

Minutes

May 31, 2023 Minutes

Continuation of March 22, 2023 Public Hearing on Short Term Rentals (STRs)

<p>Present: Mayor Mike Abrams Clerk/Treasurer Nicole Heeder</p>	<p>Trustees: Dorene Weir James Mark Browne (departed 6:45 pm) Susan Patterson Quinn Murphy Browne (departed 6:54 pm)</p>
<p>Attendees: Trevor Bean, Code Enforcement Officer Renee Shur, Economic Development Director Audrey and Stuart Peckner Anne Birkmayer Marion Guerriero Jenny Endresen Dennis and Tracey Pearson John Margan Christopher Ventura Phil Giltner Evan McComb Jodi McComb Warren Applegate Stephanie Lally Julia Joseph Richard Phillips Thomas Baumgartner Matt Buckner Isabel Borland Curt Gobrecht Bob Puckett Bob Gibson Alex Andersen Sabine Murphy</p>	

Mayor Abrams greeted the attendees and opened the meeting at 6:02 p.m.

Purpose: to hear public comment on the latest draft of the proposed law, copies of which were provided, and also available on website. Mayor stated the village was not voting on anything at this meeting, just meeting to further define the law.

Background: conversations started May 11, 2022 at the village board meeting, handed off to planning board, met for 4 months with 4 public meetings where they debated the issues and had public comment, posted, first draft shared with public, held open public hearing held Feb. 8, 2023, had feedback from residents, additionally proposed to preserve character of village, incorporated feedback, did additional research, talked to municipalities regarding best practices, produced second draft, more comprehensive, and added more protections to the community.

Role: For Mayor and Trustees to hear from community and further define draft regulations.

Trustee Murphy commented Section E 19, non-hosted short-term rentals – why 60 days? Seems likelihood person living there. Per Mayor we can talk about it tonight.

Mayor Abrams opened hearing to public comment:

Resident Phil Giltner, Albany Ave – questioned 60 days model and jurisdiction? Nothing against allowing person to rent for couple weeks, 60 days seems like its entire summer or fall – too high, defeats goal, 60 days may be too high, recommends 30 days or less is appropriate. Had next door neighbor ran house as businesses for 2 years, changed the character of a neighborhood and upkeep, when you own property, you take better care of it. Best balance if someone can rent out, make money, and care and nurture property.

Resident Bob Puckett asked about long term rentals (LTRs)? Per Mayor this regulation does not impact LTRs. Mayor read definition, cited code.

Resident Anne Birkmayer, 21 Chatham St. - in order to get permit it has to be primary residence? Yes, per Mayor. How would you enforce the 60-day cap [non hosted STRs]? Per Mayor, there's legislation to tax STRs and software that enables to pull info from Airbnb type sites to get information for tax purposes. Legislation has support. Village doesn't have the ability to tax STRs. Anne Birkmayer comments 60 days doesn't make sense, over course of a year. Some people have direct websites. The 12-property law [non-hosted STR maximum], how does that work? Per Mayor by first come first served. Anne Birkmayer questions non hosted? Mayor explains hosted vs. non hosted STRs. If you live there it's considered a hosted short-term rental, no cap on regulations in this village. Resident Sabine Murphy asked for clarity of an accessory structure. Per Mayor that's considered a hosted STR. A non-hosted STR – you're not physically there, that's where we see issues, there are 6 in the village right now, proposing capping that number at 12.

Resident Matt Buckner, Albany Ave. – you can have a sole residence and be gone for extended period of time. Can claim to be onsite host but be gone, generating revenue – doesn't really help sometimes if you claim to be an on-site house, unknown cars coming and going. Per Mayor will be difficult to monitor. But if there are violations, village could pull permit. That's where enforcement comes in.

Resident Alex Anderson – said son was going to live there, heard of woman lived in VT, rotating bnb, got away with it, lied about everything. Does village have power to enforce? Who pays? Should be vote of whole village.

Resident Mat Bucknar agrees – a lot of activity has been grandfathered in, Airbnb, Vrbo, residential zoned areas, if some wanted to run retail store out of house, essentially create situation where small hotels are run from private homes like hotels, risk are too high, damage too high, to be connected to communities, to families that would otherwise live there, feels there should be a village-wide vote, do we want this?

Trustee Browne comments we could do a referendum, get signatures, make a law, it would be long process, and recommends getting something on books now.

Resident Matt Bucknar – feels like handful of people want to do STRs, living next to STR probably wouldn't want it.

Trustee Browne comments we (five people in front) are a representative government.

Resident Phil Giltner - the village board has authority to call for referendum, have we taken a vote? Trustee Browne responds – haven't considered it, suggest village board vote to have a referendum, based on public interest, at next village election.

Resident Audrey Peckner, 24 Broad St. - 1) accessory dwelling – there's no description. Per Mayor it's defined in code. Cannot live in RV.

Resident Sabine Murphy asks - what about having a wagon in back yard? Per Mayor we're working through that.

Resident Christopher Ventura, 19 Albany Ave. – rents out house when weekenders, asks public who frequents local businesses every day, many due to tourism, Airbnbs been around for decades, if we have cap on 60 days, will reduce number of Airbnbs we have, suddenly families going to other municipalities, those businesses bring in sales tax, if tax STRs - once law is passed, estimate dollars for village improvements, trying to solve problem, have safety code on this law, what we have is permit system, if violation, ... if passed 60 day cap, bought house next door, has ability to share with tourists living in village, can't do this with this law and cap.

Resident Phil Giltner – by having Airbnbs you have more weekenders, true, but there's a lack of affordable housing right now, ban in NYC because there are no places for families to live year-round, building supply being gobbled up for rentals, more concerned people cannot find a place to live, more concerned that folks have place to live instead of places to go over the weekend. That's a bigger issue.

Resident Matt Bucknar How many people want their property to go down in value? Can't rent house to group of people? Asks CEO for number of tenants. Village structure not remove multifamily – not hosted rentals. Doesn't give capacity back to village.

Resident Phil Giltner – warps market as whole, single-family house – much higher price on market than Airbnb. Takes those houses off market, not talking about multi family housing. Folks say my son can't find house, getting gobbled up for people who want to run as businesses.

Resident Chris Ventura – asks how board defines preserving character of village? Storefronts? Trustee Browne responds the 2016 comprehensive plan defines what we're trying to maintain.

Resident and Economic Development Director Rene Shur is also Airbnb host – following up on character of village maintained by having active village district, 1200 people cannot support active village district, need tourists in order to maintain historic district, and having folks make investments in village businesses. Has lived here 21 years, this is part of ecosystem enabling visitors to come here, stay overnight, spending more money, an average day visitor spends \$13, overnights spend \$200. Preserving character of village – facts: - after last Village Board meeting impression with board that Airbnb guest do not frequent business yet 99 % guests frequent businesses, specifically mention walkability, historic character, has excerpts. Another datapoint, when make comparison to Rhinebeck, hard to compare apples to oranges, Rhinebeck has inns, bnbs, and hotels and Kinderhook has 9. Airbnbs are part of economic development. Has questions she will provide in writing: pg. 4 D- strange semantics – permit fee determined time to time? Vague – recommends having lawyer review. Suggests better definitive language. Mayor asks – vote on fees in April, if add fees– would need to change local law. Per CEO it's standard language. Asks - Pg. 6 21 – asking for certificate of liability for Airbnb hosts – they're covered by air cover, asks that lawyer believes it satisfies. Pg. 7 23 – rental contract – trying to inform guests of expectations for behavior, can't contract directly with guest – another way to ensure guest have notification. Post inside Airbnb? Resident Christopher Ventura recommends should still maintain insurance outside of Airbnb insurance, for contract – you already have in there if anyone violates anything lose permit.

Resident Alex Anderson asks question – the word traditional does not appear – what tradition – some recognition of essential nature of historic district? Don't want to hollow out district by becoming prisoner of STRs tourist industry. Impossible to rent ...whole house. If allowing more Airbnbs, can't enforce rules we have now, how will Village enforce if don't have power, if there were permits, inspections, how paid for, administratively? Need more people? More salaries? Very concerned that permits should not be given to people who don't pay taxes. What about parking enforcement? Should not be a driver of village. Regulation that there's no LLCs or corporate entities? Doesn't like voting by residents. Learn from Rhinebeck and other communities who've had to fight for rules.

Resident Christopher Ventura commented his house was telephone operators' businesses for many years.

6:45 pm Trustee Browne – Apologizes he has to excuse himself to attend another meeting.

Resident Marilyn Guerriero – had wedding at house this weekend, got bnbs for her guests, important, good experience, STRs are needed, need regulations, but believes there's a need, as long as folks follow rules. And on historical note, in 1800s her home included rented out rooms, her home had a sign "rooms for rent", doesn't believe it changes character of village.

Resident Christopher Ventura – only had one noise complaint at property here, have had lots of renters who were families of locals, folks won't rent Dutch Inn for an entire family.

Resident Anne Birkmayer – thinks STRs are needed in village. Likes having the option, as taxes keep going up. Believes policy achieves everything people want. Sees way for investors.

Resident Tracey Pearson, 21 Hudson St. – moved here and downsized (too much), using Airbnb for family has been great, every Airbnb they stayed at were very helpful, can't afford putting up in fancy hotels, Airbnbs worked out well, much preferred.

Resident Christopher Ventura – anyone with non-primary residence wouldn't be able to rent out whole house.

Resident Matt Buckner – Columbia County is unusual on property taxes - you're not assessed for unattached dwellings, quite a bonus, as more people monetize, county will want piece of action.

6:54 pm Trustee Murphy – excused to attend another meeting.

Nonresident Curt Gobrecht - sells products to businesses. Comments Airbnb is not going to take over town, only 9 places for people to rent at hotel. Grew up here, positive about changes we've seen, need to be responsible going forward, some property regs hinder economic development and growth of town in positive way, ...many businesses that are here, lives on Kinderhook Lake, understands right to regulate in responsible way, and not hinder responsible folks, cap is reasonable but shouldn't hinder ones bringing positive experience to town.

Mayor Abrams thanked residents and the public hearing adjourned at 6:54 pm.

Minutes submitted by Sue Pulver, Recording Secretary