

TOWN OF TAGHKANIC
ZONING COMMISSION MEETING
May 17, 2021

This meeting of the Town of Taghkanic Zoning Commission was held via Zoom, and was called to order at 4:07 p.m. by Joyce Thompson.

Members present: Joyce Thompson, Chair; Linda Swartz, Co-Chair and Secretary; Members: Al Huehnel, Kathy Bainer, John Roberts, Donn Critchell; ZC Consultant Ted Fink

Excused: Elizabeth O'Donnell

Approval of Minutes:

A motion to accept the Minutes of the May 3, 2021 meeting, as presented, was made by Donn Critchell and seconded by John Roberts.

Ayes: 4 (Critchell, Roberts, Bainer, Huehnel)

Nays: 0

Abstained: 0

Short-Term Rental Regulations Proposal:

ZC Consultant Ted Fink commended the STR Subcommittee for their work and said that he would be happy to provide line-by-line comments and suggestions if needed. Ted clarified that, if adopted, the Special Use Permit process described in Item 15 of the proposal will be added to the code at a future time. As a local law it will be put into the proper format for adoption.

Elizabeth O'Donnell provided her thoughts on the proposal via email since she could not be in attendance at this meeting.

- The language in 3.B. should be revised to make it clear that an STR is secondary to the use of the property as a principal residence.
- How to inspect: old houses vs. new construction.
- Section 4:
 - "Non-Resident Owner" needs to be defined.
 - STR should not be an as-of-right use after the sunset period expires.
 - Legislation should be for the benefit of the residents of the town, not to protect non-resident owners and corporate entities. Caps on number and density of STRs protects neighbors, but limiting total number of STRs could result in non-resident owners taking away opportunities for residents who want to establish a legal STR.

Section 4 was discussed in length at this meeting:

- The phrase "not a Principal Residence" is unclear; it could mean either a secondary home for the owner or that the home is owned by a real estate venture for rental purposes.
- STR Subcommittee member Susan Raymond argued that #4 be deleted in its entirety and that existing STRs should be phased out through a sunset period. She feels that existing STRs should not be given amnesty; there are real consequences to granting amnesty. The use of a home under the current Zoning Code is not legal and therefore cannot be "grandfathered".
- Under the draft STR law, homes that currently operate as STRs will be allowed to continue to operate until the sunset period expires, and if they meet the criteria of the STR regulations, they will get a permit to operate legally as an STR. They still must register and be inspected.
- It was argued that operators of STRs should be residents of the community; however responses to the STR Survey show the majority of respondents are not in favor of limiting STRs to residents only.
- Regulations establish rules for part-time residents to use their home or accessory dwelling unit as an STR if they have a local host and meet all other criteria for such use, including obtaining a permit.
- STR Subcommittee members favored hosted STRs, but most of the existing STRs are entire dwellings.
- Rental of an accessory dwelling could satisfy the owner-presence requirement and allows for the rental of an entire building that is separate from the principal residence.
- Should the statement from 7.B., "An accessory dwelling built after the date these local STR regulations were enacted may not be offered for short-term rental", also be in Section 4? Should 7.B. be deleted?
- Kathy Bainer noted that setting limits on the total number of permitted STRs addresses the problem of someone building a new accessory dwelling unit for the express purpose of using it for short-term rental.

Bottom line: Remove #4 or modify it? What specifically does it mean? People who are renting homes as STRs strictly as a business venture are not meeting the requirements of residents; it must be established that they are not residents.

There may be short-term rentals that are well-managed, have an on-site manager, and bring jobs and money into our town. Some rentals may be family inherited and the heirs don't live near enough to qualify as local host. In some cases, the caretaker could be made a "renter" since that would bestow authority similar to that of the owner.

Legislating for STRs is very tough. The use must be controlled, but it should not be made overly difficult for people who want to use their property for short-term rental. The Zoning Code process should be very clear.

The Short-Term Rental Subcommittee will be holding another Public Information Meeting, and would like to get feedback from the ZC before then.

Joyce asked if members of the ZC had any additional comments:

- Donn said that any problems suffered by people operating illegally are self-imposed and there should be no amnesty.
- Kathy asked if the Town Board had received the Draft Code and what their reaction was. Joyce said it was sent to the Town Attorney for legal review and to the Town Board members via email. The Town Board members have asked for printed copies. Joyce will have copies made and distributed to the Town Board (including the Town Clerk), ZBA Chair, Planning Board Chair, Code Enforcement Officer, and members of the Zoning Commission.
- John and Al had no other comments at this time.

Joyce instructed the ZC and STR Subcommittee to think about what was discussed at this meeting and come back with ideas about what to do in terms of #4.

The next meeting of the Zoning Commission will be held via ZOOM on June 7, 2021 beginning at 4 p.m.

- Further discussion on #4
- Review the remainder of the Draft STR Regulations

Motion to adjourn: Al Huehnel

Ayes: 4 (Huehnel, Critchell, Bainer, Roberts)

Seconded by: Donn Critchell

Nays: 0

Abstained: 0

The meeting was adjourned at 5:30 p.m.

Public Audience: STR Committee Members Elizabeth Craig (Chair), Linda Reardon, Susan Raymond, Donay Queenan; Polly Horton

Minutes Prepared by: Linda Swartz