a rental permit. ...Inspections. The Code Enforcement Officer is authorized to make or cause to be made inspections to determine the condition of rental dwelling units. The Code Enforcement Officer is authorized to enter, upon consent of the owner if the unit is unoccupied or upon consent of the occupant if the unit is occupied, any rental dwelling unit and the premises in which the same is located, at a reasonable time or at such other time as may be necessary in an emergency, for the purpose of performing duties under this chapter...."

19:58:04 From Steve Smollens to Everyone: <https://www.tax.ny.gov/pit/property/exemption/index.htm>

19:58:56 From Steve Smollens to Everyone:  
<https://www.findlaw.com/state/new-york-law/new-york-homesteadlaws.html#:~:text=Specifically%2C%20homestead%20laws%20allow%20individuals,range%20from%20%2475%2C000%20to%20%24150%2C000.>

20:07:11 From Steve Smollens to Everyone: See NYS Definition. A person has ONE domicile and may have multiple residences

20:07:14 From Steve Smollens to Everyone: <http://www.nysscpa.org/most-popular-content/a-spotlight-on-new-york-state-residency-requirements>

20:07:43 From Joyce Thompson to Steve Smollens (Direct Message): I will make sure the board gets the chat, Steve. Thanks.

20:08:06 From Steve Smollens to Everyone: "...New York State makes it explicitly clear that taxpayers may have multiple residences but can only have one domicile. In order to determine domicile, the DTF uses five primary factors: home, active business involvement, time, items near and dear and family connections. No single factor can be looked at individually as an indicator or deciding factor of domicile; they must be examined in the aggregate before any determination is made...."

20:22:52 From Steve Smollens to Everyone: All Airbnb users must meet the 18 years of age requirement before renting a property on the platform. <https://travelfreak.com/airbnb-age-limit/>

20:31:43 From Anna Badalamenti to Everyone: thank you!

20:31:56 From Steve Smollens to Everyone: Thanks

20:33:27 From Lynn Cheung & Nick Frost to Everyone: Thanks all

20:33:29 From David Plakon to Everyone: Thank you!