

TOWN OF TAGHKANIC  
ZONING COMMISSION MEETING  
February 19, 2018

**Members present:** Joyce Thompson, Chair; Linda Swartz, Co-Chair and Secretary; Members: Donn Critchell, Moisha Blechman, Elizabeth O'Donnell, Al Huehnel, John Roberts, Kathy Bainer; ZC Consultant Ted Fink.

The Meeting was called to order at 5:18 by Joyce Thompson.

**Approval of Minutes:**

A motion to accept the Minutes from February 5, 2018, was made by Donn Critchell and seconded by Kathy Bainer

**Ayes:** 4 (Critchell, Bainer, Roberts, Blechman)\*      **Nays:** 0      **Abstained:** 1 (O'Donnell)

*Member Al Huehnel arrived after the Approval of Minutes.*

**Presentation of Draft Zoning Code to Town Board Member Arthur McGuire:**

Board Member Arthur McGuire was not present at this meeting for the scheduled presentation. The ZC used the time to discuss other issues as follows:

**Short-Term Rentals (Airbnb):**

Ted said that most towns are choosing to regulate Airbnbs rather than ban them altogether. Homeowners seeking to rent out their home for a short term (less than 30 days) could seek a permit from the CEO/ZEO which would be renewed annually. Site Plan approval, Board of Health approval, and all other laws and considerations must be met. If there are complaints about renters or any other problems or violations, the annual permit would not be reissued.

An Airbnb is usually an entire house rented by a single family who does their own cooking and general housekeeping. An Airbnb is not usually owner occupied. A traditional B&B is occupied by the homeowner. The guests are generally separate groups of unrelated people who occupy a private bedroom, bathroom (sometimes shared) and common areas. The homeowner provides breakfast.

The current code and the draft code both say that a dwelling requires permanent residency and is not for transient use. The Town's CEO/ZEO should send a Notice of Violation to homeowners who rent their home for short-term occupancy. There are several in Taghkanic, and they can be easily identified by searching on the internet for Airbnb in the Town of Taghkanic. So far, there have been no official complaints filed with the town regarding a specific property that is being used as an Airbnb, although the issue of using a property as an Airbnb has been raised in Public Information Meetings as an unfair competitor with traditional B&Bs. The ZC recognizes that this is a difficult and delicate issue. Airbnb is not a home-based business.

A common feeling is that people who rent their homes for short-term occupancy probably are not claiming the full amount of the income realized on their taxes. Some counties, towns and cities have levied a tax on short-term rentals. Short-term rental is a fairly new concept.

Questions to be considered:

- Is there a difference if the property is used solely for Airbnb versus only occasionally?
- If it is a money-making business, should it be located in the MU district?
- Are Airbnbs considered commercial in nature?
- Is it to the general benefit of the town to have Airbnbs?
- Could an Airbnb have a negative impact on the neighborhood?
- Will the draft code's regulations for Accessory Dwelling Units increase the likelihood of Airbnb use?
- Can zoning require owner occupancy is an Airbnb? (Note: Zoning pertains to land use not people.)
- How do we address the inequity between a traditional B&B and Airbnb?
- If Airbnbs are permitted, can the rules be enforced?\*

\*Ted read from Article 100-N of the draft zoning code which addresses the CEO's authority to investigate complaints of code violations. Linda asked if this Article is in compliance with State Law since the CEO has said in the past that he cannot enter onto private property and can only enforce what he can see from the public road.

Joyce feels that a permitting process for Airbnb seems to be the best option we have.

Ted said he will assemble a package of information on how other towns are dealing with the Airbnb issue.

**Topics from Public Information Meetings:**

Elizabeth looked through the Minutes from the two previous Public Information Meetings to identify issues that came from public comments and considered whether or not they have been addressed by the draft code. She identified the following issues:

- ATVs and dirt bikes (noise)
- Agriculture inventory of land (number of ag exemptions and are they increasing or decreasing)
- Accessory dwellings
- Home-Based business
- Affordable housing
- Lot size for accessory dwelling
- Airbnb.

Elizabeth said that the following issues need more discussion: Noise, Ridgelines, Conservation Subdivisions, Deed Restrictions (which are not as strong as conservation easements).

Also, we need to track land use changes in the town. Funding may be available from NYS for Ag & Farmland Protection Plan. (CLC also has information.) Joyce will contact Patrice Perry at County Planning. Al said that many local farmers are renting their land to larger farming operations.

**Draft Code Review:**

Elizabeth asked if the ZC had talked to the Assessor (Craig Surprise) to advise him of the proposed changes and whether or not those changes might trigger a re-assessment. Joyce and Linda sat with Craig early in the process, but now that the regulations have been fleshed out, he should be included in the review process, along with both town justices who might have to make a ruling on a zoning issue.

It was decided that Town Justice Jeff Tallackson would do a legal review after we have completed the meetings with the Town Board Members and addressed their concerns. Donn suggested that the Assessor and the CEO have a chance to review and comment on the code before Jeff begins the legal review since comments from the Town Board members, the CEO and the Assessor might result in changes. Joyce said she would prefer that the draft that Jeff gets is as close to the final as it can be. Jeff said that a unified process is more effective, and that he is okay with reviewing changes as they are made to the draft code.

Elizabeth made a motion that the ZC share the most current draft (posted to the Drop Box as of 2/19/18) with the assessor and justices for their review and comment, with the understanding that this is not for public distribution. The motion was seconded by Donn Critchell

***Ayes: 6 (O'Donnell, Critchell, Bainer, Roberts, Blechman, Huehnel)      Nays: 0      Abstained: 0***

Joyce said she would send the code electronically to Jeff this week.

Kathy pointed out that the Town Board had approved the presentation process to the Town Board Members, and the suggestions made to have it reviewed by the CEO, Assessor and justices is a change from that process. (Joyce will discuss this with Ryan.)

**Comments:**

***From the Public:*** None.

***From the Commission:*** None.

**Next Meeting:**

The ZC will meet on March 5 at 5 p.m. The ZC will present an overview of the code to CEO Dennis Callahan. Donn Critchell will not be in attendance at this meeting. John Roberts will present the District Map changes.

**Summary of Next Steps:**

- March 5: Presentation to CEO/ZEO Dennis Callahan. Comments due by 3/16.
- March 19: Presentation to Town Board Member Arthur McGuire and Town Assessor Craig Surprise. Arthur's comments due by 3/23. Craig's comments due by 3/30.
- Saturday, April 7: Full-day work session to review all comments from the Town Board, CEO, Assessor and justices. (Open to public)
- Joyce will remind Ryan and Richard that we would like to have their comments by 3/16. Jeff's comments due by 3/16.

***Motion to adjourn: Al Huehnel***

***Seconded by: Moisha Blechman***

***Ayes: 6 (Huehnel, Blechman, Critchell, Bainer, O'Donnell, Roberts)      Nays: 0      Abstained: 0***

***Meeting adjourned at 7:00 p.m.***

***Public Audience: Jeff and Chris Tallackson and Susan Raymond***

***Prepared by: Linda Swartz***