

**Town of Shandaken  
County of Ulster  
State of New York**

**The Town of Shandaken Town Board held a Special Meeting on Monday February 12, 2024 at 6pm. Shandaken Town Hall. 7209 Rt. 28 Shandaken, NY**

**Call to Order  
Pledge of Allegiance  
Roll Call**

**Members Present**                      **Peter DiSclafani – Supervisor  
Kevin VanBlarcum - Board Member  
Kyle Steen – Board Member  
Elizabeth Kneissl – Board Member  
Robert Drake – Board Member**

**Recording Secretary**                **Joyce Grant - Town Clerk**

**MOTIONS Disclafani/Drake**

Accept Resignation of James Amenta – Comp Plan Comm, Bd of Assessment Review, Rock Cut Comm  
Accept Resignation of Mary Herrmann – Comp Plan Committee

**Town of Shandaken Town Board calls for a Special Meeting to review Pine Hill Main Street TA selection of architects. & to discuss amendments to Shandaken Short Term Rental Law. Monday February 12, 2024 @ 6pm. 7209 State Rt. 28. Monday February 12, 2024 @ 6pm. 7209 State Rt. 28.**

**Jan Jaffee addressed the board on Res. 52-24.**

**Vivian Welton – Shandaken Home Sharing Association addressed the board with list of suggested revisions/additions to the current STR law. Attached.**

**RESOLUTION #51-24**

**OFFERED BY KNEISSL**

**RESOLUTION OF TIME ACCRUALS FOR NEW YORK STATE RETIREMENT SYSTEM**

**WHEREAS**, the New York State Retirement System requires a report be filed with their offices listing those employees and elected and appointed officials enrolled in the System

**THEREFORE, BE IT RESOLVED**, that the Town of Shandaken hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the time keeping system records.

<u>Name</u>	<u>Elected/ Appointed Title</u>	<u>Std. Work Day Hrs</u>	<u>Participates in Time Keeping (Y/N)</u>	<u>Days/Month Based on Record</u>
Peter DiSclafani	Supervisor	7	N	19.21
Joyce A. Grant	Town Clerk	7	N	20.00
Kevin VanBlarcum	Town Board	7	N	2.39
Kyle Steen	Town Board	7	N	5.13
Elizabeth Kneissl	Town Board	7	N	4.25
Eric Hofmeister	Highway Superintendent	8	N	20.00
Grace Grant	Assessor, Chair	7	N	21.98
Chad Storey	Police Chief	8	N	5.01
Richard Muellerleile	Ambulance Chief	8	N	10.85
Richard Ricciardella	Phoenicia Water Superintendant	7	N	20.09
Wendy Lockwood	Justice Clerk	7	N	10.00

Ernest Longhi	Ambulance Line Officer	8	N	1.47
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**MOVE ITS ADOPTION**

Seconded by: DISCLAFANI

**ROLL CALL**  
**AYES**                      **NAYS**

<b>BOARD MEMBER DRAKE</b>	__X__	_____
<b>BOARD MEMBER KNEISSL</b>	__X__	_____
<b>BOARD MEMBER STEEN</b>	__X__	_____
<b>BOARD MEMBER VAN BLARCUM</b>	__X__	_____
<b>SUPERVISOR DISCLAFANI</b>	__X__	_____

**RESOLUTION #52-24** **OFFERED BY DISCLAFANI**

**Accept Bid for Community Renewal Technical Assistance Grant**  
For the Town of Shandaken, Pine Hill Main Street

**Whereas;** The Town of Shandaken was awarded a \$20,000.00 New York State Homes and Community Renewal Technical Assistance Grant, and

**Whereas;** an RFP/ RFQ was offered for Architectural/ Engineering services for Main Street Pine Hill with the NYS Housing Trust Fund Corporation from the Office of Community Renewal, and

**Whereas;** with the assistance of the MARK Project Inc. and NYS Homes and Community Renewal Technical assistance Grant and NYS Consolidated Funding Application # 130842, and

**Whereas;** six to eight properties have shown interest in this project, and

**Therefore, be it Resolved; IN-SITE AT \$22,500.** has been chosen to create an architectural design and rendering for Main Street Pine Hill.

**MOVE ITS ADOPTION**

Seconded by: DRAKE

**ROLL CALL**  
**AYES**                      **NAYS**

<b>BOARD MEMBER DRAKE</b>	__X__	_____
<b>BOARD MEMBER KNEISSL</b>	__X__	_____
<b>BOARD MEMBER STEEN</b>	__X__	_____
<b>BOARD MEMBER VAN BLARCUM</b>	__X__	_____
<b>SUPERVISOR DISCLAFANI</b>	__X__	_____

**RESOLUTION #53-24** **OFFERED BY DRAKE**

**Resolution to Post Notice of Public Hearing**  
**Amendment to STR Law - Moratorium on New STR Licenses**

**Whereas,** the Town can and should revisit new laws to determine what needs to be changed and amended in the best interest of the residents.



**RESOLUTION #55-24**

**OFFERED BY DRAKE**

**Resolution Establishing Qualifying Training Activities of the Shandaken Planning Board and Zoning Board of Appeals**

WHEREAS, Shandaken has established a planning board pursuant to New York Consolidated Laws, Town Law - TWN § 271, and

WHEREAS, Shandaken has established a zoning board of appeals pursuant to New York Consolidated Laws, Town Law - TWN § 267, and

WHEREAS, both laws specify that members of the respective boards must complete a minimum of four hours of training each year.

RESOLVED, that the Shandaken Town Board establishes the following list of agencies, commissions, associations, universities, other organizations and private firms or individuals as approved to provide training to meet these yearly requirements.

1. State Agencies including: the NYS Department of State; Department of Agriculture and Markets; Office of the State Comptroller; Department of Health; Department of Transportation; Department of Environmental Conservation; Office of Parks, Recreation, and Historic Preservation; Hudson River Valley Greenway, and other state agencies; and
2. Associations and Professional Organizations: as offered by the NYS Association of Towns, the NY Conference of Mayors, the NYS Association of Counties, the NY Planning Federation, the American Planning Association, the Upstate New York Chapter of the American Planning Association and the Metro New York Chapter of the American Planning Association, Association of State Wetland Managers, Urban Land Institute, NYS Bar Association; and
3. New York State Regional Planning Commissions and Boards including: the Capital District Regional Planning Commission, Central New York Regional Planning and Development Board, Herkimer-Oneida Counties Comprehensive Planning Program, Lake Champlain-Lake George Regional Planning Board, Long Island Regional Planning Board, Southern Tier Central Regional Planning and Development Board, Southern Tier East Regional Planning Development Board, Southern Tier West Regional Planning and Development Board, Genesee-Finger Lakes Regional Planning Council, Hudson Valley Regional Council, Tug Hill Commission, and Adirondack Park Agency; and
4. County Planning Boards and Federations including: any county planning board, regional council, or county planning federation established pursuant to Article 12 of New York State General Municipal Law; and
5. Universities and Colleges: the Albany Law School Governmental Law Center, Pace Law School, Cornell University and its cooperative extension, SUNY ESF and other universities and colleges with a degree program in land use law or planning; and
6. Approved Local Municipal Training: any training that has been approved by resolution by the Shandaken town board.
7. On-Line Planning and Zoning Training Programs: as offered by the New York Municipal Insurance Reciprocal, Pace University and Land Use Law Center, and the Lincoln Institute of Land Use Policy; and
8. Private Firms and Individuals: where such training is sponsored by any of the above when pertaining to updates on land use, environmental statutes and programs, or relevant planning/zoning case law.

FURTHER RESOLVED, training may be provided in a variety of formats, including but not limited to electronic media, recorded video, distance learning and traditional classroom training.



Dear Members of the Town Board:

2/12/24

The Shandaken Home Sharing Association appreciates your willingness to revisit the current STR law and make it more effective.

Now that the law has been in place for over a year, we see areas which may need improvement. **We strongly support your proposal to create a six month moratorium** (with 3 month renewal option) **on new STR licenses** while the law is being reviewed.

The suggestions below are needed, we believe, to curb the growing proliferation of short-term rentals run by outside investors, and owners with multiple listings. We however recommend fairness in the process and do not wish to put members of our community out of business.

**Suggested additions to the STR Law:**

- 1) **The cap for non-resident Owners be reduced** to 75 (from 150) by attrition. No cap for owners whose primary residence is on the property (Owner/Primary). **Set a cap on resident-owners who live off the property (Owner/Secondary)**. We recommend this be set at the current number or less by attrition. We suggest that owners (not licenses) be counted for the new cap.
- 2) **Each STR rental unit shall require a separate license**, with separate application and fees, and shall be counted towards the **maximum allowable per property**. (see #3 below) This will facilitate a count of actual STR units.
- 3) The **maximum allowable number of STR rentals per property** are suggested to be: TWO if the owner is a full-time resident and at least one unit is Owner/Primary; ONE if the owner is an Owner/Secondary or a non-resident.
- 4) **Each owner shall be licensed to rent STRs on a maximum of TWO properties** if the owner is a full-time resident and at least one unit is Owner/Primary; **ONE if the owner is a Owner/Secondary or a non-resident.**
- 5) No license shall be issued until all requirements have been met and all fees have been paid. **Provisional licenses shall no longer be issued.** They were created only to accommodate existing owners during the start-up of the license law. We now do not support allowing new applicants to book guests before they have completed the licensing process, including all inspections.
- 6) We recommend requiring **proof of two or three-year ownership**, rather than one. Corporations have the money to wait out a one-year requirement.
- 7) We recommend **penalties for those who advertise unlicensed STRs** for rent. This may warrant forfeiting the ability to get an STR license in Shandaken. Specific fines may also be imposed. **Continuing enforcement of violations** and penalties is important to the health and welfare of the community.
- 8) We recommend that **Rental Arbitrage be expressly prohibited:** (See Town of Olive STR Law, N) This prohibits renters who seek to run STRs.

9) After changes to the STR law, some current license-holders would no longer qualify. We recommend allowing **pre-existing STR license holders** to apply for an **exemption if they become non-conforming** after revisions to the STR law. (A similar provision has been used in many towns such as Olive, and is also recommended by the Ulster County Planning Board.)

10) We recommend that **temporary structures** i.e. tents, trailers and RVs be prohibited for use as STRs. Yurts would be allowable subject to licensing and fire safety requirements. (Similar provision is in Town of Olive STR law)

11) We support the recommendation that existing or future **apartments not be converted to STRs.**

12) We recommend that **STRs be prohibited on any vacant property** that does not contain a dwelling unit.

We are looking forward to continuing this discussion with the Town Board, and would highly appreciate a future workshop meeting with you on the topic. Thank you for your consideration,

Jay Braman, Dara Heinlein, Dave Heinlein, Kerry Henderson, James Kopp, Ian Laughlin, Amy Rosen, Vivian Welton

*Shandaken Home Sharing Association*