

REGULAR MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, January 26, 2023

CALL TO ORDER TIME: 7:00pm

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS, ROOM CAPACITY IS 49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.

OFFICIALLY OPEN THE MEETING

Attendance: Board Members: Scott McCarthy, Charly Long, Sal Cuciti, Gerry Marion and Franco Zani; Board Staff: Dave Barton, Paul Van Cott, Andy Learn and Sarah Van Nostrand

Absent: Board Members: Carl DiLorenzo, Bill Meltzer and Lambros Violaris

Minutes to Approve at January 26, 2023 meeting

November 17, 2022 & December 1, 2022

Scott asked for a motion to approve the minutes.

Motion made by Charly, 2nd by Sal.

All ayes, motion passed to accept the minutes.

Short Term Rentals (Public Hearings)

Fred Wilklow: 362 Pancake Hollow Rd: SBL #87.3-2-3

Review Status: Application and documents sent to the board. Abutter letters sent, and hearing notice published in newspaper.

Potential Actions: Close public hearing and approval resolution.

Scott asked for a motion to close the public hearing.

Motion made by Franco, 2nd by Sal.

All ayes motion passed to close the public hearing.

Paul said that this is a approval resolution based on the town's new short term rental regulations that are in the zoning code. Basically what it does is based on the application provided it will approve a short term rental permit for the applicant that will last for two years, at which point they will be able to seek renewal of that permit. Renewals will be issued by the code enforcement. The first instance the approval is issued by the Planning Board. All this resolution

does is approve the short term rental use of the property as requested and requires as conditions before the chair can sign the permit conformation from the building department that they meet all building and fire safety codes, payment of any fees including recreation fees and escrow fees. Once it is signed by the chair it will in effect for two years and can be renewed through the issuance of a STR permit by the code enforcement officer.

Scott asked for a motion to accept the resolution.
Motion made by Franco, 2nd by Sal.

Sal asked if the resolution was going to be read.

Scott replied that is what Paul went over.

Paul said that the resolution was created by the building department and he tweaked it a little bit, but he thinks its intended to be a template to provide an efficient way of granting a special use permit approval that and in appropriate cases adding additional conditions as the board determines necessary.

Franco asked if the resolution needed to be read?

Scott replied that in this case its pretty basic.

Franco asked if it needed to be read into the record?

Paul read the resolution.

Scott said that the motion was Franco and Sal.
All ayes, motion passed to approve the resolution.

Dan Critchett: 7 Greatview Lane: SBL: #88.1-5-5

Review Status: Application and documents sent to the board. Abutter letters sent, and hearing notice published in newspaper.

Potential Actions: Open Public hearing, close public hearing, approval resolution.

Scott asked for a motion to open the public hearing.
Motion made by Sal, 2nd by Charly.
All ayes, motion passed to open the public hearing.

Dan Critchett (applicant) said that since he has owned the house he has been renting it out on a month to month basis, primarily to people who come in the summer time. They sign a lease and stay for a couple of months. 12-years ago when he bought the house he would rent it out on a weekly basis, which he found out a few years later was against zoning regulations, so he stopped doing that, but continued to advertise and rent it on a month to month basis. The reason he applied for the permit was that he's on these platforms, so he wants to be in compliance with the

new law. In the back of his mind he was thinking that instead of just the one or two long term ones he gets in a year that he could when he's not home during the holidays that he could have someone there for the weekend.

Dave said that Dan did a good job of putting together his application, it looks like he has all the requirements for an STR.

Joan Kelly (5 Greatview Ln) said that Dan's pool is close to her property line. When he has guests there is a great deal of noise. The pool acts as a sounding board, it seems like every young child who sees a pool feels like they have to scream. She gets a lot of noise and it is right next to her property. He mentioned earlier that he did short-term rentals in the past, and they had parties at 2am in the morning. She read the requirements for a special use permit and it says that if the Planning Board finds any of these conditions have not been met, then the special use application shall be denied. One of those is operation in connection with any special use shall not be more objectionable to nearby properties by reason of noise. This is one of the criteria that's used to decide whether a special use permit should be approved and in this case, she would say that the noise is offensive. More importantly one of the other conditions is that the public health, safety and welfare has to be such that it will be in harmony with the appropriate and orderly development of the district. There are several safety issues, on three occasions she had to call 911. On one occasion at midnight she saw smoke billowing out of the house, it turns out that someone had decided to use the fireplaces without opening the flues. She also had people flicking cigarettes off into the dry leaves, there have been people operating grills who don't know how to use them which caused a bush to go up in flames. What's more important on one occasion she was driving in her driveway, she rounded the curve and saw a dog in the middle of her driveway, she stopped hit the horn, a woman came up to her and told her that she was traumatizing her child. She looked over and saw the child off to the side, not even 10-feet from her driveway. The people who rent these houses are not residents, they are vacationers, they think they are here at some resort, they think they can use the entire area as their recreational area, its not safe. She has submitted a petition in which every owner on the street has signed stating they are opposed to this. Based on this she believes that the board has the rationale to say no to this special use permit.

Bruce (314 Bellevue Rd) said that he lives in the Greatview Estates which was platted between 1975 and 1977, at the time it was created the developer entered into a set of restrictive covenants for the subdivision, and were amended in 1976 and 1977, but the restrictions were unchanged. The current version states that no part of the premises shall be used for any purposes than for private residential purposes. This is different from the usage in the Town Code which refers to a single family dwelling. The proposed STR is an added accessory use, however the face of the plat itself, includes the notation that there shall only be one residence per unit. In the zoning itself is one dwelling unit per 2-acres, so it is clear that the subdivision covenants refer to the non-commercial, non-public domestic use of each dwelling unit. Subsection 6 of the STR ordinance states that nothing in this section shall alter, effect or superseded any regulations or requirements of the Town of Lloyd Zoning Code, any regulations or requirements imposed by the County of Ulster or of any state or federal regulation or requirements. In other words if there is a conflict between a town ordinance and the land use code and a private covenant, the covenant prevails. It is his understanding that that the private covenant, governing Greatview Estates, restrict each lot to

one single family use, one single family private use, in this case where the dwelling unit is the primary place of residence of the applicant the STR use comprises a second family use of the dwelling. Therefore the use may conform to the towns zoning code, but it violates the restrictive convent because it violates the restrictive convents the ordinance itself states that it must yield to the restrictive convents. Personally when he bought his parcel they were planning on building a barn adjacent to the house, they were informed at the time that they couldn't, not because of the zoning code, but because of the restrictive convent. He decided to go ahead and purchase the home because they knew that the subdivision was protected by the restrictive convent, what was there now is what would remain there. He feels that this permit should not be issued because it cannot be issued.

Lorrie (9 Greatview Ln) said that she lives on Greatview Ln and would prefer to not have a short term rental adjacent to her home. She has renters that come to her home, thinking that they have arrived at their vacation rental. They walk their dogs on her property. They walk around her house and allow their dogs to roam loose on her property. The neighborhood is a rural suburban cul-de-sac not a vacation destination. It's a neighborhood where you would expect permanent residents not vacationers. If she had known in advance that they would be building a home next to a business rental, she would have considered other options. There is no accountability when the renters disregard the ordinances and laws of the community. She likes to walk on the road and is constantly seeing out of state plates that speed and don't practice caution when approaching pedestrians. Her property has devalued since they are adjacent to a rental, which is not keeping to the character of their cul-de-sac. Their home is not a 15-acre property which is gated. It is uncomfortable having unaccountable strangers literally right outside your window. If it were a bed and breakfast or an inn there would be more accountability with the homeowner being present. They pay high taxes to live here and its unfair that a short term rental property utilizes more of our services that their tax dollars provide, due to un-necessary police and fire calls. In the same spirit of fairness a rental property can benefit by deducting real estate taxes as a cost of running their rental properties, which a normal homeowner cannot do.

Robert (2 Greatview Ln) said that he agrees with the neighbors. Ten years ago they went through the same situation with this property owner and at that time it didn't even allow him to proceed with the long-term rentals that he had. They wanted it stopped then, but it couldn't be due to lack of enforcement or lack of a law, now it seems that there is a law on the books. Now to go through this all over again and possible face an even worse situation, where now there are people every other day, every other weekend, not every other month, its not really what everyone in the neighborhood really wants. They all bought the houses with the idea that the property was a single family residence and that's how they would like to live.

Scott said that he would like to see the restrictive convent.

Paul said that he can help the board with the deed restrictions which is different than the impacts that the neighbors brought up, which are important to the board's decision. In terms of the deed restrictions the Town does not enforce them between private parties. If there is a dispute among the neighbors about the applicability of the deed restrictions to a use it is for a private party to determine. The only thing that the zoning codes provides is that, if what the zoning code requires is more stringent then the deed restrictions then the zoning code will be applied based on that

more stringent requirement, because that is the board's job. The board applies the code, you don't apply neighbors deed restrictions.

Sal said that he would like more time to go over the application, maybe the public hearing should be held open.

Scott replied that was going to be his suggestion.

Dave suggested that the board visit the site to look at the environment.

Joan said that the board is welcome to come up her driveway.

Scott said that the board should go check it out, though not all at once to make sure there is not a quorum at the site.

Paul said that if the board does go out to visit the site then they should think of ways that the issues brought up could be mitigated. He is not sure what was provided in terms of house rules, but how are people managing their pets. Is there an opportunity for a privacy fence.

Dan said that there are no pets permitted at his rental.

Public hearing left open.

Administrative Business

Stewarts' Shops

Applicant is seeking an extension of the approval resolution for 1 year.

Scott asked Andy if there were any updates?

Andy said the only updates he has is that they are waiting on DEC, that is their big hold up.

Paul read the resolution.

Scott asked for a motion to accept the resolution.

Motion made by Franco, 2nd by Gerry.

Sal asked if the DEC issue is how they are treating the runoff from the paved area.

Andy replied no its related to the water and sewer district extension. It's a town permit that is being modified.

Franco said that the last time he spoke with them the DEC wants to review anything that is outside the sewer district, there are capacity issues.

Andy replied yeah, that's correct. They have plenty of capacity, it's the DEC checking their boxes to make sure.

All ayes, motion passed to accept the resolution.

Motion to Adjourn.