

APPROVED

1/9/2023

**June 29, 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:

Present:	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:*

Review procedure: EC reads from the STR draft regulations document, and board members offer their comments. Comments from audience members are also heard.

Board begins review of STR draft, EC reading the text of each Section, beginning with 4F.

Section 5 reviewed.

(KG) Suggested putting general info/requirements in one section, up front, then bringing up specific requirements for the different STR types as each is discussed in its section.

(BA) How did we come to decide that only 2 rooms can be offered under Section 5B?

(EC) Has to do with different types of B&B, Inns. State has regulations in place to ensure the rental of rooms is secondary to the use as primary residence.

The Board discussed the requirement for STR operators to designate a local host, and that it needs to apply to all categories of STR described herein.

(RS) Regarding Enforcement: We should not let the current situation with a part-time CEO affect the regulations in this document. We can change the CEO situation if needed.

(EC) Re: enforcement: Some of the agencies (e.g. Granicus) can provide monthly surveys of listings, for example, which can assist us in our enforcement efforts.

Item 4a – everyone must have a designated local host.

Item 6: Joyce proposed using term ‘in residence’ in place of present overnight.

(RS) Suggests eliminating 6F and 6G and the 500’ requirement in 6E, because if owner is present they will know what’s going on regardless of distance of the accessory dwelling. Board reviews alternative language.

Item 7 – Large Gatherings

Suggested by RS, KG to better define section, in general: Disruptive gatherings, etc. What are the community standards?

(Susan) Wants to prohibit weddings.

(KG) Points out that the Good Neighbor Handbook will help define community standards.

(Donay) Wants to point out that our town survey of resident’s views of STR was done 2 or 3 years ago, and we don’t know if opinions have changed. Airbnb language recently codified, and we could take from that.

Tentative Conclusion: Item 7 trimmed to item A.

(Susan) What is process; will changes be made and followed by another review?

(Board) Yes

Item 8: Ryan suggests eliminating this section, because if STRs are to be allowed, then they should be allowed for everybody.

Limiting STRs was discussed. Don’t want to make it like Long Beach Island, where every home is an STR, so some limits must be considered. Considerations: preserving rural character and current resident’s rights.

(Susan) Need to balance rights of STR owners with those of all other residents.

(EC) Maybe simply limiting to 10% is a good starting point, without limiting density. Board can revisit in the future.

General discussion of audience and board regarding density of STRs and what implications these regulations will have for existing STRs that do not align with the density requirements. EC pointed out that Section 14 addresses some of this.

(KG) Point out that to own an STR you must be a resident, and that will self-regulate some of the expansion of STRs. Proposes cap at 10% with normal application process, and beyond that owners must apply for Special Permit process. Board liked this!!

KG and RS expressed their view that the residency requirement will self-regulate the expansion of STRs.

(KG) Maybe town should require annual filing of notarized affidavit showing number of days owner-occupied and number of days rented. Well-received by board.

Item #9 – maybe add language so in-family transfer of title does not nullify STR eligibility.
Item #10 – Either Sunset Permit needs to be defined, or language should be changed to a Permit during the sunset period. Discussed timing and procedure of sunset application. KG: must indicate the inspection must be scheduled (not necessarily completed) within the first 30 days of these regulations being adopted.

Zoning Law Review: next meeting were set as follows:

July 18, 2022 6:30 PM Zoning review

July 27, 2022 6:30 PM Zoning review

Supervisor Ryan Skoda: well at Highway Dept (1.3gal/min) with in-ground holding capacity of ~ 2000 gal. Ryan suggests drop in sump pump and see how it works out, before going for hydro-fracking.

June 29, 2022 Abstract: on a motion by **Board Member Linda Swartz**, was approved for payment, seconded by **Board Member Elisabeth Craig**.

2022 General Fund Vouchers	#	240	-	245	\$	10,926.23
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 Elisabeth Albert** the meeting was adjourned at 8:30 **pm**, carried unanimously by all members present. The next Regular meeting will be **July 11, 2022** at the Taghkanic Town Hall.

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

ZOOM

Audience:	Joyce Thompson	Celine Keegan	David Plakon	Shay Moscona
	Donay Queenan	Steve Smollens	Nancy Rutter	Lynn Cheung
	Anna Badalamenti	Rachel Handler		

Saved Chat from the Wednesday, 29 June 2022 Town Board Meeting to Review the Draft STR Regulations and Zoning Code.

18:47:53 from Steve Smollens to Everyone:

<https://govt.westlaw.com/nycrr/Document/I4f6b5935cd1711dda432a117e6e0f345?transitionType=Default&contextData=%28sc.Default%29>

18:49:43 From Steve Smollens to Everyone: 4) in a structure containing more than three existing bedrooms, no more than 50 percent of the bedrooms and no more than five bedrooms total are available for paying lodgers;

18:50:27 From Steve Smollens to Everyone: There is also a primary residence prerequisite for a B & B

18:50:56 From Steve Smollens to Everyone: b) A bed and breakfast shall be considered an accessory use and not a tourist accommodation if the following criteria are met:(1) the guest rooms are located within a structure that has been used as a single family dwelling for a period of five years or more prior to conversion to a bed and breakfast;

18:56:45 From Steve Smollens to Everyone: B & B are treated as a business and Sales Tax is charged.

18:56:47 From Steve Smollens to Everyone:

https://www.tax.ny.gov/pdf/memos/sales/m92_7s.pdf

18:58:12 From Steve Smollens to Everyone: "...A bed and breakfast facility or guest house is another type of establishment that is similar to a hotel or motel, and the host of such an operation is therefore considered to be providing a hotel or motel service. Accordingly, any charge made by or on behalf of the host for occupancy in such a facility is subject to sales tax. Persons who provide lodging in a guest house or bed and breakfast facility have a number of obligations under the Tax Law in connection with the collection of sales tax..."

18:59:51 From Donay Queenan to Everyone: Taghkanic cannot impose a tax.

19:00:19 From Donay Queenan to Everyone: ... for STRs

19:01:34 From Steve Smollens to Everyone: The more detail contained in the proposed regulations the more likely NYS may consider an STR the same as a B & B albeit without having served Breakfast. Right now, the only significant difference is the serving of One Meal.

19:02:53 From Steve Smollens to Everyone: You could say the main house on the lot

19:02:57 From Donay Queenan to Everyone: B&Bs are host

19:05:13 From Steve Smollens to Everyone: Must be careful with that word "arbitrary" that is the top reason used to challenge a government regulation rule or action

19:07:32 From Steve Smollens to Everyone: Hosted Remote Hosted Local Host Owner as Host the bottom line is the same renting out rooms in a private dwelling and creating income

19:14:03 From Steve Smollens to Everyone: That section is not enforceable. "...if it is determined..." implies a due process hearing with written notice of charges..." because there is jeopardy attached to suspension or revoking a permit and that means money/income is at risk

19:15:59 From Steve Smollens to Everyone: Taghkanic is an Agricultural Community

19:18:44 From David Plakon to Everyone: Today, Airbnb permanently codified their party and events ban

19:19:00 From David Plakon to Everyone: <https://news.airbnb.com/official-codification-of-party-ban/>

19:19:35 From Steve Smollens to Everyone: Do the 14 "people" also include the children playing in the bounce house? Does no meals provided prohibit leaving hot dogs and burger and buns and frozen lasagnas for guests?

19:20:37 From Shay Moscona to Everyone: The owner should still be able use their home for a private party.

19:26:24 From Steve Smollens to Everyone: <https://news.airbnb.com/official-codification-of-party-ban/>

19:28:32 From Steve Smollens to Everyone: The initial temporary ban on parties and events read: ". Today we, are announcing a global ban on all parties and events at Airbnb listings, including a cap on occupancy at 16. This party ban applies to all future bookings on Airbnb and it will remain in effect indefinitely until further notice..."

19:33:11 From Steve Smollens to Everyone: The draft has the appearance of promoting de facto hotel use outside the control of the State of New York

19:36:27 From Steve Smollens to Everyone: Taghkanic Churchtown Road once was safe to push a double stroller from Junction Road to Cross Street and back. Not anymore.

19:41:20 From Steve Smollens to Everyone: But those STR houses are not on Susan's road

19:41:26 From Lynn to Everyone: STRs do have a positive impact on the local Taghkanic economy. Guests visit establishments such as WTD, Jojo's Pizza, the new wine and liquor store. We also provide steady income to vendors such as house cleaners, landscapers, and pool maintenance crews who live in the immediate area; these are services a lot of us would personally take care of ourselves vs outsource them to and provide income to third parties, if we did not have STR guests from time to time

19:50:40 From Steve Smollens to Everyone: NY State sooner rather than later will decide to make money via Sales Tax from STRs the same as from B & Bs. And the State's only interest will be how much money is out there to pick up for the treasury.

19:53:23 From Steve Smollens to Everyone: We have never heard her dogs

20:02:11 From Steve Smollens to Everyone:

<https://www.point2homes.com/US/Neighborhood/NY/TaghkanicDemographics.html>

20:03:07 From Steve Smollens to Everyone: NY State agrees. A person may have multiple residences but One Domicile.

20:07:42 From Steve Smollens to Everyone: Ask Cheryl if Tax Invoice is mailed to the owner's residence on deed, or to the residence in Taghkanic?

20:08:47 From Donay Queenan to Everyone: It's sent to wherever one requests.

20:09:09 From Steve Smollens to Everyone: Thanks, Donay

20:11:02 From Steve Smollens to Everyone: Ah, but last meeting you wanted to eliminate "registration"

20:12:13 From Shay Moscona to Everyone: Grace period??

20:13:40 From Steve Smollens to Everyone: Technically, that would include every STR owner when the regulations are effective

20:14:37 From Steve Smollens to Everyone: No one could apply before the effective date of the law. Yes?

20:17:26 From Steve Smollens to Everyone: B (b) is a court challenge other regulatory standards that the CEO shall judge reasonable...