

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

**The Town of Shandaken Town Board conducted a Regular Monthly Meeting with
Public hearings starting at 6pm, on Monday March 4, 2024.
Shandaken Town Hall. 7209 Rt. 28 Shandaken, NY**

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

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

Member Absent **Kevin VanBlarcum - Board Member**

Recording Secretary **Joyce Grant - Town Clerk**

On a Disclafani/Vanblarcum motion the Town Board unanimously approved the minutes of the previous meeting as submitted by the Town Clerk.

Town of Shandaken Town Board calls for 3 Public Hearings to be held at Town Hall – 7209 State Rt. 28 on **Monday March 4th, 2024 – starting at 6pm. Preceding their Regular Monthly Meeting at 7.**

1- 6:00 - Pine Hill Water to Amend Water District Regulations. Change water readings from 4 times a year to 2 times per year.

2- 6:15 – Local Law #2-2024 Amend Short Term Rental Law to clarify Section 4 – transferring of license.

3- 6:30 Local Law #3- Six Month Moratorium on any new STR Licenses

Speakers included. Molly Holm & Vivian Welton. Both in favor of #3. Susan Wayman, questions about acquiring an STR license in future.



**Town of Shandaken Town Board
Regular Monthly Meeting Agenda
Monday March 4, 2024 – 7pm**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of previous T/B Meeting Minutes**

5. **Supervisor’s Financial Report**
6. **Communications**
7. **Committee Reports**
 - a. **Ambulance**
 - b. **Building/Zoning**
 - c. **Police**
 - d. **Phoenicia Water**
 - e. **Pine Hill Water**
 - f. **Museum**
 - g. **Parks & Recreation**
 - h. **Housing Smart**
 - i. **Conservation Advisory Council**
 - j. **Comprehensive Plan**
8. **Public Comments on Resolutions**
9. **Motions:**
10. **Resolutions:**
 57. **Pay All Bills**
 58. **Amend Pine Hill Water District Billing Schedule**
 59. **Local Law #2-2024 No Environmental Adverse Impacts**
 60. **Local Law #2-2024 Amend STR Law Section 4**
 61. **Local Law #3-2024 No Environmental Adverse Impacts**
 62. **Local Law #3-2024 Amend STR Law – Moratorium on new STR’s 63. Pro Housing Resolution**
11. **Open Public Comment**

Meeting Adjournment -IN MEMORY OF - *Kathy Norde, Randy Ostrander Sr, Michael Miranda, Sonia Sikora. January- Rev. Ralph Darmstadt, Richard Martinez, Shirley Smith, Dorothy Mackey, Lisa Klutsch.*

MOTIONS:

DISCLAFANI/DRAKE - TOWN BD. WORKSHOP ON TUES, MARCH 19TH @ 6PM. TO DISCUSS STR LAW & HOUSING/ZONING CODES

DISCLAFANI/DRAKE – MOTION TO ACQUIRE BIDS ON A VEHICLE FOR PHOENICIA WATER DISTRICT.

PUBLIC COMMENT

Rob Stanley asked why spend money on a Flood study for Phoenicia School. Can’t be used as a Town Hall, due to floodway.

Molly Holm – Concerned that nothing is happening with the traffic control by Mt. Tremper Bridge. Also Rail explorers are planning to build ‘tunnels’ over their track in their neighborhood. (along Mt. Pleasant Road).

Bruce Barry/Beth Waterman discussed upcoming events & estimate for Level 2 EV

Charger for Phoenicia.

7:54 Town Bd, on a Disclafani/Kneissl motion adjourned to Executive Session to discuss purchase of Phoenicia School & on a personnel matter.

8:35 – Town Bd. On a Disclafani/Drake motion closed the Executive Session & re-opened the Regular Meeting. The board decided not to do a flood plain study at the Phoenicia School.

8:37 – Meeting Adjourned on a Disclafani/Kneissl motion.

RESOLUTION #57-2024

OFFERED BY: KNEISSL

RESOLUTION TO PAY ALL BILLS

WHEREAS, The Department of Audit and Control require Town Boards to sign and inspect all vouchers coming into the town for payment, to number and total amounts from each fund.

THEREFORE BE IT RESOLVED, that the Town Board authorize the following vouchers paid:

General	\$ 1,316,533.89
Highway	119,141.50
Phoenicia Water	13,569.78
Pine Hill Water	52,407.44
Phoenicia Lights	1,156.16
Chichester Lights	395.97
Pine Hill Lights	575.72

	\$ 1,503,780.46

AND MOVES ITS ADOPTION

Seconded by: DISCLAFANI

ROLL CALL

	AYES	NAYS
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BOARD MEMBER DRAKE	<u> X </u>	<u> </u>
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BOARD MEMBER KNEISSL	<u> X </u>	<u> </u>
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BOARD MEMBER STEEN	<u> X </u>	<u> </u>
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BOARD MEMBER VAN BLARCUM	Absent	<u> </u>
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SUPERVISOR DISCLAFANI	<u> X </u>	<u> </u>
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RESOLUTION #58-2024

OFFERED BY DISCLAFANI

THE PINE HILL WATER DISTRICT BILLING AMENDMENT

WHEREAS, THE SHANDAKEN TOWN BOARD PROPOSED AMENDMENT TO PINE HILL WATER DISTRICT (PHWD) REGULATIONS, AND HELD A PUBLIC MEETING ON MONDAY MARCH 4TH TO CHANGE THE BILLING

BOARD MEMBER VAN BLARCUM Absent _____

SUPERVISOR DISCLAFANI X _____

RESOLUTION #59-2024

OFFERED BY: DRAKE

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF SHANDAKEN DETERMINING THAT THERE ARE NO ADVERSE IMPACTS ON THE ENVIRONMENT FOR LOCAL LAW #2-2024 SHORT TERM RENTAL LAW - AMENDMENT.

WHEREAS, THE TOWN BOARD IS LOOKING TO AMEND LOCAL LAW #2-2022 – SHORT TERM RENTAL LAW

WHEREAS, THE POSSIBLE ENVIRONMENTAL IMPACTS OF THE APPROVAL OF THE SHORT TERM RENTAL LAW, HAVE BEEN CONSIDERED BY THE TOWN BOARD;

NOW, THEREFORE BE IT RESOLVED, THAT THE TOWN BOARD HAS DETERMINED THAT THE APPROVAL OF LOCAL LAW #2 OF 2024, SHORT TERM RENTAL LAW - AMEND SECTION 4, WILL NOT HAVE SIGNIFICANT ADVERSE IMPACTS ON THE ENVIRONMENT; AND

BE IT FURTHER RESOLVED, THAT THE TOWN BOARD AUTHORIZES THE SUPERVISOR TO TAKE SUCH FURTHER STEPS AS MIGHT BE NECESSARY TO DISCHARGE THE BOARD’S RESPONSIBILITY AS LEAD AGENCY FOR THIS ACTION INCLUDING, BUT NOT LIMITED TO, THE ISSUANCE OF A NEGATIVE DECLARATION CONSISTENT WITH THIS RESOLUTION.

AND MOVES ITS ADOPTION

Seconded by: STEEN

ROLL CALL

AYES NAYS

BOARD MEMBER DRAKE X _____

BOARD MEMBER KNEISSL X _____

BOARD MEMBER STEEN X _____

BOARD MEMBER VAN BLARCUM Absent _____

SUPERVISOR DISCLAFANI X _____

RESOLUTION #60-2024

OFFERED BY: STEEN

STR AMENDMENT LOCAL LAW #2-2024 – SECTION 4

WHEREAS, THE SHANDAKEN TOWN BOARD PROPOSED AMENDMENT

TO THE STR LAW & HELD A PUBLIC MEETING ON MONDAY MARCH 4, 2024.

§ 4. LICENSE REQUIREMENTS.

D. A LICENSE:

CURRENT:

(3) SHALL NOT BE TRANSFERRED OR ASSIGNED BY THE OWNER LISTED ON THE APPLICATION FORM AND SHALL NOT BE CONVEYED WITH A SALE OR TRANSFER OF THE PROPERTY.

NEW

(3) MAY NOT BE TRANSFERRED OR ASSIGNED BY THE OWNER(S) LISTED ON THE APPLICATION FORM AND MAY NOT BE TRANSFERRED OR ASSIGNED UPON THE LEASE, SALE OR CONVEYANCE OF THE REAL PROPERTY EXCEPT IN THE EVENT THAT THE INDIVIDUALS WHO SECURED THE STR LICENSE, LEASE, SELL OR CONVEY TITLE TO SAID REAL PROPERTY TO A LIMITED LIABILITY COMPANY, CORPORATION, TRUST OR A BUSINESS ENTITY WHICH IS WHOLLY AND EXCLUSIVELY OWNED BY THE INDIVIDUALS TO WHOM THE LICENSE WAS GRANTED;

ADD

(4) SHALL TERMINATE NOTWITHSTANDING THERE BEING NO CONVEYANCE OF TITLE TO THE REAL PROPERTY, WHEN THE STR LICENSE HOLDER IS A LIMITED LIABILITY COMPANY, CORPORATION, TRUST OR A BUSINESS ENTITY AND IT TRANSFERS, SELLS OR ASSIGNS FIFTY PERCENT OR MORE INTEREST IN SAID LIMITED LIABILITY COMPANY, CORPORATION, TRUST OR A BUSINESS ENTITY TO OTHER PERSONS, OR TO A LIMITED LIABILITY COMPANY, CORPORATION, TRUST OR A BUSINESS ENTITY.

THEREFORE, BE IT RESOLVED, THE TOWN OF SHANDAKEN TOWN BOARD HEREBY AMENDS SECTION 4 OF THE STR LAW.

This local law shall take effect upon its adoption and filing with the Secretary of State of the State of New York.

AND MOVES ITS ADOPTION

Seconded by: DRAKE

ROLL CALL

AYES NAYS

BOARD MEMBER DRAKE X _____

BOARD MEMBER KNEISSL X _____

BOARD MEMBER STEEN X _____

RESOLUTION #62-24

OFFERED BY KNEISSL

**Local Law #3-2024 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.

WHEREAS; the Town Board held a Public Hearing on Monday March 4th & proposed a Moratorium on all new STR Licenses for 6 months.

THEREFORE BE IT RESOLVED. The Shandaken Town Board hereby enacts Local Law 3 of 2024 – for a Moratorium on any new STR licenses for 6 months.

**TOWN OF SHANDAKEN
LOCAL LAW No. 3 OF 2024
IMPOSING A MORATORIUM ON THE ISSUANCE OF SHORT TERM RENTAL LICENSES IN THE
TOWN OF SHANDAKEN**

Sec.1 Title

This Local Law shall be known as “Local Law No. 3 of 2024: A Short Term Rental Moratorium Law of the Town of Shandaken.”

Sec. 2 Purpose and Findings

The Town Board Finds that without adequate regulations governing the rules applicable to Short Term Rental Licenses and Short Term Rentals, it shall be detrimental and have adverse impacts on the Community in general and may have a detrimental effect on the value of properties in the Town of Shandaken.

The purpose of this moratorium is to allow the Town of Shandaken to temporarily halt the issuance of new Short Term Rental Licenses for a period of six (6) months to enable the Town to adopt appropriate regulations regarding the issuance of Short Term Rental Licenses in the Town of Shandaken.

Sec. 3 Authorization

This Local Law is adopted pursuant to Municipal Home Rule Law Sections 10(1)(i) and 10(1)(ii)(a)(14).

Sec. 4 Moratorium

During the effective period of this Local Law, no new Short Term Rental Licenses shall be issued by the Town of Shandaken.

Sec. 5 Duration

The term of this moratorium shall be six (6) months from the date that the law is filed with the New York State Secretary of State.

Sec. 6 Hardship

Should any owner of real property believe that they have suffered an unnecessary and extreme hardship through the application of the terms of this Local Law, said owner may apply to the Town Board of the Town of Shandaken in writing for a waiver from strict compliance with this Local Law. Such owner must submit such proof as they deem appropriate to demonstrate an unnecessary and extreme hardship.

Upon submission of a written application to the Town Clerk by the property owner seeking a waiver of the local law, the Town Board shall within 30 days of receipt of said application schedule a public hearing at a future date, which date shall be no later than 60 days after receipt of the written application. Notice of said public hearing shall be made upon five days prior written notice in the official newspaper of the Town and notice of said public hearing shall be made by regular mail to all adjoining landowners of the application as such addresses are shown upon the tax rolls.

At said public hearing the property owner and any other party wishing to present evidence or testimony with regard to the application shall have an opportunity to be heard. Within 15 days of the close of said public hearing the Town Board shall render its decision either granting or denying the application for a variation of the strict compliance of this local law.

Sec. 7 Penalties for Offenses

Any person or entity that shall violate the terms of this local law shall be guilty of a violation and subjected to a fine of not less than \$250.00 per day and for imprisonment of 15 days. Each day that the violation continues shall be deemed a separate offense. In addition the Town may enforce this local law by seeking an injunction or any other legal remedy it deems appropriate.

Sec. 8 Conflicts

All local laws of the Town of Shandaken that are in conflict with the provisions of this local law are hereby superseded by this local law during the six month moratorium set forth above.

Sec. 9 Severability

In the event that a court of competent jurisdiction determines that any portion of this law is invalid in whole or in part, the effect of said decision shall be limited to the provisions

which are expressed stated to be invalid and all other provisions of this law shall continue to be in full force and effect.

Sec. 10 Effective Date

This local law shall take effect upon its adoption and filing with the Secretary of State of the State of New York.

AND MOVES ITS ADOPTION

Seconded by: DISCLAFANI

ROLL CALL

AYES **NAYS**

BOARD MEMBER DRAKE X _____

BOARD MEMBER KNEISSL X _____

BOARD MEMBER STEEN X _____

BOARD MEMBER VAN BLARCUM Absent _____

SUPERVISOR DISCLAFANI X _____

RESOLUTION # 63-24

OFFERED BY: DISCLAFANI

TOWN OF SHANDAKEN PRO HOUSING RESOLUTION

WHEREAS, the Town of Shandaken believes that the lack of housing for New York residents of all ages and income levels negatively impacts the future of New York State’s economic growth and community well-being;

WHEREAS, the housing crisis has negative effects at regional and local levels, we believe that every community must do their part to contribute to housing growth and benefit from the positive impacts a healthy housing market brings to communities;

WHEREAS, we believe that supporting housing production of all kinds in our community will bring multiple benefits, including increasing housing access and choices for current and future residents, providing integrated accessible housing options that meet the needs of people with sensory and mobility disabilities, bringing economic opportunities and vitality to our communities, and allowing workers at all levels to improve their quality of life through living closer to their employment opportunities;

WHEREAS, we believe that evidence showing that infill development that reduces sprawl and supports walkable communities has significant environmental and public health benefits; and

WHEREAS, we believe that affirmatively furthering fair housing and reducing segregation is not only required by law, but is essential for keeping our community strong and vibrant;

NOW, THEREFORE, IT IS HEREBY RESOLVED that Town of Shandaken believes to take positive steps to help alleviate the housing crisis, adopts the Pro- Housing Communities pledge, which will have us endeavor to take the following important steps:

- 1. Streamlining permitting for multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.**
- 2. Adopting policies that affirmatively further fair housing.**
- 3. Incorporating regional housing needs into planning decisions.**
- 4. Increasing development capacity for residential uses.**
- 5. Enacting policies that encourage a broad range of housing development, including multi-family housing, affordable housing, accessible housing, accessory dwelling units and supportive housing.**

AND MOVES ITS ADOPTION

Seconded by: DRAKE

ROLL CALL

	AYES	NAYS
BOARD MEMBER DRAKE	<u> X </u>	_____
BOARD MEMBER KNEISSL	<u> X </u>	_____
BOARD MEMBER STEEN	<u> X </u>	_____
BOARD MEMBER VAN BLARCUM	Absent	_____
SUPERVISOR DISCLAFANI	<u> X </u>	_____

All business having been discussed, the meeting adjourned at 8:37 on a Steen/Drake motion.

Joyce Grant – Town Clerk