

TOWN OF TAGHKANIC  
ZONING COMMISSION MEETING  
October 5, 2020

**Members present:** Joyce Thompson, Chair; Linda Swartz, Co-Chair and Secretary; Members: Kathy Bainer, Al Huehnel, John Roberts, Elizabeth O'Donnell; ZC Consultant Ted Fink (via Zoom)

**Excused:** Donn Critchell, Moisha Blechman

**Also in attendance (in person or via Zoom) were the following members of the Short-Term Rental Subcommittee of the ZC: Elizabeth Craig, Chair; Linda Reardon, Secretary; Susan Raymond; Clayton Kirking; Carl Mulert; Donay Queenan; Carol Rusoff**

This meeting, held at the Taghkanic Fire House, was called to order at 4:23 p.m. by Joyce Thompson.

**Approval of Minutes:**

Elizabeth O'Donnell asked that a few changes be made to the Minutes; the Secretary will make the changes. A motion to accept the Minutes of the September 7, 2020 meeting, as modified, was made by Kathy Bainer, and seconded by Elizabeth O'Donnell.

**Ayes:** 4 (Bainer, O'Donnell, Roberts, Huehnel,)      **Nays:** 0      **Abstained:** 0

**Review of Short-Term Rental Draft Materials:**

The Short-term Rental Subcommittee of the Zoning Commission provided the ZC with a first draft of proposed STR regulations (dated 9-30-2020). Joyce said the STR Subcommittee did a good job working through this difficult issue and thanked them for their hard work. The STR Subcommittee was present at this meeting (either in person or via ZOOM) to discuss the draft and get feedback from the ZC. ZC Consultant Ted Fink said he has not yet had an opportunity to read through the draft; he will need time to give it a thorough review.

**Comments on Definitions:**

- Elizabeth Craig explained that the STR Subcommittee made a few necessary modifications to the ZC's definitions for "DWELLING" and "ACCESSORY DWELLING" in order to allow for short-term rental use.
- RENTAL PERIOD: Change to "*The period of consecutive days that a STR is rented to one guest or group of guests.*"

1.A. Change as follows: "*All Short-Term Rental properties must be the owner's principal residence or an accessory dwelling on the same property as the principal residence, for any period of less than 30 days, and all STR operators must provide the Town with proof of ownership and residency.*"

1.B. Elizabeth Craig explained that two-year residency requirement was written to encourage actual residency and investment in the town; first year is usually a renovation period.

A house located at the corner of Route 27 and List By-Pass was inherited by the daughter of the now-deceased former resident. The daughter had lived there and was a long-time resident of the town but now lives elsewhere and uses this house for STR. STR Subcommittee member Susan Raymond said this property is now an investment property, the woman is a non-resident owner.

Susan Raymond recommends that a new regulation under Section 1, setting a requirement for the principal owner to be in residency for so many days a year. "PRINCIPAL RESIDENCE" is defined as a dwelling in which a person resides for a minimum of 120 days of the year.

2. STR in owner-occupied dwelling:

- 2.B. Elizabeth O'Donnell feels that the requirement for a local host in the absence of the owner "for no more than one consecutive rental period" is a loophole that could allow for a local host for every other rental period.
- Joyce suggested that there be a Local Host and a Back- up Host at all times.
- 2.B.a. Local Host must reside within ten (10) miles of Owner-Occupied STR. (Changed from 5 miles.)
- Using the terms "principal dwelling" and "accessory dwelling" as appropriate would help to make it more clear.
- Elizabeth Craig will rewrite this Section.
- Could there be any legal issues or challenges in requiring the principal renter to be at least 25 years old? The STR chose this age because it already is a requirement on AirBnB and for car rental.

- 2.D. Limits the number of rented bedrooms to two. Rather than limiting the number of bedrooms rented, the regulations should limit the number of people. Limit set at 5 people.
- Prohibit rental of rooms in the principal dwelling and the accessory at the same time.
- 2.H. STR shall not serve breakfast. Breakfast service would change the use to a Bed & Breakfast Inn, which has its own regulations. Elizabeth O'Donnell suggested that it also be made clear under Findings and Purpose that this regulation is not for the purpose of running a hotel, motel, or inn; there are separate rules for those uses.

3. STR of Entire Dwelling When Owner is Absent:

- Change distance to ten (10) miles.
- 3.E.: Maximum total rental days has been set at 120 days per year with no more than 26 weekends for Non-Owner-Occupied STRs; for any rental property, the total number of rental days in a year may not exceed 180 days with 26 weekends if any of those days is rented for STR. Susan Raymond feels this is too many rental days. Discussion resulted in reducing this to 90 days, 26 weekends in all instances.
- During the 2020 pandemic, some homes rented for the entire season. Rentals of 30 days or more are not STRs; they are seasonal. Tenants have certain rights after 30 days. This law addresses casual weekend rentals and does not regulate seasonal or full-year rentals.
- Enforcement: Any complaints would most likely come from neighbors. Can the Town handle the additional calls to the CEO? It will be important to review bookkeeping, number of weekends the home is being rented, etc. The STR Subcommittee talked about companies that monitor STRs (like Host Compliance) but they are expensive and are really only useful when there is a means of taxing the rentals.
- STR Subcommittee member Ben Feldman had sent an email message stating his strong opposition to allowing non-resident owners of a property to rent it out as a STR. Joyce said it must be made clear that a non-resident owner is not eligible to have a STR. Section 1.A. states that all STRs must be the owner's principal residence.

4. Registration and Licensing:

- 4.A. and B. Change "Confirmation" to "Proof" ("*Proof of residency*" and "*Proof that the property has a current Certificate of Occupancy*").
- Elizabeth Craig said that the CEO has agreed to issue Certificate of Occupancy when appropriate.
- 4.H. Require notification to all neighbors within a 1000' radius of the rental property.

5. Fees:

- 5.B. sets requirements for inspector by CEO. Can the Town be held liable in the event someone is injured on a property that was deemed safe by our CEO? Ted suggested that we address that issue with the Town Attorney.
- Should STR properties have an annual inspection? Leave it up to the discretion of the CEO.
- Should there be an annual re-registration? Linda Reardon suggested that for purposes of the initial inspection and the annual re-registration the owner could be required to fill out a form attesting to whether there had been any changes to the property, are CO and fire detectors installed and working, etc.
- The ZC feels that the fees are reasonable.

**Next Meeting:**

**The next meeting of the ZC is scheduled for Monday, October 19, 2020, at the firehouse, beginning at 4 p.m. Masks and social distancing required.**

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

***Seconded by:*** John Roberts

***Ayes:*** 4 (Huehnel, Roberts, O'Donnell, Bainer)

***Nays:*** 0

***Abstained:*** 0

The meeting was adjourned at 6:30 p.m.

Minutes Prepared by: Linda Swartz