

MINUTES OF PUBLIC HEARING OF THE TOWN BOARD OF THE TOWN OF HUNTER FOR PROPOSED SHORT TERM RENTAL LAW HELD ON TUESDAY, MARCH 28, 2023 AT 6:00 PM HELD AT THE TOWN HALL LOCATED ON RTE. 23A IN TANNERSVILLE, NEW YORK.

Present:	Sean Mahoney	Supervisor
	David Kukle	Councilman
	Raymond Legg	Councilman
	Ernest Reale	Councilman
	Dolph Semenza	Councilman
	Corina Pascucci	Town Clerk
Others Present:	Lara Hamrah-Poladian	Secretary to the Supervisor
	Marc Czermerys	Planning Board Chairman
	Sarah Pellizzari	Code Enforcement Officer
	Susan Graham	Office Assistant
	Sgt. Robert Haines	Hunter Police Department
	Officer Weiland	Hunter Police Department
	Plus, all names on attached listing plus Zoom attendees.	

Supervisor Mahoney calls the Public Hearing to order at 6:04 PM.

Supervisor Mahoney states this law would only be applicable in the Town of Hunter outside of both villages, adding that it is not the Town Board’s intention to ban or limit Short Term Rentals, only to make sure they are operating responsibly and safely.

Comments heard that the Short-Term Rental owners feel targeted with the proposal of this law adding that there are some landlords not up to these proposed standards.

Supervisor Mahoney states that the Town Board has seen particular issues that must be dealt with to make sure the Short Term Rentals are operating responsibly. He adds that the Town has building codes to regulate those landlords.

Councilman Semenza states the Town Board wants to make a safe environment for residents and visitors.

Comments heard that this law makes sense to deal with the overcrowding and the health/safety of everyone.

Discussion on permit fees which have not yet been determined. Supervisor Mahoney states they will not be incorporated into the law so if the fees need to be changed in the future the entire law does not need to be modified, only the fee schedule.

Questions asked about occupancy to which Supervisor Mahoney responds stating the number of bedrooms are listed on the home's assessment.

Comments heard that there are homes not being used as Short Term Rentals who don't follow the guidelines in the proposed law for garbage and refuse and that Short Term Rentals and year round homes should all be treated the same.

Supervisor Mahoney states the Town Board is working on a garbage law.

A question is asked if studies have been performed.

Supervisor Mahoney states a housing inventory has been completed but the Town has not paid for a Short Term Rental study. He adds that the Town Board has attended conferences, continuing education classes and has done a lot of homework.

Discussion about members of homeowner's associations that are subject to fees for fire and safety inspections from the association and that now the Town will be charging a fee for the same thing.

Councilman Kukle states this could mean the homeowner's associations would no longer need to do that.

A comment was made from the personal experiences of a homeowner who hears loud music from Short-Term Rentals 5PM to 5AM, adding they feel they should be allowed a peaceful life. They ask only that people think of their neighbors and run their business responsibly.

Board asked who enforces this law after hours.

Supervisor Mahoney states in the law a contact person is mandated for such issues and there will be an available hotline. He adds that a consistently mis-managed permit may have a hard time getting a renewal.

Councilman Semenza states that a company will field these calls and monitor complaints and the fees collected from the permits will pay for this service.

A homeowner states they are surrounded by several Short Term Rentals that have 7 bedrooms and rent to 35 plus people at once. They add one of the homes near them recently burned down in under an hour and fears what could have happened if that home had been over occupied. They add they are subjected to loud music all night, firework displays and would like to be able to come home and read a book. They feel their quality of life is compromised and should not have to listen to people screaming. They would like the owners of the Short Term Rentals to monitor their properties.

Steven Barshov Esq via Zoom states they are representing Hunter NY Homeowner's Association of 150 members. He adds he has reviewed many Short Term Rental laws and does agree that

nobody should have the right to play loud music all night long, however noise and garbage collection laws apply to everyone and the Board shouldn't single out Short Term Rentals. He states there is no way the property owner can have the Town named as an insured. He will submit his comments in writing to the Town Board.

Councilman Reale states the Town would be an additional interest where they would be notified if a homeowner cancelled their insurance or had their policy cancelled by their insurance company, not an additional insured.

Gary Slutzky , member of the Hunter Fire Company states the department has responded to homes on Pine Lane 3-4 times in the last 18 months and upon arrival, the renters don't know how to get in touch with the homeowner, the renters sometimes don't know how to shut off an alarm or properly use the fireplaces, basically they know nothing about the home they are renting. They have encountered dumpsters rolled out into the road to allow for more parking but also making the road impassable, especially for Fire and EMS. He adds there are many isolated homes with long or narrow driveways that, especially in the winter months, the Fire Departments and EMS wouldn't be able to get to.

Supervisor Mahoney reads the following written comments received for the record.

To whom this may concern,

As a hotel owner and local resident I believe it is only fair that short-term rentals be held to the same standards that any other commercial accommodations have to go through. These regulations are in place to ensure customers' well being and safety. I 100% support implementing regulations on short term rental permits so that the safety of all transients in our market is consistent across the board. At the very least, fire and safety inspections must be part of this process.

Thank you,

Jason Marcus

Managing Partner

Hotel Lilien

6629 Route 23A

Tannersville, NY 12485

Residence

6383 Main st.

Tannersville, NY 12485

Hey Ms. Pascucci,

In regards to the newly drafted law that's hopefully up for adoption, I've added my comments regarding an AirBNB house that me and 3 other families with all small children rented. I would like to be read aloud at the next meeting in hopes to help pass a well deserved law.

If you have any questions, you can reach me at xxx-xxx-xxxx Thank you!

47 Beecher Rd Lanesville House Issues Review

This house was rented between December 30th to January 3rd for a ski trip with a total of 6 children (13 and under) and 7 adults. Due to the reasons listed below, we felt it was in our best interest to end our trip early and cut our holiday vacation short.

Overall the house was summed up with two words ... dirty and dangerous. It was filthy everywhere. The windowsills have not been cleaned in years. There was dog poop, which we had to clean up, all over the front yard. The tables needed to be wiped down. We even cleaned the shower.

The house is under major construction as you can see here (<https://photos.app.goo.gl/gU3SQpVeRVZiuser8>). While the host was quick to respond, we ultimately felt like it was not worth the money and left a day early.

The general house description was not as advertised, the bed count was wrong by 3 King beds (3 King beds short). As a general descriptor, much of the house was in disrepair. A few examples to highlight that are couches with zero cushion left (every time we sat down on 2 of them the surprise of landing on wood caught you off guard), duct tape holding together the bar pad, a non-working fireplace, and generally just bizarre issues like a light switch missing but an extension cord wired to it, to power a heater 3' away in the main living area (which looks highly dangerous, additional power issues below). We are aware that the house is old and likely on a well, but the tap water was not only undrinkable but smelled so sulfury it made many of us gag when even brushing teeth or using it to clean dishes. All soap dispensers were highly watered down and ineffective in cleaning, so we were forced to buy all of our own soap. This was coupled with the fact that the house was just dirty, everywhere. When you have a dirty home and these other problems, it exacerbates every issue.

The most alarming and glaring safety issue was the exposed electrical work all over the home. There are overhead missing light fixtures, wall switches and more that are simply missing, but the electrical work is there and is fully exposed. We were told 'it's safe' as it's turned off, but that's not acceptable. Not to mention, if the breaker(s) powering any of these was flipped it suddenly would be a very dangerous situation. We stayed in the house with kids ranging from 3-13, at least 10 of these exposed wires were within reach, with probably another 15-20 out of reach on ceilings. Additionally, there are several 'hot-wired' electrical connections where an

extension cord is quite literally hot-wired to an outlet or light switch in a permanent fashion, then maybe run through a window and to power some other part of the house, outdoor lighting, etc.

Being a former BnB there's officially listed and illuminated 'Exit' signs over external doors. At least one of these was a fully locked door that you can't open, from the main kitchen. The upstairs, where the bedrooms are located, has 1 large hallway with 1 accessible stairwell to exit the floor and get downstairs. The windows in most of the rooms up there are not able to be opened.

There was expired food in the fridge that one of the 8 year olds started eating and described it as "doesn't taste right". The expiration of this exact cheese was February 2022. The kitchen bowls and equipment had dirt and dead bugs in them, specifically the items in the corner near the toaster oven. Behind the locked doors in the kitchen, you could see through the spray painted windows that there were trash bags and aluminum stacked about 10 feet tall into this small room.

The positive is that the house is close to some awesome locations. We hiked to a beautiful waterfall. There is plenty of parking and plenty of space inside the house. You can not hear any noise from downstairs when you are upstairs. The cooking utensils were adequate.

To summarize, this house is way overpriced, cannot be rated and should be condemned until it has been thoroughly renovated and signed off by the local building inspectors. Think twice about renting this place

Jimmy McMillan

Discussion about the Town's Noise Ordinance and the Town Board will be reviewing the existing ordinance.

A comment is made that all residents benefit from the Short-Term Rentals and that maybe the police could be doing a better job with the noise complaints. Also, who will be the members of the Short Term Rental Board to make sure it is inclusive of Short Term Rental owners and not biased.

Supervisor Mahoney states this has not yet been determined. He adds that the Town of Hunter Police Department enforces the laws and they are a small department. He states this would be a complaint driven response system. If the Short Term Rental wants their permit back after repeated complaints, they will make moves to make sure their customers comply with the laws.

A question is asked if the Code Enforcement Officer would be available after business hours.

Supervisor Mahoney states the Code Enforcement Officer would be available Monday through Friday from 8AM to 4PM and a 24/7 complaint phone line to an outside company would be in place for complaint monitoring.

Supervisor Mahoney states that the applicant would still be allowed to rent their property while waiting for their property to be inspected and while their application was being processed.

Discussion on response time requirements for the property manager.

Supervisor Mahoney states if the situation requires it, a property manager should be able to be on site in one hour.

Comments made by some present who feel this law should apply to everyone, not just short-term rentals, that everyone should be held to the same standards.

Comments made by some present who feel that most residents are respectful of their neighbors and are not having parties every weekend with excessive noise.

Sarah Pellizzari states a person building a single family dwelling has many inspections to go through before any final sign offs. She adds that the Town has a Comprehensive Plan and Site Plan Review Law to monitor these homes. She states that short-term rentals have always been the exception to her job as they currently do not fall under code. She adds that hotels have to go through many levels of processes to make sure they are safe. She feels that this law is a way to streamline how every other commercial property is processed.

Supervisor Mahoney states the board will be closing the public hearing but will allow written comments for the next 14 days. He adds that if substantial changes are made then a second public hearing will be held.

A short term rental owner states she supports this law and that the short term rental owners are responsible for their guests. She adds that there is nothing in the law to allow for signage for the owner to advertise their rental and she feels this is unfair.

Supervisor Mahoney makes a MOTION to close the Public Hearing at 7:39 PM and the Town Board will accept written comments for 14 days. Seconded by Councilman Legg.

Ayes -5-

Noes -0-

Corina Pascucci, Town Clerk, RMC

Town of Hunter