

TOWN OF HUNTER PLANNING BOARD
MEETING MINUTES
November 6th, 2024

Board Members Present

Marc Czermerys
Penny Sikilis
Aleksandra Smith
Susan Friedman
Joseph Zecca
Susan Kukle
Peter Kelly

Board Members Absent

Rose Santiago

Zoom Attendees

Charles Knopp
Shaun Griffin
Julie Murphy
James Magnuski
Nick Gandhi

Public Present

Leo Gilmore
Cynthia Chorzepa
Patrick Reen
Taylor Baker
Wesley Thorington
Matt Murphy
Elisabeth Henry
Robert Macari
Ernie Reale
Konstintin Kostov
Patrick Nilon
Alana Marcus

Hannah Richtman
David Kukle
Paul Dibbell
Vincent Delia
Bonnie Farrell
Anne Sansevero
Ray Silver
Marc Bach
Kyle Wojno
Brian Flynn
Amy Scheibe

PUBLIC HEARINGS

Hemlock Hospitality Sketch Site Plan Review , parcel #208.00-1-4

Elka Park

-M Murphy presenting

- This project is to build 4 prefab cabins and be used for Personal Residence and Short Term Rentals
- Mr Sansevers would like to know if there will be more than 4 structures and would like to know about a common area and cell towers.
- M Murphy states no intention to build more than 4 structures, no common area will be set up and no cell towers.
- Paul Dibbell would like to know about the spacing of the structures and the lighting and sign.
- Matt Murphy states they are about 30 ft apart and the lighting will be down lighting. There will be no signs.
- Casey Long is concerned also about the lighting.
- Anna Sansavero is concerned about the safety of the fire pits and the sewage system.
- Marc Czermerys states the sewage has to be approved by DEP.
- Marc Czermerys states regulations will be followed when it come to firepits.
- Jim Sansavero would like to know if these buildings are year round.
- Matt Murphy states yes they are year round and have heating.
- Roy Silver wanted to know if there is a down lighting law.
- Marc Czermerys states yes there is a law.
- Motion from Susan Kukle to close the public hearing Aleksandra Smith 2nd

The Break Estate Sketch Plan Review, parcel #182.00-4-4 & 182.00-5-1

Elka Park

A Ritchman presenting

- This project is being used as events space
- No overnight guests
- Robert Macari wanted to know how many people and will this be year round.
- Anna Ritchman states it will be around 150 ppl and will be year round.
- Robert Macari would like to know if there is food being prepared on site.
- Anna Ritchman states a commercial kitchen is not going to be done, all the cooking will be off site and delivered.
- The kitchen will be renovated but used as a residential kitchen.
- Parking will be in the back of the home or use a trolley.
- 80 cars can be parked and will not be paved.
- The building is accessible to ambulances and fire equipment
- Bob Macari wanted to know if there was a storm water plan.
- Marc Czermerys states they don't need one unless they disturb more than one acre of land.
- Attendees are concerned about why we don't have zoning.
- David Kukle explained the first course of action to build a zoning document is reviewing the comprehensive plan which has been financed and will be beginning at the end of January and that's the foundation for zoning.
- Motion from Susan Kukle to close the public hearing Aleksandra Smith 2nd

7-0

Kaaterskill Clove, LLC STR Site Plan Review, parcel #182.-1-17 Haines Falls

E Reale presenting

- This is an existing Short-Term Rental that needs review by the planning board per the STR law.
- This property has 6 bedrooms and parking for 15 cars.
- Applicant does not plan on events. But looking for approval for small events.
- Motion from Peter Kelly to close the public hearing Susan Kukle 2nd 7-0

Vacay, LLC STR Site Plan Review, parcel #164.09-7-2 Hunter

K Kostov presenting

- This is an existing Short-Term Rental that needs review by the planning board per the STR law.
- This is a 7 bedroom home with ample parking space.
- Cynthia Chorzepa states she has heard a lot of noise, the dumpster is too close to the road and there have been more than the amount of people in on the property than should be and parking is an issue.
- Patrick Reen states it is very noisy and there are too many cars.
- The applicant states his family also lives there.
- Patrick Reen would like to know how to avoid the problems when there are renters.
- Marc Czermerys states the town will be publishing a 24/7 phone number that anyone can call at the time of the problem. This number is manned and will have access to the emergency contacts for the STR property.
- The applicant would like to say that he did file applications after the law went into effect, the CEO did inspect the home.
- Applicant has a property manager.
- Alana Marcus states that her house is across the street from the applicant and states she is very unhappy with the noise and the amount of people and cars that rent this property.
- James Magnuski states he supplied a package of information and wanted to make sure everyone on the board has one.
- Motion from Penny Sikalis to close the public hearing Susan Kukle 2nd

7-0

Marc Czermerys would like to open the meeting at 6:45pm with the Pledge of Allegiance and member roll.

Motion from Penny Sikilis to approve the October 1st, 2024 minutes

Aleksandra Smith 2nd 7-0

OLD BUSINESS

Cortina Mountain Estates Extension of Conditional Subdivision

- T Baker presenting
- Motion from Peter Kelly to extend the Cortina Mountain Estates for 3 months to expire on February 4th, 2025 Penny Sikilis 2nd 7-0

Hemlock Hospitality Sketch site Plan parcel # 208.00-1-4 Elka Park

- M Murphy presenting
- The only thing on the plan is the engineer has made an amendment that the electrical line be buried underground.
- SEQR Part 1 and 2 reviewed by the board
- Motion from Penny Sikilis for a negative declaration Peter Kelly 2nd 7-0
- Motion from Marc Czermerys to approve the site plan as presented with no further conditions. Penny Sikilis 2nd 7-0

The Break Estate Sketch Site Plan Review parcel #182.00-4-4 #182.00-5-1 Elka Park

- A Ritchman presenting
- Maps were presented to the board
- In reading the response from DEP applicant states that the kitchen will not be used commercially although will have some improvements.
- The applicant is going to bring in a potable water with a 6000 gallon water tank will be added to the property.
- Applicant states that all linens and dishware will be rented and will be cleaned off site.
- Large scale events will have portable restrooms.
- Applicant will be required to present a narrative to provide answers to the concerns from DEP for the next meeting.

Thorington Ground Mount Solar Sketch Site Plan Review

Parcel # 209.00-1.31 Elka Park

- Kyle Wojno presenting
- Proposed ground solar on residential property
- SEQR Part 1 and 2 reviewed by the board
- Motion from Penny Sikilis for a negative declaration Aleksandra Smith 2nd
7-0
- Motion from Susan Kukle to approve the site plan as presented Joe Zecca 2nd
7-0

Kaaterskill Clove, LLC STR Site Plan Review parcel # 182.08-1-17

Haines Falls

- E Reale presenting
- Short Term Rental per STR law for a permit
- Reviewing parking plan and occupancy
- SEQR Part 1 and 2 reviewed by the board
- Motion from Marc Czermerys for a negative declaration Penny Sikalis 2nd
7-0
- Motion from Marc Czermerys to approve the site plan as presented
Susan Kukle 2nd 7-0

Vacay, LLC STR Site Plan Review parcel # 164.09-7-2 Hunter

- K Kostov presenting
- Marc Czermerys states there is a strict deed covenants in Colonels Chair that does not allow any businesses to take place in a residential area. This has been passed down to the Town of Hunter Attorney for advice on what action to take as the Village of Hunter has recognized this but have not enforced it. The Town of Hunter attorney has advised not to take action on the application tonight and give him time to do some additional research and should have an answer by the next meeting.
- The board had a question about the dumpster being too close to the road.
- The applicant states he would like to move it or not have a dumpster at all and have the property manager take the garbage to the Transfer Station.
- Applicant has stated he has a property manager close by.

-Applicant will return next month.

NEW BUSINESS

Pederson Minor Subdivision parcel #166.00-5-10.1 Haines Falls

-R Brooks presenting

-This is a proposed subdivision on Route 25 in Haines Falls.

-The property will be divided into 3 lots. Lot 1 and lot 2 will be purchased from applicant. Lot 3 is where the applicant has his home and will not be sold.

-Motion from Penny Sikalis to be lead agency Peter Kelly 2nd 7-0

-Motion from Peter Kelly for a 239 Aleksandra Smith 2nd 7-0

-Motion from Susan Kukle to hold a public hearing on the December 3rd, 2024 meeting.

Public to be heard. No comments.

Motion Peter Kelly to close the planning board meeting Susan Kukle 2nd
7-0



10/30/2024

To all members of the Town of Hunter Planning Board:

My name is James Magnuski. I am President of the Colonels Chair Civic Association. One of our Associations primary focus is to protect the Colonels Chair developments intended strict Residential use. Our subdivision has Strict Deeded Covenants in both the Town and Village sections of our community that forbid ANY COMMERCIAL USE (see copy A attached). We are aware of the permit application to operate an illegal commercial transient short-term rental property in our community. We are vehemently opposed to the issuing of this permit.

We are very grateful for the Town of Hunters new Local Law No.2 regulating the use of residential homes as commercial transient short-term rentals. I know the Town Board worked very hard to initiate this much needed law. We applaud them. The Colonels Chair Civic Association was at the forefront sounding the alarm about the use of illegal commercial transient short-term rentals by bringing it to the attention of both the Town and Village boards. I personally with my board members attended many Town and Village board meetings discussing all the negative issues these illegal commercial transient short-term rentals cause. In fact this applicant was one of the leading reasons we were so heavily involved in the town process.

It should be noted that the applicant, Konstantin Kostov, Vacaya LLC 224 Pine lane has misrepresented his intended use of his properties from the beginning. He sought and was given approval by the Slutzky family as required under the terms of his deeded covenants, to build his home under the false pretense of using it for his own personal family use as a residential home. I was told if they knew what he was really doing they would not have approved his plans. He also came to my home to confront me after he was told that I was mounting a campaign to stop the illegal use of commercial transient short-term rentals in both the Village and Town sections of our community. He had told me to my face that he built the home at 224 Pine lane for his personal family use BUT because it cost him so much to build he had to rent it out to help afford it. This was another of his misrepresentations. It was already known by then he had other business rentals and this was just another one. He also owns 196 Pine lane adjacent to 224 and that is also primarily used as an illegal commercial transient short-term rental. It's quite clear he never had any intentions other than using these homes for commercial use. His reasons for using our community location were for the misrepresentation of Hunter Mt. Reservoir property as his own for his customers use as a resort lake.

The ads at that time for 224 Pine lane (see copy B attached) included "boasting over 6000 sq. ft of pure luxury, massive 1400 sq. ft. deck, Sleeps 30+,Corporate Rentals, family reunions, Wedding receptions, catering available, lawn can accommodate up to 150 people for games and ceremonies". Yes we have witnessed quite a few wedding type events and ceremonies with tents trespassing on Hunter Mt. reservoir property that required buses to transport attendees from Hunter mtn. parking lots to the

home at 224 Pine lane. The massive 1400 sq. ft. deck is still heavily used quite often for day and late night beer pong party type events.

I will note the efforts of the Village of Hunter to control the negative impacts of these illegal commercial transient rentals in their jurisdiction. The Village Planning board at that time issued its opinion (see Copy C attached) that these types of commercial transient short-term rentals in their area of jurisdiction were indeed in Violation of the Village zoning laws and recommended enforcement. The then Mayor, realized that officially recognizing the violations would subject them to mandatory enforcement .Due to severe financial burden the Village would endure in enforcement not only in our community but in the whole Village they decided to ignore the violations to protect the Village.

I will note the efforts of Hunter Mt. Ski resort when they were notified by our Association of the attempted "Adverse Possession" of their Reservoir and surrounding property by the commercial transient short-term rentals. A letter sent to all the owners (copy D attached) states clearly "the exclusive use of homes as commercial transient rental properties is a clear violation of the restrictive covenants that exist in all the deeds of the subdivision, which include the clause; "said premises shall not be rented for, or used for, any commercial purpose". It also took issue with them using their property. It also said they believe these rentals violate the Village Zoning laws for those located in the Village section.

At a heated Village Board meeting attended by transient rental owners the late Gary Slutzky spoke up to clarify comments (copy E attached) made by Victor Magnotti . As stated in the Village minutes "Gary Slutzky stated he would like to clarify something Mr. Magnotti said-that his father and uncle developed Colonel's Chair Estates and one important thing people don't realize, Mr. Magnotti mentioned "rental community" at least 6 times and it is an "illegal rental community" as in the deed of the original property sale from my family to anybody who bought property it was specifically spelled out that it is single family homes not rental homes. Gary Slutzky further stated Mr. Magnotti referred to our snowmaking reservoir as a lake several times and it is a snowmaking reservoir and not a lake and not for recreation and is private property and no one is supposed to be using it".

This applicants homes have been the subject of constant complaints from the whole community for years now regarding Noise, Garbage , Parking, and overcrowding. His "Professionally Managed" homes are a nightmare to our community. Police are constantly called to quell the noise and address the parking issues of his "Transient Guests". The State DEC is constantly called about his garbage dumpsters. Just this past summer a young bear that had been feeding at his 196 Pine Lane dumpster (see pictures attached) had to be euthanized by the DEC wild life biologist due to it being labeled a nuisance for entering a nearby home. This bear and many others have been attracted mainly to these illegal transient short-term rentals.

The Colonels Chair Estates were built and Deeded for Residential use only. The commercial use of this and other properties has caused a severe negative affect to the quality of life in our community as it has in other areas of the Mountain top. It has had a negative effect on the local Schools, Churches, Synagogues, Community and also places a severe strain on our infrastructure. Our community including the Town section rely on The Village of Hunter Water and Sewer system whose capacity is becoming

critical because of the overcrowded transient short-term rentals. We have all witnessed it. The water main breaks in our community are usually near these rentals and usually take place when there are large groups renting.

It takes family's living here to build a community. Commercial Transient short-term rentals are not a part of the community and are not the economic engine their operators would lead you to believe. Most of that rental income leaves the Mountain Top to elsewhere.

According to NY State law Seasonal and Annual Renting is considered a Residential Use. It is Not illegal to rent a home in Colonels Chair estates on an annual or seasonal basis. In fact we encourage those homeowners who are not full time residents in our community to do so if they want the income. There is absolutely no reason why anyone has to rent transient short-term in the Colonel's chair estates. Seasonal and annual renters become part of the Mountain Top community during their time here, transients short-termers do not.

Konstantin Kostov owns other properties in Hunter and Hunter Village near to Main St. Rt. 23A bordering near Botti drive. Town Lot # 164.00-2-21.2, Village Lot #'s 164.11-1-19, 20, and 21. He could operate his business there without any conflicts or restrictions and easier access to the ski resort. There was and is no reason for him to be operating his business in Colonel's Chair. I have no doubt this applicant will continue to misrepresent his intentions to this Planning board as he has previously done. If granted a permit he will continue to violate its regulations as he has in the past. He has never addressed the complaints in the past until he was forced to. Our community will be burdened with having future violations addressed. Granting a permit won't solve anything. This problem will continue. It should be noted that both his homes on Pine lane are currently on the market for sale. Though permits are not transferrable they set a precedent for future owners. If he wants to legally rent then let him rent Seasonal or Annual.

I ask on behalf of our community for the Town of Hunter Planning Board to DENY this permit or any permit for transient short-term rentals in the Town section of the Colone!'s Chair Estates and to continue to enforce the Town Transient Short-Term Rental law for anyone that does in our community. Granting a permit is a direct conflict of our Deeded Restrictions. I highly doubt any permit would be issued for any other business including Hotel, Motel, Bed and Breakfast, tavern, restaurant, gas station, grocery store, etc. in our community for the same reasons. We are a Residential use only community.

Sincerely,



James Magnuski
Colonel's Chair Civic Association
PO Box 891
Hunter, NY 12442

COPY A

SCHEDULE "A"

"ALL that piece or parcel of land situate, lying and being in the _____ of Hunter, County of Greene and State of New York, being known and distinguished as Lot _____ Block _____ in a layout of lots known as "Colonel's Chair Estates", a map of which was filed in the Greene County Clerk's Office at Catskill, New York, bounded and described as follows: Beginning at a point marked by an iron pin driven in the ground on the southerly side of Proposed Road # _____, said point of beginning also being located at the northwesterly corner of Lot _____, Block _____ and runs thence from said point of beginning along the westerly boundary of said Lot _____ feet to a point marked by an iron pin driven in the ground at the northeasterly corner of Lot _____, Block _____ thence along the northerly boundary of said Lot _____, _____ feet to a point marked by an iron pin driven in the ground at the southeasterly corner of Lot _____, Block _____; thence along the easterly boundary of said Lot _____ feet to a point on the southerly side of the aforementioned Proposed Road # _____; thence along the southerly side of said proposed road _____ feet to a point marked by an iron pin driven in the ground; thence continuing along the southerly side of said proposed road on a curve to the left having a radius of _____ feet for a distance of _____ feet to the point and place of beginning. Containing _____ acre of land be the same more or less.

The above described premises are a portion of lands conveyed by Helen Yezdanian to Israel Slutzky and Orville A. Slutzky by deed dated October 12, 1956 and recorded October 16, 1956 in the Greene County Clerk's Office in Liber _____ of Deeds at page _____

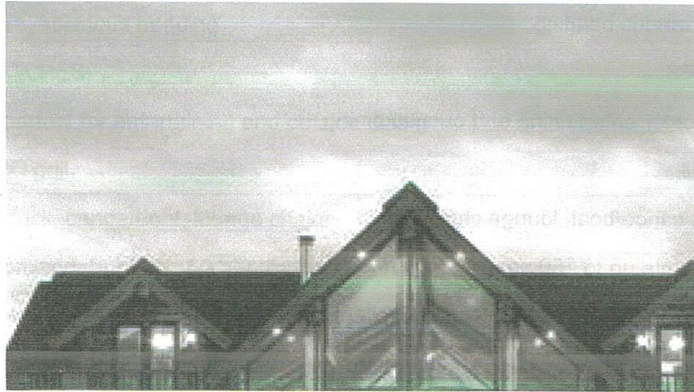
The party of the second part covenants and agrees that no building, or any addition or additions thereto, will be erected on the premises above described unless a plot plan and plans and specifications therefor are first approved by the parties of the first part. This covenant shall run with the land and bind all future owners thereof.

The party of the second part also covenants and agrees that the outside shell of a dwelling will be erected and enclosed by the party of the second part on the above described premises within one year from the date of this instrument. If the party of the second part fails to perform this covenant, the parties of the first part will have the right to demand reconveyance of said above-described parcel upon tender by the parties of the first part of the purchase price paid to them for said parcel. This covenant shall run with the land and bind all future owners thereof.

The party of the second part also covenants and agrees that the land herein granted shall be used for residential purposes only, unless said purpose is first approved by the parties of the first part, that no building, or structure or any kind whatsoever, other than a one-family dwelling house and a 2-car private garage shall be erected thereon; that any and all buildings erected on the land hereby conveyed be erected not nearer than thirty-five (35) feet from any road or highway, or as approved by the parties of the first part; that said premises shall not be rented for, or used for, any commercial purpose; that said premises shall not be sub-divided, unless first approved by the parties of the first part; that the party of the second part covenants and agrees that she shall not or will not at any time hereafter permit to be erected or maintained upon any part or parts of the lands described any road house, restaurant, bar, grill or any place for the sale of alcoholic beverages, or any key club, membership club or bottle club, picnic ground, or other place of amusement, or any public garage or filling station, or any junk yard or storage for vehicles, or any other sort of storage whatsoever on said ground, or any billboards, posters, or signs advertising any business, or any manufacturing or business establishment. These covenants shall run with the land and bind all future owners thereof.

7/6/2014

Hunter Lodge Rental: Unparalleled Luxurious Lakefront Home With Mtn Views, Beach, steps To Town & Ski | HomeAway



COPY B

224 PINE

1 of 21

UNPARALLELED LUXURIOUS LAKEFRONT HOME WITH MTN VIEWS, BEACH, STEPS TO TOWN & SKI

Hunter Lodge Rental Photos and Description

9 Bdrm 6,5 Bath Log Home, Beach, Boats, Game Room, Home Theater, Bbq, Deck, hotTu

WELCOME TO YOUR VACATION PARADISE AT HUNTER MOUNTAIN

This stunning brand new home is conveniently located on the lake at the base of Hunter Mountain. Boasting over 6,000 sf of pure luxury with 8 large bedrooms and 6 custom baths. A massive 1,400 sf deck overlooks the patio and your own lakefront beach. Expansive lake and mountain views, steps to town, ski and water. Everything at this property makes it perfect for entertaining large groups, corporate rentals, family reunions or wedding receptions. Top vacation rental at Hunter Mountain

→
OVER

HOUSE FEATURES:

- * Location, location, location
- * Sleeps 30+
- * Great room with vaulted ceilings and towering lakeside windows, fireplace and entertainment system
- * Custom kitchen, stainless steel appliances, dining room for 25+
- * Large bedrooms with vaulted ceilings
- * Luxuriously appointed bathrooms
- * Walkout game room with ping pong, fooseball, bar and games
- * Movie theater with state of the art entertainment system, and PS games. Fast internet, WiFi, Netflix and over 250 tv channels

Village of Hunter Planning Board
Regular Meeting Minutes
March 26, 2015

COPY C-1

Members Present: Paul Slutzky, Chairman
Richard Volpi, Deputy Chairman
Gary Goodrich, Board Member
Mike Foti, Board Member (absent)
Harold Goldberg, Board Member
Cheryl Cornelius, Alternate Board Member (absent)

Public Present: Jim Magnuski, Robert Hamley

Call to Order: Chairman Slutzky opened the meeting at 7:05 PM

Review and Approval of Minutes of February 26, 2015:

MOTION was made to approve the minutes by H. Goldberg and seconded by R. Volpi. **MOTION** carried with unanimous vote.

Privilege of the Floor:

Jim Magnuski, President of the Colonel's Chair Civic Association, said he wanted to bring to the Board's attention, the issues concerning use of single family home sites in the Hunter Village portion of Colonel's Chair Estates for the purpose of commercial transient rentals. He advised that he and others have spoken to the Hunter Village Board about these issues and have not as yet received any assistance. He then presented the Board with a letter he had written February 16, 2015 to Dominick Caropreso, Village Code Enforcement Officer, on behalf of the 92 members of his association, in which he detailed all the problems that these transient rentals were creating in the subdivision, to which he has not as yet received a response. He said several homeowners in Colonel's Chair estates have converted what were previously single family homes into full time transient rentals that are operating as Hotels and Inns. He discussed the fact that all the deeds in the Colonel's Chair subdivision are subject to restrictive covenants which include the provision that "said premises shall not be rented for, or used for, any commercial purpose". He and Mr. Hamley discussed the wording in the Village Zoning Law under Use, Area and Coverage Regulations that states the Village Residential District (which encompasses the entire Village portion of Colonel's Chair estates) "is established to provide for primarily single-family living and excluding land uses that are not compatible with residential life." After review and discussion, the Board agreed that the commercially advertised transient rental of non-owner occupied single family homes was not an allowable use in the Village Residential District and therefore would constitute a violation of the Zoning Law. After further discussion, it was agreed that the Board would have a discussion with the Code Enforcement Officer of the Village, relative to these perceived violations. The Board also advised Mr. Magnuski and Mr. Hamley to contact the NYS Department of Health office in Oneonta as they regulate commercial transient rental properties, such as B&Bs, Inns, hotels and motels.

COPYC-2

Village of Hunter Planning Board
Regular Meeting Minutes
April 23, 2015

Members Present: Paul Slutzky, Chairman
Richard Volpi, Deputy Chairman
Gary Goodrich, Board Member
Mike Foti, Board Member (absent)
Harold Goldberg, Board Member
Cheryl Cornelius, Alternate Board Member
Public Present: Jim Magnuski, Robert Hamley, Peter Petrocca, Michael Bliss

Call to Order: Chairman Slutzky opened the meeting at 7:03 PM

Review and Approval of Minutes of March 26, 2015:

Motion was made to approve the minutes by G. Goodrich and seconded by C. Cornelius. **Motion** carried with unanimous vote.

Privilege of the Floor:

Jim Magnuski, President of the Colonel's Chair Civic Association, said he wanted to bring to the Board's attention again, the issues concerning use of single family home sites in the Hunter Village portion of Colonel's Chair Estates for the purpose of commercial transient rentals. He reviewed his discussion with the Village Board at their regular meeting on April 13, at which Mayor Maley said he had discussed this issue with a NYS Department of Health official in their Oneonta office and that that official told him the Department would not take any action because the properties in question were renting rooms to groups as opposed to unrelated individuals, which would require their oversight in the same way that B & Bs, inns or hotels would be regulated. Mr. Magnuski said he emphasized to the Village Board the difference between owners who lived in their homes while renting portions of their homes and owners who never lived in their owned properties and only used them as commercial rentals, thereby clearly establishing their "principal use" as defined in the Village Zoning Law, as a commercial use, which is not allowed in the Residential District. P. Slutzky, who also attended the Village Board meeting, said the Mayor made the case that if the Village charged the owner(s), whose behavior the Colonel's Chair Association has been repeatedly complaining about, with violations of the Zoning Law, they would have to charge all owners in the Village that rent their properties on a transient basis with the similar violations. After further discussion, the Planning Board Members agreed that the home sites in Colonel's Chair Estates subdivision, located in the Village Residential District, which are being used exclusively as commercially advertised transient rental properties, are clearly in violation of the Use, Area and Coverage regulations that apply to the Village Residential District under the Village of Hunter Zoning Law. The Board agreed that a letter should be sent from the Planning Board to the Village Code Enforcement Officer advising him of these violations.

Peter Petrocca, co-owner of Roseberry's Motel and Restaurant, reviewed with the Board his sketch plan to add a wooden deck along the south and east side of his restaurant.

May 20, 2020

[REDACTED]

COPY D

[REDACTED]

[REDACTED] Pine Lane
[REDACTED] Hunter, NY

Dear [REDACTED]

It has come to our attention that various home owners on Pine Lane in the Colonel's Chair Estates subdivision have converted one or more of their homes to commercial transient rental properties. We have also been made aware that these properties are being advertised on home rental websites, including HomeAway.com, with representations such as; "your own lakefront beach"; "shared lake w/ private dock, paddle boat, kayak, canoe. Perfect vacation spot w/ crystal clean lake for swimming, boating and fishing!"; "access to lake—private lakefront, dock".

Please be advised that the Hunter Mountain snowmaking reservoir on Tax Lots #164.05-7-40 and #164.09-7-10 is private property and absolutely no one other than Hunter Mountain ownership or authorized personnel has the right to access any of this property.

A recent survey of our reservoir property has revealed numerous encroachments on our property, including docks, pea stone beaches, fire pits and wood walkways. If any of these encroachment materials, including docks, wood structures, canoes, kayaks, paddle boats, etc. belong to you, please remove them forthwith or we will remove and dispose of them.

The exclusive use of homes in Colonel's Chair Estates as commercial transient rental properties is a clear violation of the restrictive covenants that exist in all the deeds of the subdivision, which include the clause; "said premises shall not be rented for, or used for, any commercial purpose". We also believe these commercial transient rentals are a violation of the Use, Area and Coverage Regulations pertaining to the Village Residential District under the Village of Hunter Zoning Law.

In view of the above mentioned concerns and for the liability issues they present us with, we can't allow this behavior to continue and feel we must take action to prevent its continuance.

If you have installed any facilities that are encroachments on our property or are one of the homeowners who are trespassing on our land or are promulgating illegal trespass on our land by your rental guests or others, please cease and desist this behavior immediately. If we do not get cooperation from the offending homeowners, we will be forced to take all requisite measures to protect our property from unauthorized and possibly dangerous use, including, if necessary, the erection of a fence around our property.

Yours very truly,

Russell Coloton, Jr., President

Cc: Sharon Graff, Attorney at Law

Higgins added there were also several letters expressing their opposition to the issue of renting commercially.

One of the letters which views there is no basis for the commercial rentals was recapped by the sender, Victor Magnotti. Mr. Magnotti stated his opinions on this issue saying this has always been a rental community and he feels there is a private vendetta from a part-time resident who has been trying to get all the Colonels Chair Estates property owners to side with him and agree that there should be no "commercial" renting in the residential area. Mr. Magnotti stated he has 10 different homes directly connected to his house and has never had a problem with any of the renters and has never had a problem with Mr. Laker's house down the street from him. Mr.

Magnotti states there have been many fabricated stories about what is going on with all the naked people running up and down the street, the boozing and drugs and stated if these were true he would be there immediately and put a stop to it himself. Mr. Magnotti stated he feels these stories are from some residents who find they made a mistake and moved into a rental community and now want to change it. Mr. Magnotti stated that due to all the complaints, the "lake" is now shut down to people wanting to swim and people come here to have fun. Gary Slutzky stated he would like to clarify something Mr. Magnotti said - that his father and uncle developed Colonel's Chair Estates and one important thing people don't realize,

Mr. Magnotti mentioned "rental community" at least 6 times and it is an "illegal rental community" as in the deed of the original property sale from my family to anybody who bought property it was specifically spelled out that it is single family homes and not rental homes. Gary Slutzky further stated Mr. Magnotti referred to our snowmaking

reservoir as a "lake" several times and it is a snowmaking reservoir and not a lake and not for recreation and is private property and nobody is supposed to be using it. Trustee Tancredi stated he wanted to make everyone aware, the Village Board does not do enforcement and has no right or desire to enforce private covenants. Trustee Higgins stated he is in full agreement and advised his personal point of view is that these issues will have to be dealt with by people in charge to enforce the covenants. Trustee Higgins further added that the snowmaking reservoir has always been private and now the owners are now going to enforce the "no trespassing" which is unfortunate but within their rights. Mr. Magnotti stated he started maintaining the lake property in 2003 and now there probably will be a 7 ft. fence around the lake and grass not mowed. Jim Magnuski stated that throughout this whole process, the Colonel's Chair Civic Association has never made this a personal issue and have always referred to zoning laws and how they are applied and the line where it became commercial, it was never personal. Mr. Magnuski added that the signs on the lake now are not because of the

Colonel's Chair Association but because of the commercial use of that lake by some of the rental homes and not only renting out their homes but renting out the use of the lake clearly stealing someone else's property for their own personal benefit. Mr. Magnuski further added the "no trespass" signs went up so quickly due to the taking down of trees on the lake property twice in two (2) weeks. Trustee Tancredi advised Robert Laker that as property owner, you need to make sure your garbage is picked up regularly, your tenants are aware of the noise ordinance and affecting the quality of life of all these people who are complaining and cars blocking the road so firetruck cannot get thru, that is a problem and added that he holds Mr. Laker responsible as he is the reason all these people are here. Trustee Tancredi inquired if Mr. Laker could get rid of the dumpster and have smaller containers for the garbage at each of the three (3) locations and have the garbage picked up a couple times a week and to make sure the containers are bearproof. Mr. Laker advised that would be done. With regard to the comments about having a fire and firetruck sent to his house, Mr. Laker advised that he had a campfire that falls under the "campfire law" and was within the limits of 3 ft high x 4 ft wide in a contained area and a hose available and someone present. In the six (6) years of renting, there has not been

