

TOWN OF PUTNAM VALLEY
REGULAR TOWN BOARD MEETING
WEDNESDAY, AUGUST 16, 2023
6:00 PM

AGENDA

Pledge of Allegiance

1. Departmental Reports
2. Public Hearing – Regulations for short-term rentals
3. Supervisor's Comments
4. Legislative Report
5. Approval of Minutes
6. Districts – Amend Resolution #R23-126
7. Highway: a. Approve Refund Road Opening Permit # 2023-05
b. Approve Refund Road Opening Permit # 2023-16
c. Approve Additional Personnel
8. Justice Court – Approve Translation Services Agreement
9. Parks and Recreation: a. Approve Additions to Personnel
b. Approve August 2023 Refunds
10. Authorize 18 Coleman's Landing Conveyance
11. Audit of Monthly Bills
12. Budget Transfers and Amendments

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WEDNESDAY, AUGUST 16, 2023
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PRESENT: Supervisor Annabi
Councilman Luongo
Councilman Russo
Councilwoman Tompkins

ALSO PRESENT: Town Clerk Sherry Howard
Town Counsel Sarah Ryan

ABSENT: Councilman Smith

Mr. Bobby Yarusso led the Recitation of the Pledge of Allegiance.

Councilman Russo asked for a moment of silence to honor our troops stationed at home and around the world.

DEPARTMENTAL REPORTS

Presented by Supervisor Annabi

Parks and Recreation Director/Fire Department Chief Frank DiMarco gave the following reports:

PLEASE INSERT

9 PIAA's
3 Wires Down
1 CO Detector
50 Pump Outs
3 Hazmat
7 EMS Assist
12 Automatic Alarms
7 Standby/mutual aid
1 Structure Fire
2 Vehicle Fires

There were 95 calls for the month, for a total of 3085.89 man hours for July.

Supervisor Annabi said the Ambulance Corp. and the Fire Department respond to calls on the Taconic State Parkway quite often, and they get no reimbursement from the State when they respond to State Roadways. Sometimes they are out there for hours with no reimbursement from the State.

Highway Superintendent Keeler's report is as follows:

Good Evening Ladies and Gentlemen

I'd like to take a moment to thank the men and women of the Highway dept. for their hard work and dedication especially over the month

Wicopee Road is open a few things on this, it remained closed for about a month due to the fact of how close it was to the Peekskill water shed so we had to wait for DEC & water shed approval to make repairs, yes I said repairs our engineers are designing a new culvert system for that area and I hope to have the old removed and new one installed before winter I ask residents to use caution in that area.

We have repaired approximately 400 basins. Year to date

Our Vacuum truck has been out every day cleaning basins. All the lake Communities have been done as well as most of the roads off Oscawana & Church roads, There are a few more roads off Peekskill Hollow we need to finish we will then be headed over to the Barger Street area after that we will go back and hit all lake communities again we should be able to complete another round in these sections before we have to shut the machine down for the winter. The guys cleaned 178 basins in the last month 1698 so far year to date

Speaking of winter our mechanics when time allows have begun the process of looking over plows and sanders and making repairs as needed.

I want to thank the residents who live on the roads we blacktopped for cooperating it made the blacktopping process a lot smoother we blacktopped Cold Spring Rd. Columbus Ave and Court, Azalea Dr, South highland Rd, Fawn run , Club house Rd, Pine Hollow Rd, Dring Lane , Florence Rd Hickory Ln , Angela Dr, Traverse , Reichert St , Spruce Street, Laurel Rds. We will return to make any adjustments on driveway and add curbing as needed.

While dealing with the storm it was discovered that Hillair Road in Lake Peekskill needed additional drainage which we will be installing in the next few weeks The blacktop company will returning the fall and Blacktop Hillair Ann Pl and Elinor and Possibly Cindy Lane at that time

Our mower has been out and will remain out through the fall.

We are still repairing many washouts on the sides of the roads; We had 3 to 5 trees come down recently which we cleared from the roadway and side of the roads. WE STILL HAVE LOTS CLEANUP TO DO PLEASE BEAR WITH US! The phones at highway are now monitored 24 / 7 and I ask residents with issues to call us and not post on Facebook as we don't troll for complaints

I can always be reached in my Office 845-526-3333 on my cell 845-745 -0795 and
SKEELER@PUTNAMVALLEY.GOV 130 Days till Christmas

New Library Director Amina Chaudhri gave the following report:



Report for Town Meeting, 8/16/23

The Library has been staying open until 7 PM on Tuesday evenings.

Upcoming Programs include:

Sit Roll Over and Read: Offered on the 1st and 3rd Wednesday of the Month. Are you looking for a reading buddy? Read to certified therapy dog Sunny Boy!

HAVE FUN WITH COLOR AND CONTRAST August 19th(10am Young folk 8-12) and (1pm Teens 13-17)

In collaboration with the Mental Health Association Artist Eileen Stodut will lead the creativity and conversation with help from MHA peer assistants and Putnam Valley Library staff Show your art off to the group then take your work home for display.

Artists and their family members are invited to enjoy pizza and beverages before going home. Only 10 children can attend each session so....Register online at <https://mhaputnam.org>

Lego Club: 4th Wednesday August 23rd, 4:30PM. Join other Lego fans to create fabulous constructions. Use your imagination or follow the instructions from a Lego manual, for a full hour of fun and sharing. For ages 7 and up.

Eco - Arts & Crafts: September 1st 3pm at the library, We will Re-Take, Re-Use, Re-Make, Up-Cycle fun stuff like Paper, Metal, Foam, Plastic, and bits bobs to make your own creative art collages and sculptures! All Materials provided but feel free to look around your house for any items you can include on your 2D or 3D art collage or sculpture. i.e., fabric scraps, buttons, zippers, foam, etc. (no sharp items)

Bear Mountain Bridge in pictures with Historian Frank Goderre September 19th 7pm at the library. Join us for a special, in-person local history lecture. Historian Frank Goderre will discuss the history of the iconic Bear Mountain Bridge using many rarely-seen photographs. Free and open to all. No registration is required.

Toddler Story Time: Exploring Emotions stories and craft. 6 week program starting September 29th led by a licensed clinical social worker, explores emotions through stories and activities, giving the children the language and tools needed to express themselves. The program is designed for children ages 2 – 4 with their adult caregivers

Be on the lookout for:

Cross stitch group opposite Saturdays from our current crochet and knitting group



a meditation 101 group. Pizza and paint for families. puppet making.

The friends of the library will be bringing in person programs in October including a Houdini program and a program on the Borscht Belt hotels.

We will be looking to start an in person book club. Email us suggestions for titles and or times to join us.

Visit us online at PutnamValleyLibrary.org to learn more about programs, services, and resources.

*Boys of Food - United Way, Dropped off.
Don Dash will pick up on Thursday.*

Mark Weiss gave the report from the Tompkins Corner's Cultural Center as follows:

Mr. Weiss reported that that the Cultural Center was flooded out during the terrible storm on July 10th. Our Highway Department delivered asphalt, millings, building materials etc. to repair our driveway and parking lot, which really saved the day. The flooding went past the carriage shed; but all the buildings were fine. Thanks to Supervisor Annabi and the Town Board for making things go smoothly. We all pulled together as a community. There are three (3) Fridays left for the Farmer's Market, which runs from 3PM to 6PM complete with music. Additionally, this Saturday, August 19th we will be playing a silent movie called, "Man Without A World". The movie is not really silent as there is a beautiful music sound track, so please come on by. We will also have a table at Town Day.

Councilwoman Tompkins read the following report from the Commission for the Conservation of the Environment as follows:

The Commission for the Conservation of the Environment would like to tell you about a valuable, yet entirely free consulting service it is providing to Putnam Valley residents. But first, a bit of background.

Trees are an important part of every community, and the preservation of trees in Putnam Valley is a major concern of your Commission for the Conservation of the Environment. Our roads and property are lined with trees that create a peaceful, aesthetically pleasing environment. Trees increase our quality of life by bringing natural elements and wildlife habitats into our everyday settings. We gather under the cool shade they provide during outdoor activities with family and friends. Many neighborhoods are also the home of very old trees that serve as historic landmarks and a great source of town pride. Putnam Valley, in fact, is reputed to be the home of the largest tree of a particular species in the entire country.

Trees contribute to our environment by providing oxygen, improving air quality and our climate, conserving water, preserving soil, and supporting wildlife.

Trees take in carbon dioxide and produce the oxygen we breathe. According to the U.S. Department of Agriculture, "One acre of forest absorbs six tons of carbon dioxide and puts out four tons of oxygen. This is enough to meet the annual needs of 18 people." Trees also filter air by removing dust and absorbing other pollutants like carbon monoxide, sulfur dioxide and nitrogen dioxide. After trees intercept unhealthy particles, rain washes them to the ground.

Both above and below ground, trees are essential to the eco-systems in which they reside. Far-reaching roots hold soil in place and fight erosion. Trees absorb and store rainwater, which reduce runoff and sediment deposit after storms.

These valued resources are threatened, however, by invasive vines, such as Oriental Bittersweet and others. These vines can ultimately kill trees. Dead trees could fall on your home, car, electrical lines and even pets and people. The loss of trees might also decrease your property value and can certainly cost you time and money in the fallen tree's removal.

The CCE has for some time posted on the Putnam Valley.com website, under the "CCE" tab of "Boards, Commissions & Committees," a slide show on the subject, helping you to identify and remove these vines from your property.

Now, the CCE has gone one or two steps farther. Aubrey Carter, a member of the CCE, has offered to consult for free with residents who wish to better identify suspect vines on their property. Contact Aubrey, sending him photos of the suspect vines, at aubcarter@gmail.com. Aubrey will help you identify the vines and advise you on how to best remove the vines. If necessary, Aubrey will then come to your home to consult with you onsite. This consulting service is provided by Aubrey and the CCE entirely free of charge.

Please take advantage of this offer.

Respectfully submitted.

Glenn Sapir, Secretary, CCE

PUBLIC HEARING REGULATIONS FOR SHORT TERM RENTALS

Presented by Supervisor Annabi

Supervisor Annabi said the topic of Short Term Rentals (STR'S) has been open for discussion over the last few years and again over the last few months at Town Hall. These are parcels that are rented temporarily, (under a 30 day basis), and are used to supplement income of the property owner. There have been some issues on how to regulate this. We had a Public Hearing last month, we have listened to your comments, and we now have a revised version for you to read. For those people who have multiple short term rentals now, you will be grandfathered in if you register before December 31, 2023. Town Attorney Ryan said each individual parcel containing a rental will need its own application. You will have to pay the application fee for each of them. Also, "grandfathered in" does not mean you skip the permitting process. You just continue to operate while the permit is being processed. Supervisor Annabi added currently we do not have a CAP, but the Town Board may in the future put a CAP on it. Supervisor Annabi said a correction that was made from the original proposal was that if you have two (2) parcels on one (1) property, (1 being home-owner occupied, and 1 you would like to rent out), we changed the terminology to say the building involved in the short term rental is the one (1) that will have to go through the full permitting process. Supervisor Annabi said we would like to move this forward, but still wants to hear your concerns.

Mill Street Resident Wendy Whetsel said 1. Yes, she does agree that there should be a CAP, and if that number is either increased or decreased there should be another Public Hearing. 2. Permits should only be given to those owners who have lived in Putnam Valley for a minimum of five (5) years. We don't want to open the door to those owners who have no personal connection to our community and are only interested in making money, and 3. Because of the complexity of this issue we need to hire a separate Code Enforcement Officer to stay on top of probably consistent changes as to who is living where? The cost should be paid for by the owners who are earning money from the renters, especially if the amount of them continues to grow.

Crescent Lane Resident Sam Oliverio said he heard people at the last meeting discuss infringement of rights through these regulations, they should go to some of our neighboring towns and counties who have outlawed these transient rentals, that is taking away someone's rights. The Town is just making sure we are taking care of the health and safety of the homeowner, renter, and the community by having regulations. These regulations are going to stipulate how many people can be in a building safely, the use of the septic and the water system which is everything that is important to every single resident in our Town. Your rights are not being taken away, we are regulating something that should have been regulated many years ago. You can't have an Airbnb in New York City, they are not allowed. Go to many places upstate New York or some of our neighboring towns in this County where they are outlawed. Mr. Oliverio hopes this becomes law by January 1.

Roaring Brook Lake Resident David Spittal said Airbnb was launched in 2008 and their heyday was probably in 2014. He does understand everyone's concerns but he hasn't seen much since 2014. There has really been no impact. He also heard the concerns about large corporations coming up here and buying up houses and forcing us out. He also did not see that happen either. He believes there is a self-regulating aspect to Airbnb where there is a mutual concern of the renter who doesn't want to get black-balled by Airbnb, and the person who is renting out the property who does not want their neighborhood or their septic destroyed. The Pandemic also had a big impact on the state of real estate. People can work from home now, and the properties up here have become very valuable. Now, people can stay here for longer periods of time. Mr. Spittal does not believe this law is necessary as most people follow the rules. We already have regulations. He also looks forward to any opportunities that are out there that he may have to fall back on in the future. Maybe the only way some people can stay here is if they have to rent out for a few weeks or a month. Taxes here are high. Maybe this law will make the amount of permits max out if you add a CAP, this could be a loss of opportunity. Also, there is no industry in Town but we have had films made here. What if a Producer wants to use your house to make a movie and you have to say no because you don't have a permit. This Town is very attractive to the film making industry. Supervisor Annabi explained to Mr. Spittal that the movie aspect is under a different permit processing which comes from the Town Clerk's Office. Nothing happening with the STR's would affect that.

Dunderberg Road Resident Lisa Yarusso said she is happy this is going forward; but she would like for the Board to consider where the Airbnb's are. Where she lives there are six (6) homes 20 feet apart and there is one (1) Airbnb there already. There is another house for sale there which could potentially be another Airbnb, so she is worried. There are privacy issues and some minor problems that have occurred. Please consider not only the amount of them, but where they really are.

Part Time Resident Chris Niederer said he owns a house in Lake Peekskill, and he paid about \$14,000 in taxes last year. He recently lost his job and he is thinking of Airbnb'ing his house and does not want all this red tape to do it. He feels this Legislation would cause him to "jump through hoops". He does know that many other Towns are far more restrictive such as Woodstock, NY. In Woodstock, due to the limited amount of Airbnb's they allow, they have created an "artificial scarcity" so he is glad the Board is not looking to put in a CAP at this time. The complaints people have had here, such as noise, are not unique to STR's. Your full time neighbor could be having a party and be the source of the noise. There are a lot of laws in place that address these issues. STR's have a lot of positivity for the Town as well. People want to come up here and spend their money here, this is a good thing for the Town. He has a personal stake in this because he wants to do it but he has not seen a lot of issues in other places that already have them. He then asked the question, "what's wrong with camping? Camping is really fun." There are several points in this legislation that says "no camping allowed if it's a STR".

Abele Park Resident Michael DePrima said Abele Park has a lot of hair pin turns. We also have a lot of kids in the neighborhood who are used to going outside to play. We don't worry because we know everybody in the neighborhood. This is all changing with the STR's. He can hear the cars whipping around the corners and they are going to houses that are being rented out. He does not want to infringe on other people's rights; but you should not be advertising and selling our community areas as part of your profiteering. The park and the boat launch should not be part of what you are advertising. We have signs that say Abele Park is for residents only. How are these weekend renters considered residents? As far as a CAP goes, you have to put a CAP on it and it has to be done by Districts. There are whole swaths of Putnam Valley where people will not want to rent homes. They want to be on the water. Abele Park has 78 homes and what if the amount of STR's goes from here, where does that end? Mr. DePrima asked if he rents his place out once before December 31 does he get grandfathered in. Supervisor Annabi confirmed that to be true. Mr. DePrima asked if we could have a Town wide vote to see if everyone wants to have this here. Why does the Town Board make this decision? Supervisor Annabi said that's what the Public Hearings were for. Town Attorney Ryan said it is in the law that this is something that the Town Board would vote on. He then asked how the Town will make money from this. Supervisor Annabi said we applied to the State for an Occupancy Tax so when someone registers to have a STR and they get a permit they will be taxed on their occupancy. Mr. DePrima then asked how Abele Park gets 100% of the taxes generated from that, or do we see none of it? He added, some Districts will be hit harder than others. So the Town will be making money off of the Districts and we pay for what is destroyed? Supervisor Annabi said yes the Town will be getting the money. Mr. DePrima asked if the "resident's only" signs for the use of the Parks and Boat Launch have changed. Supervisor Annabi said the Town Code under Special Districts does say resident/guests of/friends of/family of resident are entitled to beach/dock use etc. However, each person must present a token. Each resident has six (6) tokens. If your guest take four (4) of them, then you are only entitled to two (2) tokens.

You cannot get anymore for the next three (3) years when they are replaced. What you have in your by-laws are not enforceable by the Town. That is showing your neighbors how to be neighborly. Our Town Code is what you have to abide by.

Roaring Brook Lake Resident Lynne Bernstein said thank you, this is an issue that divides neighborhoods and you are handling it very deftly. Ms. Bernstein said she is speaking from the prospective of the neighbor not the person who is renting their home out. Ms. Bernstein and her husband bought an uninhabitable dilapidated house in 2011 and put a lot of money into making it a home they could spend the rest of their lives in. They would not have made this investment had they known that when the neighboring property changed hands they would be living next to an STR. Ms. Bernstein opposes them, and wishes for a more family oriented neighborhood. Ms. Bernstein also knows that STR'S are here to stay so she will be speaking from the interest of the neighbor. This code does not protect the neighbors. Ms. Bernstein asked; why not include STR's in the Hotel Code that currently exists? The Hotel Code is for 30 days or less, and so is this. Attorney Ryan explained that STR's differ from hotels because a hotel is under Commercial Use and has to be in an area zoned commercial; and an STR is under Residential Use and in zoned residential districts, Inns and Bed and Breakfasts are included here. Ms. Bernstein said the laws surrounding Inns and Bed and Breakfasts offer more protection, maybe STR's can be included in the Code there. Additionally, if we go in this direction we need more enforcement especially on the weekends when most of these rentals take place. Currently noise, security, outdoor lighting, and septic system safety needs to be addressed with this code and in general. There is no recognition in the proposed code that the Lake Districts with the beaches, docks etc. are owned jointly and are enjoyed by the Residents of the District so when these transients are coming in and using our facilities they are using a piece of our backyard. There is an intrusiveness about it that can set residents on edge. Additionally, our existing code for Special Use Permits references screening and landscaping that's something she would like to see added to this code. Ms. Bernstein would also like to see fencing on or near the property line added as she has had renters in her yard to the point where she had to put up her own fence.

Ms. Bernstein continued and made the following points:

- Another problem is our beaches. Roaring Brook Lake does not have monitors to check tags. Supervisor Annabi said RBL has a Lake Supervisor. Ms. Bernstein responded by saying they can't be at all the beaches all the time to check tags. She believes that some of the money received by the Town for the rentals should be remitted to the District so they can hire someone who can make the rounds throughout the day.
- Noise is probably the worst thing we encounter. People come here to do what they can't do in their tiny apartments in the city, such as throw noisy parties.

- **Septic Systems;** you cannot talk about bedroom count only, you need to rely on the New York State Department of Health definitions based on septic system size. Supervisor Annabi said, "we are". Ms. Bernstein said we should add to the code that if a septic system must conform to current size standards. The septic system should also have to be pumped out every three (3) years concurrent with the renewal of the permit.
- **The Special Use Permit application** as defined in the current code for special use permits talks about a water quality report; why not require that as well?
- **There is nothing in the code about issuing permits for STR's** when there are existing code violations.
- **Ms. Bernstein does not like the idea that one (1) person can hold up to three (3) STR permits.** That changes it into a business and changes the character of a neighborhood. There is also no place to shop in RBL, so where are these people bringing their money to?
- **As to the CAP issue,** Ms. Bernstein would prefer to see the total number of nights to be rented capped rather than the amount of permits given.
- **As to the application process,** with other applications neighbors within 200 feet need to be notified about an application. With this why not have a hearing? Maybe some of the neighbors know something about the property they can share that would affect the decision both positive and negative. Attorney Ryan said these applications will be subject to a hearing the same way other applications are processed.
- **Signage;** please no signs at the road. Supervisor Annabi said we have a sign law already. Ms. Bernstein said signs should be on the building not on the road. The current sign law mostly refers to size of allowed signs. Town Attorney Ryan said Section S subsection 8 of the new code covers signage in regards to STR's.
- **Ms. Bernstein also felt that one (1) of the qualifications to have an Airbnb should be that you have been a resident for at a minimum of five (5) years.**

Roaring Brook Lake Resident Ina Cholst said thank you to the Board and Attorney Ryan for working so hard on this. Ms. Cholst believes we are better off with regulations. Ms. Cholst noted that the new Code states that part of its purpose is to stay in line with the goals of the Town Comprehensive Plan. Ms. Cholst added that the top of the Town's Comprehensive Plan states, "take care of your lakes". So, she added, we need to think about what has to be done to take care of our lakes. Tonight Ms. Cholst will emphasize the ecological aspects of Airbnb's. Ms. Cholst's additional comments are as follows:

- **Ms. Cholst did a survey on-line and has located 42 Airbnb's currently operating in Town,** and $\frac{3}{4}$ of them are in the lake communities. She said, the most vulnerable ecologies are in the lake areas. People don't realize that lakes decline, and we as humans hurry that process.

- One (1) of our three (3) lakes has been designated as impaired by the DEC; it is just emerging from that designation. All three (3) lakes have experienced beach closures due to toxic algae and high fecal coliform levels. All three (3) lakes exist at a tipping point where changes in nutrient contaminants make a difference. All three (3) lakes have elevated levels of phosphorus which is a nutrient contaminant. This could result in unusable lakes.
- Ninety-five percent of Putnam Valley is on wells and septic systems; but the homes in the Lake Districts have the least appropriate conditions for effective on-site septic treatments. This is because 1. The lots are generally smaller; 2. All three (3) lakes have steep slopes that are rockier with soil conditions that do not advantage septic fields. 3. Many of the lake community homes are older and they have systems that were never proper to begin with. Due to the small lot size and the rocky soil a substitute of some sort was used at the time of septic placement. This is important because with a regular septic system there are two (2) levels of treatment, once in the tank and again in the fields. When there was no room for a septic system a seepage pit was put in instead. This just filters into the ground water, and then into the lake.
- In a lake community property values have been shown to be directly related to the clarity and cleanliness of the lake water. This could affect the tax base of the whole Town.
- The Lake Communities count even more on neighborly regard, communication, and consensus.
- Noise travels differently in a lake community. This is called the megaphone effect.
- We are better off setting a CAP, the lakes can accommodate a few of these STR's, but ecologically they cannot accommodate a high percentage. In Part L of the code it mentions needing a Resolution in order to set a CAP. Ms. Cholst asked if that were the case would there be a need for another Public Hearing? Attorney Ryan said the Resolution would have to be done at an Open Meeting, but a Public Hearing would not be required.
- Ms. Cholst inquired about the size of the septic system versus amount of bedrooms, and the amount of people allowed to stay in a home. She said there should be no more than two (2) people per bedroom allowed. Supervisor Annabi said New York State law requires a bedroom to be defined as a bedroom and that's what they are basing it on. If someone has a one (1) bedroom and they want to make it into a two (2) bedroom their septic now has to be a two (2) bedroom septic. The number of bedrooms per New York State Law is what their septic size accommodates. There is also a scale and based on that scale the Code Enforcement Officer will determine per the size of the bedroom how many people can stay in that bedroom legally.

- The other consideration is the septic size; there is a whole formula that our Code Enforcement/Building Inspector will be putting in place that will make sure everybody is safe. People are not looking to blow up their septic, they want to do the right thing too. Supervisor Annabi added it is her opinion that when a house is rented as an STR for only a part of the year the septic is not being used as much as when a full time family is occupying a home. We are working with the Putnam County Health Department and Putnam County Tourism to see how often these homes are being rented, when peak time for rentals is etc. to make sure things are safe and fair for everyone. Ms. Cholst thanked Supervisor Annabi and said she appreciates that she looks at things that way.
- A septic system that consists of a seepage pit or a cesspool doesn't necessarily "blow up" it just pollutes silently. This puts the burden on people but not necessarily just those in the home. In Part O, subsection (g) it asks for the septic system type. Maybe we should be asking if there is a septic field and specifically where its location is. Supervisor Annabi said that is part of the permitting process.
- Part U which is the "House Rules" should tell people how to use a septic system. Many people come here from the city and they are used to having sewer lines.
- The number of guests a renter is allowed to have should also be limited. It should not be just the amount of people that are sleeping there. You can do this by getting the names of the people that are supposed to be there.

Roaring Brook Lake Resident Michael Grossman said he came to Putnam Valley for the first time as an Airbnb guest. He and his wife fell in love with the place and eventually moved here. All of the nuisances mentioned tonight can indeed happen from Airbnb renters but they can also happen from our full time neighbors. He has had fewer issues with the nearby Airbnb houses than with the parties being thrown by his nearby neighbors. He agrees with what is said under the section of "House Rules" and agrees with the responsibilities that guests should have; but he wishes everybody would be afraid to get a bad review if they misbehave. Currently, due to certain financial circumstances that have occurred in his life, he and his wife are now Airbnb hosts. They use utmost care with the quality of people they accept in their home. He added that here are bad actors among every group. He said there should be enforcement for some version of the "House Rules" for anybody who has people up here, or anybody who lives here. People should abide by the noise requirements and they should have their home inspected, all the things one should expect of a good citizen who cares about the Lake and the community. Mr. Grossman is very supportive of the idea of registration and appreciates how the Board is going about this. Mr. Grossman opined that looking at these regulations, are there things here that we are selectively enforcing on only people who are going through this transaction but are not enforcing on other residents who would be in breach of the law but they live here? We should really look at this. Airbnb guests should not be scapegoats for the problems people have with their neighbors.

Mr. Grossman said he could not find in the code how much the fees will be for the permitting? Additionally, will the inspection process be onerous because his house was built in the 60's and things may not be up to today's codes? That part scares him because he may not be able to do this anymore if that is the case. Lastly, Airbnb has changed, and the STR market has changed, and the degree to which people know their guests and guest know their hosts has changed. He has socially seen people who have been their guests, and befriended the person who's Airbnb he first guested at. That kind of connection is good for our community.

Lake Peekskill Resident Mary Becker said she has a legal two (2) family home and with the taxes here being so high and some financial situations happening in their lives, she and her husband began talking about doing Airbnb. She knew that she wanted to do that over a full time rental because they had done that previously and it can be difficult. Through Airbnb you are screening these people coming in, and she felt she could handle this. Ms. Becker said she is wondering with these new codes will this become too egregious for me to meet the standards, and will she be able to make the money to pay her taxes? She also came here as a renter and fell in love with the area, and she also cares about the lakes. Ms. Becker said she lives on the lake and has not seen Lake Peekskill flooded with renters on the weekends that have made her feel uncomfortable. Ms. Becker also agrees that STR's put less infringement on septic's then full time residents. She believes we are not a big recreational center like Bolton Landing or Saratoga. She thinks people are coming here because there are no hotels in Putnam County and they may be attending a wedding in the area or maybe they want a get away from the city. Ms. Becker is wondering what the licensing fee is? What if she tries to get into this Airbnb thing and nobody comes? Ms. Becker would be getting into this to make sure she can pay her taxes. She would like to have the fees differentiated between people who are doing this for a business and making a lot of money, as opposed to an occasional renter who is trying to get a few rentals in in order to pay the winter fuel bill. Town Attorney Ryan said we do not have a fee amount at this time. Ms. Becker said this can benefit people who have lived here for a long time and would like to continue to live here. Ms. Becker would like to see a fact based impact statement rather than things being based on people's opinions.

Roaring Brook Lake Resident Michael Grossman was wondering, in thinking about the potential costs to people, you should draw the distinction between people who are doing this in their primary residence part of the time versus corporations buying up homes to make money. Attorney Ryan said corporations cannot apply for a STR permit. Mr. Grossman said the idea of some kind of threshold makes sense maybe that could be written in in some way. This would help somebody who would like to dip their toe in the water and not make a huge commitment to come up with these inspections and signs and fees which could become a huge deal to try something. The other question is the distance you can be from your place when you are renting it out which could be a real bar to people doing stuff, you would have to hire a manager who is local. Supervisor Annabi said there has to be a contact person who is local. She said we have to know who the contact person is for your parcel.

Mr. Grossman is questioning the 30 mile radius because that is a very tight window that precludes us from staying in New York for the weekends we are renting out, and if something happens we can rush home, it has happened. Supervisor Annabi said right now we are keeping the 30 mile limit in the code.

Roaring Brook Lake Resident Lynn Bernstein said she has a response to the people who have stated that this raises property values and is good for the whole Town. She does not see how her neighbor renting their house, and perhaps buying it at above market value, benefits her when it only makes her tax assessment go up every year. She feels that it is a fallacious statement, it doesn't really help the Town to have everyone's values go up because a number of people are able to afford expensive prices.

Supervisor Annabi said if anyone has any further comments you can send them to her at jannabi@putnamvalley.gov, or to the Clerk at showard@putnamvalley.gov, or you can reach out to any of the Board Members whose addresses are on the website. She added that we will be voting on this at the meeting on September 20th unless there are any other changes or revisions. You will be notified on the website if that happens and the new version will be put there. Attorney Ryan said the Public Hearing will be closed at the meeting on September 20th in order to vote on it. If there are any other changes you can discuss them at that meeting as well. Supervisor Annabi said if there are any revisions made at that time we can leave the Public Hearing open and vote on it the month after.

Wildwood Knolls Resident Lenore Fontanez said if someone wants to apply for a permit do they have to wait for all of this to be finished? Attorney Ryan said yes and it would have to be accepted by the State. Once the Board votes on the Local Law, it gets sent to the State for filing. When it is filed by the State, it then becomes the law. Ms. Fontanez asked what if this goes past December 31st. Attorney Ryan said then we would have to apply to the State again.

Sherry Howard

From: Danielle James <dmjamesesq@gmail.com>
Sent: Tuesday, August 1, 2023 9:53 AM
To: Jacquie Annabi; Sherry Howard; lloungo@optonline.net
Subject: Putnam Valley Short Term Rentals

Hello,

I live on Dunderberg Road in Putnam Valley. My house is one of 5 on .75 acres of land. We share a common area which leads to dock spaces on the lake. Recently one of those five homes was purchased and turned into a short term rental and is listed on sites like AirBNB. Due to the close proximity of the homes and the nature of short term rentals, I have some concerns.

1. Privacy/Safety - The backyard of the short term rental is approximately 30 feet from our backyard. We have a toddler, so we often use the backyard to play. We also spend a lot of time on our deck. If there is someone using the outside area of the rental they are very close to where we are. Since these are renters that are using the property for the night or the weekend, we do not know them and I do not feel comfortable having my child playing in our yard when there are strangers so close. There is no way for the Owner of the premises to know who they are renting the property to if it is only for a night or two, which creates concerns for those of us near the rental. There should be some limits/guidelines as to property size and proximity to other homes, so those of us that own our homes or are long term renters can still enjoy our property and feel safe. Short term rentals should have at least .5 acres of land and be at least 100 feet from the neighboring properties to ensure they are far enough to offer privacy.

In addition, there should be inspections done to make sure the property itself is safe. Outdoor items like fire pits and grills could be very dangerous if not used properly and could cause damage to the rental home and the homes in the surrounding areas. If they are allowed, inspections should be done to make sure they are far enough from any structures and operable conditions.

2. Common Space/Use of Lake - Short term renters should not be allowed to use common property or have access to the lake. First, for common property, there are liability issues. If someone who is a weekend renter gets hurt on common property, whose insurance covers that? All of the other common owners would be opened up to a lawsuit for accidents and injuries. Furthermore, for our area there are rules that were provided to us when we purchased our home which govern the common property and dock. One of those rules states guests cannot use the dock/common property without the Owner present. Therefore, if the Owner of the short term rental is not living on the property, their "guests" should not be allowed to use that space.

These are my biggest concerns, but there are other issues that should be considered, like parking. Since some of our roads are small and if the rental cannot accommodate multiple cars, there should be restrictions on cars parking on the street and blocking through traffic. There should be guidelines regarding septic maintenance and pumping. If there is an issue with a renter, Owners should be available to respond to concerns of neighbors.

I understand there are people in the area that want to use their property for short term rentals and they have various reasons for doing so, however the Town should also consider the concerns of those of us who live in the homes we bought in Putnam Valley. Part of the reason we purchased where we did was because it was a quiet neighborhood. We have gotten to know our neighbors and enjoy the area, however I would not have purchased

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it if there was a short term rental there when we were looking at it. Please consider those of us who live on our property when you are creating the Short Term Rental Laws.

Thank you.

Danielle M. James, Esq.

2

Good afternoon.

My name is Toni Zee. I have lived at 67 Cayuga Rd in Putnam Valley for two years and have three children at the PV Elementary School. I am not the owner of an STR but have thought about it down the road to help recoup some of the many unexpected expenses of homeownership. We bought this house, a former long term rental after living in a long term rental around the corner on Unadilla. Both of these rental homes needed a lot of work. Maintenance was clearly neglected for a long time.

I have attached a document I wrote that reviews STR regulations from a few other lake communities in New York State. The second half of the document offers suggestions for alterations to the PV code that focus on peaceful enjoyment.

Above all, whether we choose to rent someday or not, we want this community to feel welcoming. Some owners have noble intentions when approaching strangers in the common areas, but there could be a gentler way to go about it. Nobody deserves to be mistreated, especially if they are quiet and minding their own business. Hopefully everyone can find common ground.

Thank you and have a wonderful weekend.

Toni

There are certain benefits to short term rentals (STRs) over long term rentals, and it would be a shame if the proposed regulations eliminate many of the respectful STR's in Putnam Valley (PV.)

Better maintenance with STR's - STR owners are motivated to keep their homes and yards presentable and in good working order since unsatisfactory conditions would appear in online reviews. STR's where the owner is living in the home between rentals affords more time for active maintenance on the property. Many STR's are in much better shape than long term rentals where the owner doesn't want to intrude for repairs. Landlords may delay big projects like septic upgrades which displace long term renters and delay income. There are no public websites for long term renters to report landlords and thus alter their future rental prospects.

Lack of PV hotels - Whether it's because there isn't a market for hotels or they aren't allowed in residential areas, the absence of nearby hotels makes it harder for relatives to visit. Having family visit you at the lake but sleep 25 minutes away in Peekskill or Fishkill becomes burdensome. Having respectful STRs provides a necessary service. Without them, septic systems could be overloaded by extended families who don't want to pay or travel to hotels.

Differentiating between hotels and STR's - Section A(2) - The examples being compared to STR's have multiple clients simultaneously. Bed and breakfasts and hotels are charging hundreds of dollars per night per room. Even "tourist home" has different meanings in different towns and usually implies more than one "room" is rented to different customers simultaneously. These entities can take on high permit costs because they bring in more money and because they are intended to be full time businesses. Many STR's are not looking to have full-time businesses. Owners who live in the home, know the neighbors, and choose respectful tenants might stop renting and we will be left with the full time "party houses" who can afford the regulations.

Differentiating between types of STR's - The proposed law does not differentiate between owner occupied, unoccupied, and hosted or un-hosted STR's. It doesn't suggest different caps for beach districts vs other districts or that owners with a certain amount of land between adjacent neighbors or the lake could be exempt from caps. Owners who rent fewer than 15 days per year are not placed in a different category. Under federal law, owners who rent fewer than 15 days don't have to report rental income but also don't get to deduct rental expenses.

Consequences - The proposed law doesn't specify exact consequences of violations specific to the renter (vs. code violations with the home itself.) What happens with noise, parking violations, or litter. How long from point of contact with the owner do renters have to comply? If the renters do comply after a complaint, is that acceptable until the next day when they do it again? How many phone calls to the Sheriff for the same group until they must be asked to leave and if they leave the property is that satisfactory? Is another noisy group of littering partygoers allowed at the same house to repeat the cycle over and over. Will the permit be renewed because all violations are satisfied even though they are clearly a party house?

Town of Lloyd - The proposed PV law is almost identical to the one in Lloyd. It was stated at the hearing that the legislation in Lloyd has worked well. Lloyd's was enacted in October 2022. This

means the law had only been in effect for one summer month, not a full summer or full year to collect supporting data. Have complaints gone down and all STR's are up to code? How many respectful part-time STR owners can no longer afford their homes?

STR Data- There are 12,000 people in the town of Putnam Valley. At the July 19 hearing the town did not have comparative statistics regarding STR's, long term rentals, and non-rental homes, but we heard from several individuals from Roaring Brook who were in favor of the strict STR rules. Given the number of owners from other lakes who spoke out against the new legislation, it seemed the town was pressured to act on behalf of a small subset of owners in Roaring Brook. Physicians do not prescribe high dose medication to everyone, whether they need it or not, without supporting data or based on a very small subset of the nearby population. They slowly introduce medications, monitor the side effects, and add higher doses or additional treatments as necessary. A similar approach could be warranted with STR's.

Goals of STR regulation - Rather than adopt sweeping regulations that all STR's must be inspected (which will be extremely cost prohibitive for many owners and time consuming for the town) why not ask what we truly hope to gain from this law. Is it first and foremost to bring STR's up to building codes? If that's the case, then all homes whether they rent or not should be inspected. If the goal is primarily to eliminate noisy groups, full time STR's with revolving doors, and lines of cars on our streets, then the current law should zero in on those unwanted aspects.

Looking outside our immediate borders for guidance –

Lake Placid, a popular tourist town, has taken an interesting approach. Rather than town directed, costly, and time-consuming inspections, owners are asked for a signed and notarized affidavit certifying compliance with requirements related to smoke and carbon monoxide detectors, fire extinguishers, exterior doors, electrical systems, fireplaces, and others. Owners must also submit a septic inspection report. Lake Placid has an STR committee to revise the law as needed. They have a very detailed process for complaints including a phone hotline and an online complaint portal. They have different rules and caps for owner occupied, unoccupied, and hosted or un-hosted STR's. Owner-occupied STR's rented out for less than 15 days per year are exempt from paying permit fees. Unlike Lake Placid, PV is not a hotspot for nightlife, restaurants, and bars. There is not a separate downtown vs residential area, and it would not be reasonable to ban short term rentals in PV residential districts.

If we look a bit further north, to the finger lakes region, we can see multiple lake communities in very close proximity where single family homes have been STR's for decades. Those areas are slowly moving toward regulations. The ones with mild regulations are faring the best. The towns that enacted very strict laws, like the one presented in Putnam Valley, have faced extensive hearing times that diverted board meeting time away from other issues. Once enacted, towns have discovered the work is much greater than anticipated for these strict STR laws.

Starting out with less restriction - and building upon things as needed is an option. Towns throughout the nation are rolling back on strict regulations. NYC has delayed roll out of their law

several times now. They are now looking to September, but initially planned for January, May, and then July 2023. How does PV plan to handle the influx of applications, inspections, and violation follow ups. Many unanticipated applications could be received by owners hoping to "get in" before a cap is established. Modest fees may not cover the additional work hours and exorbitant fees feel discriminatory given non-STR owners violate codes without consequences. Will there be a double standard where the STR laws are enforced but we continue to look the other way when it comes to other codes?

Could initial legislation consider the following:

-For inspections – 1) eliminate mandatory inspections in favor of signed affidavits for a) owner occupied or hosted STR's; b) current STR's where the owner was previously a primary resident of the home for at least one (or two?) years; c) STR's where the owner lives on the same parcel or parcel adjacent to the STR; and d) current STR's that have never had a complaint regarding a renter. 2) consider requiring inspections for homes which were never owner occupied.

-Affidavits - to include similar requirements to those in Lake Placid. Consider requiring septic location and house floor plan for bedroom and sleeping room determination.

-For STR's in beach districts – consider 7-day minimum stay Memorial Day through Labor Day and maximum 180 total short term rental days per year. This would encourage longer rentals in winter and minimize the revolving door rentals.

-For caps - differentiate between beach districts, non-beach districts, and various degrees of separation between STR's and their neighbors. **Many towns and cities such as San Antonio do not include owner occupied homes in the cap.** In doing so, San Antonio and similar areas acknowledge that owners do not want their personal property, primary living space, and neighbors disturbed. Owner occupied STRs are selective with their renters and the number of times per year they rent. Consider excluding from the caps (and permit fees) owners who rent fewer than 15 days. By doing so, full time residents of their PV home or owners who retire or change jobs and no longer live here full time would still be able to offset rising taxes.

Special permission from neighbors – consider allowing properties to be exempt from caps and minimum/maximum stay requirements if permission is granted from immediate neighbors and the STR does not advertise the common grounds as available to their renters.

-Good neighbor guidelines -Develop uniform "Good neighbor guidelines" which are readily available on the PV town website and must be a link on the STR listing and visible in the home.

-Maximum overnight occupants in STRs: Consider using bedroom rather than "sleeping room" to determine maximum limits for overnight tenants. Specify minimum bedroom size per New York State code is 70sq ft for a one-person bedroom and 50 additional sq ft for each extra person in the same bedroom. A two-person bedroom would therefore need 120 sq ft. Max overnight guests can be bedroom occupancy + 2 extra people in one qualifying sleeping room or

maximum based on septic size (whichever number is less.) This will prevent owners from dividing the entire home into multiple bedrooms with bunk beds and additional sleeping areas.

-Maximum total daytime occupancy – Be more specific about how many people can occupy the STR during the day and what time guests of the renter must leave.

-Vehicles at STRs - The law does not limit on street parking where on street parking is permitted. Consider STR on-street parking pass requirement to prevent long lines of cars. Consider maximum vehicles at the property per qualifying bedroom rather than sleeping room.

STR Complaint hotline – Consider a dedicated phone number for complaints. Person receiving the call has access to STR owner contact info and owner has 60 minutes to mitigate the issue to the plaintiff's satisfaction. If satisfaction is not obtained, then consider dispatching sheriff.

Fines - Consider fines if Sheriff is dispatched and violations are noted. Consider escalating fines for same group of individuals. Create code related fines and fines for operating a non-permitted STR. Permission to operate as an STR can be revoked after "x" number of violations for the same rental group or "x" number of violations for the same property in the same calendar year.

Conclusion - With more specifics that address peaceful enjoyment (and fewer time-consuming regulations on the respectful STR owners of the community,) we can inhibit the development of party homes while still allowing owners to supplement the rising taxes and cost of maintaining their homes. By limiting the number of properties who will need inspections when the law rolls out, it will decrease the immediate burden on the town. The town will also have time to evaluate the initial roll out and determine if stricter guidelines and caps are truly necessary.



Hello,

I am Perry Jones I live in Lake Peekskill and will not be able to attend the public hearing on Short Term Rental(STR). I will be out of town for a work engagement that I can't reschedule.

For the Public Hearing August 16, 2023 meeting record attached is my opposition to the proposed STR law.

The proposed Putnam Valley short term rental (STR) law ("the Law") has introduced stringent regulations impacting property owners' rights to engage in short-term rentals. While the Town of Putnam Valley ("the Town") may assert that the Law aims to ensure safety and community welfare, it is vital to assess its constitutionality in light of both the Takings Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment. This argument draws upon relevant case law from New York State and Putnam County to illuminate how the Law's potential constitutional violations are grounded in legal precedent.

Additionally, I have included a list of several court cases that are still ongoing and opposing similar laws. If Putnam Valley was to pass such a law it is my opinion that it would open "the Town" up to similar law suits. A law suit like this would only further distract from other more pressing town matters.

Kind regards,
Perry L Jones

****Argument: Unconstitutional Takings and Due Process Violations in Putnam Valley's Short Term Rental Law: A Case Law-Supported Analysis****

****I. Introduction****

The Putnam Valley short term rental (STR) law ("the Law") has introduced stringent regulations impacting property owners' rights to engage in short-term rentals. While the Town of Putnam Valley ("the Town") may assert that the Law aims to ensure safety and community welfare, it is vital to assess its constitutionality in light of both the Takings Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment. This argument draws upon relevant case law from New York State and Putnam County to illuminate how the Law's potential constitutional violations are grounded in legal precedent.

****II. Violation of the Fifth Amendment's Takings Clause****

The Takings Clause of the Fifth Amendment mandates that private property shall not be taken for public use without just compensation. The Law's mandatory regulations and restrictions effectively deprive property owners of significant economic use and enjoyment of their properties. Property owners' rights are akin to a bundle of sticks, each stick representing a distinct property right. The Law, by imposing onerous requirements on the ability to rent properties, deprives property owners of several sticks within this bundle, including the right to rent their property as they see fit.

****A. Regulatory Taking****

The Law's requirements and restrictions substantially interfere with property owners' investment-backed expectations, as they limit the property's income-generating potential. Courts have held that regulations that substantially reduce the economic value of property, amounting to a regulatory taking, require just compensation. In *Lingle v. Chevron U.S.A. Inc.* (2005), the U.S. Supreme Court clarified that a regulation is a taking if it denies an owner economically viable use of his land.

****B. Lack of Public Purpose or Benefit****

The Town's assertion that the Law serves a public purpose by safeguarding health, safety, and quality of life does not excuse its potential unconstitutional takings. Courts, including the Supreme Court in *Kelo v. City of New London* (2005), have held that a taking for economic development purposes does not meet the public use requirement. Similarly, the Law's imposition of restrictions on property rentals to benefit residents of the Town does not necessarily serve a valid public purpose under the Takings Clause.

****C. Regulatory Taking within New York State Case Law****

New York State courts have recognized the concept of regulatory takings when government regulations significantly diminish the economic value of property. In *Bleecker Area Neighborhood Association v. Cuomo* (1994), the New York Court of Appeals established that a regulatory taking occurs when government action impedes the owner's ability to use and enjoy their property. The Law's imposing regulations, such as mandatory permits and usage restrictions, could potentially deprive property owners of economically viable rental opportunities, aligning with the principles elucidated in *Bleecker*.

****D. Public Purpose Examination based on Putnam County Case Law****

In Putnam County, the public purpose argument must be examined through the lens of *Putnam County v. Putnam Valley Zoning Board of Appeals* (2001). The court emphasized that zoning regulations must serve a legitimate public purpose, such as health, safety, and welfare. However, the court clarified that zoning regulations exceeding their intended scope might not meet the public purpose requirement if they encroach upon property rights without justifiable justification. Should the Law be challenged, the Town must demonstrate how its restrictions adhere to the public purpose standard articulated in *Putnam County*.

****III. Violation of the Fourteenth Amendment's Due Process Clause****

The Law's stringent requirements may also infringe upon property owners' rights protected by the Due Process Clause of the Fourteenth Amendment, which ensures that no state shall deprive any person of life, liberty, or property without due process of law.

****A. Lack of Adequate Procedures****

The Law's permit application process lacks clear guidelines and procedural safeguards. The Law grants the Planning Board broad discretion in issuing special use permits, potentially leading to arbitrary and discriminatory decisions. Courts have established that such broad discretion without clear standards can violate due process rights. In *City of Lakewood v. Plain Dealer Publishing Co.* (1988), the Supreme Court emphasized the importance of clear guidelines to avoid undue discretion.

****B. Unreasonable Restrictions****

The Law's imposition of arbitrary limitations, such as the maximum number of permits, may unreasonably restrict property owners' rights without a legitimate government interest. Courts have held that government regulations must be reasonable and tailored to achieve a legitimate government purpose. In *Lucas v. South Carolina Coastal Council* (1992), the Supreme Court ruled that regulations depriving property owners of all economically beneficial use of their property require compensation.

****C. Procedural Due Process in Light of New York State Case Law****

New York State courts have underscored the importance of procedural due process safeguards when government actions impact property rights. In *Matter of Clubine v. Board of Appeals of Town of North Hempstead* (1985), the court emphasized that land-use regulations must provide clear guidelines and procedural safeguards to prevent arbitrary or discriminatory decisions. The Law's requirement of special use permits issued by the Planning Board can be evaluated based on the standards articulated in *Clubine*. If the application process lacks transparency and well-defined criteria, it could potentially violate procedural due process rights.

****D. Reasonable Regulation as Demonstrated by Putnam County Case Law****

Putnam County case law, exemplified by *Putnam County v. Vincent* (1997), highlights the necessity for government regulations to be reasonable and not unduly burdensome on property owners. If the Law's restrictions unreasonably limit property owners' ability to engage in short-term rentals without a substantial governmental interest, it could be seen as infringing on property rights, echoing the principles outlined in *Putnam County v. Vincent*.

****IV. Conclusion****

In the evaluation of the constitutionality of the Putnam Valley short term rental law, a comprehensive analysis must consider relevant case law from both New York State and Putnam County. The potential violations of the Fifth Amendment's Takings Clause and the Due Process Clause of the Fourteenth Amendment are illuminated by legal precedents. By invoking these case law precedents, property owners impacted by the Law can effectively argue that its constitutionality should be subject to rigorous scrutiny and challenge under the law.

Ongoing Law suites that time is opening itself up to with the passing of the proposed SRT laws:

Seabrook v. Town of Barnstable (2021): A group of property owners sued the Town of Barnstable, Massachusetts, challenging its short-term rental regulations, which included registration requirements and limits on the number of rental days. The plaintiffs claimed that the regulations amounted to an unconstitutional taking of their property. The case is ongoing.

Scott v. City of Dunwoody (2020): Property owners sued the City of Dunwoody, Georgia, over its short-term rental regulations, which required hosts to obtain permits and adhere to certain rules. The plaintiffs alleged that the regulations amounted to an unconstitutional taking of their property and violated their due process rights. The case is ongoing.

Niagara Falls Airbnb Alliance v. City of Niagara Falls (2020): A group of property owners and Airbnb hosts sued the City of Niagara Falls over its short-term rental regulations, which imposed permit requirements and zoning restrictions. The plaintiffs claimed that the regulations violated their property rights. The case is ongoing.

Lopez v. City of Chicago (2021): A group of property owners sued the City of Chicago over its short-term rental regulations, which imposed restrictions on the number of nights a property could be rented and required hosts to obtain licenses. The plaintiffs argued that the regulations violated their constitutional rights. The case is ongoing.

Austin Rental Alliance v. City of Austin (2020): A group of property owners and rental hosts challenged the City of Austin's short-term rental regulations, including occupancy limits and licensing requirements. The plaintiffs argued that the regulations were overly restrictive and violated their property rights. The case is ongoing.

Wheeler v. Town of LaPointe (2020): Property owners sued the Town of LaPointe, Wisconsin, challenging its short-term rental ordinance, which imposed restrictions on rentals and required permits. The plaintiffs claimed that the ordinance violated their property rights and sought an injunction to prevent its enforcement. The case is ongoing.

Foti v. City of Pacific Grove (2020): Property owners sued the City of Pacific Grove, California, challenging its short-term rental regulations, which included permitting requirements and limitations on rentals. The plaintiffs claimed that the regulations violated their property rights and sought an injunction to prevent its enforcement. The case is ongoing.

In relation to the proposal and discussion on short term rentals held on Wednesday July 19, I have two suggested modifications/clarifications:

1. Section P. Inspections. Sub section 3. Please clarify that inspections are limited only to spaces/units/dwellings that are rented out as STRs. This inspection should not apply to an owner-occupied house on the overall property that is **NOT** rented out. Specifically, if a resident lives in a house (not as STR) and has a secondary dwelling/cottage (rented as STR), only the secondary dwelling will be subject to inspections
2. Section P. Inspections. Sub Section 1. Please amend to state that if an inspection identifies changes/requirements for an STR permit, upon completion and inspection of said changes, a permit will be granted. I think the legislation should not force an owner to make costly changes only to be denied a permit because of an arbitrarily-determined, capacity constraints.
3. Section R. Renewal permits. If there are no changes to the previously approved STR, can a renewal permit be automatically generated, again subject to an inspection (if required). Again, having gone through the effort and cost of complying with this regulation, once a permit is granted, an owner should be able to get a renewal and not be subject again to an arbitrary capacity constraint.

Thank you for your consideration

Regards
Tony Charles

SUPERVISOR'S COMMENTS

Presented by Supervisor Annabi

Supervisor Annabi said coming up this month we have the following:

- Sunset Series Concert on August 24th featuring Country Band "Loose Wheel" from 7-9 at the Town Park.
- The German American Club is having their annual Oktoberfest on September 9th and 10th at 11 Kramer's Pond Road.
- Town Day is September 16th from 2-9:30PM. There are still a couple of electric spots open, please reach out to us or go to our website at putnamvalley.gov.
- September 9th is our next District Budget Meeting starting at 9AM with Roaring Brook.
- September 11th is our 9/11 Memorial at the Park at 6:00 PM.
- September 7th the Band "Andrea and the Armenian Rug Riders" are playing at the last Sunset Series Concert for the season at 7:00 PM.

LEGISLATIVE REPORT

Presented by Supervisor Annabi

Councilman Russo read County Legislator Gouldman's report as follows:

**Putnam Valley Report from Bill Gouldman
8/18/2021**

Legislator Bill Gouldman is not able to be here today. He has a County Legislative Committee tonight, so he requested I give his report.

He hopes that everyone is staying safe and enjoying their summer.

** We are all hoping for a smooth re-opening of schools. Bill would like to remind everyone that school will be opening soon, he wishes all the students a successful year. Let's get back to basics and remember road safety. These are our children, our neighbors' children, and the future of our community. Please keep them safe.

** The Putnam County Home Improvement Board is seeking applications for an open Board position. Applicants for this position must live or work in Putnam County. The position does not require experience in the home improvement field. Please send your resume and letter of interest to.

Putnam County Home Improvement Board
110 Old Route 6,
Building # 3
Carmel, NY 10512

** Legislator Gouldman says that the work has started on the Bridges and if you didn't get a chance to come to the Town Hall Forum introducing the new Contractor for the Peekskill Hollow Road & Bridge Reconstruction Project on August 2nd. You can watch it on the Town and the County Website. If you have any

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questions about it, you can reach out to him in his office at 845-808-1020.

** The Putnam County Department of Health is having the following Vaccines Clinics.

Child & Adult Vaccines – August 17 & 29

Travel Vaccines – August 25.

Please call 845-808-1332 for an appointment.

** The Putnam County Medical Reserve Corps are looking for Volunteers. They work to help improve the health and safety of our community. Please go to the County website for more information.

** Putnam County is considering a new state of the art Fire Training Center in Putnam County. The legislature will be discussing it at the Protective Services Committee Meeting on Thursday, August 17 and should be voting on it at the next Full County Legislative meeting on September 5th.

** As always, Legislature Gouldman is interested in your concerns. There is help out there, for whatever you may be going through. If you have an issue, please give him a call at 845-808-1020. He will make every effort to assist you.

Supervisor Annabi said the County has reported back to her that ELQ has finished their condition assessment phase, and they did level out Lovers Lane culvert asphalt. They should begin bridge construction work soon.

AMENDMENTS TO THE AGENDA

Presented by Supervisor Annabi

RESOLUTION R#23-268

RESOLVED that the Town Board **ADD** the following item to the agenda:

ADD: #5A Facilities – Approve Janitorial & Town Maintenance Services Appointment
ADD: an Executive Session at the end of the meeting to discuss personnel with no further business afterward.

Seconded by Councilman Luongo, unanimously carried

APPROVAL OF MINUTES

Presented by Councilman Luongo

RESOLUTION #R23-269

RESOLVED that the Town Board authorize the Supervisor to accept the Town Board Meeting Minutes from July 12, and July 19, 2023.

Seconded by Councilwoman Tompkins, unanimously carried

APPROVE JANITORIAL AND TOWN MAINTENANCE SERVICES APPOINTMENT

Presented by Supervisor Annabi

RESOLUTION #R23 –270

RESOLVED, that the Town Board authorize the Town Supervisor to engage the services of Michael Smith for the purposes of providing janitorial and Town maintenance services, on an as-needed-basis. This amount is budgeted for in the Facilities Department Budget. No Benefits

Seconded by Councilman Russo, unanimously carried

DISTRICTS – AMEND RESOLUTION #R22-126

Presented by Councilwoman Tompkins

RESOLUTION #R23-271

RESOLVED that the Town Board amend Resolution #22-126 as the scope of work changed in regards to the meter installation at the sewer station. The condition of the pipes at the sewer station prevented the meters from working properly. Therefore, CEMCO had to change the location and number of meters necessary to gauge the volume of sewage that runs through the current system. As a result, the cost decreased from \$10,485.20 to \$5,242.60. The District will cover the cost.

Seconded by Councilman Luongo, unanimously carried

APPROVE REFUND ROAD OPENING PERMIT # 2023-05

Presented by Councilman Russo

RESOLUTION #R23-272

RESOLVED, that the Town Board approve the \$800.00 refund to Douglas Green who represents Verizon at 35 4th Avenue, 3rd floor, Bay Shore, NY 11706 who has restored Millpond Road to the satisfaction of Highway Superintendent Keeler.

Seconded by Councilwoman Tompkins, unanimously carried.

APPROVE REFUND ROAD OPENING PERMIT # 2023-16

Presented by Councilman Russo

RESOLUTION #R23-273

RESOLVED, that the Town Board approve the \$800.00 refund to Vincent Drone who represents Optimum at 143 Old Route 9, Fishkill, NY 12524 who has restored 1 Greenhaven Road to the satisfaction of Highway Superintendent Keeler.

Seconded by Councilman Luongo, unanimously carried.

HIGHWAY – APPROVE ADDITIONAL PERSONNEL

Presented by Councilman Russo

RESOLUTION #R23 –274

RESOLVED, that the Town Board extend the appointed time for Daniel Burlingham, temporary part-time Laborer at \$16.00 per hour with no benefits. His current appointment expires on September 1, 2023.

Highway Supervisor Keeler would like to hire Michael Smith when he is finished working on the Weed Harvester as a temporary part-time laborer at \$20.00 per hour with no benefits due to the additional work load. Please extend the date for both to end November 3, 2023.

Seconded by Councilman Luongo, unanimously carried

JUSTICE COURT – APPROVE TRANSLATION SERVICES AGREEMENTS

Presented by Councilman Luongo

RESOLUTION #R23 –275

RESOLVED, that the Town Board approve the Town Supervisor to sign the Master Service Agreement and Statement of Work attached hereto with Language Line Services, Inc. pertaining to translator services for the Putnam Valley Justice Court. The fee for said services is \$.99 per minute of service, which reflects a lower rate than the standard flat fee of \$195.00 we currently pay per translation services per transaction. The money for this amount is included in the court budget.

Seconded by Councilman Russo, unanimously carried

PARKS AND RECREATION – APPROVE ADDITIONS TO PERSONNEL

Presented by Councilwoman Tompkins

RESOLUTION #R23 –276

RESOLVED, that the Town Board approve the following additions/changes to personnel:

1. Kanyon Lewis, PV Children's Center, @ \$15.70 per hour.

Seconded by Councilman Luongo, unanimously carried

PARKS AND RECREATION – APPROVE AUGUST 2023 REFUNDS

Presented by Councilwoman Tompkins

RESOLUTION #R23 –277

RESOLVED, that the Town Board approve the Parks and Recreation August 2023 refunds.

PLEASE INSERT

Seconded by Councilman Luongo, unanimously carried

AUTHORIZE 18 COLEMAN’S LANDING CONVEYANCE

Presented by Supervisor Annabi

Attorney Ryan explained that this is a property that is on Lake Oscawana. They went before the Planning Board last year for approvals to build a new residence at 18 Coleman’s Landing. During that process they realized they did not hold title to a strip of land that is only accessible through their properties and it’s between their properties and the Lake. It appears it was created when prior property owners extended their properties into the lake, built a seawall, and essentially created more land. The title to that property was not clear, it was never described, and it was never in any deeds, however, the seawall that is on that parcel is failing. The property owners sought permission from the Town to repair the seawall and to do so they need a property interest in order to apply. If that seawall fails it will affect their parcels only. They came to the Town, they provided a survey of that land, they created a legal property description of that land, and they provided an appraisal of that land which states due to the location, the size, and the fact that you could not develop that land at all under the current zoning regulations it has a commercial value of \$0. They made an offer to the Town that they would purchase that property for the cost of \$10.00 along with any and all permitting fees and requirements to repair and continue to maintain that seawall. This Resolution approves that conveyance. This conveyance is subject to Permissive Referendum which means a notice will be published in the local paper. After 30 days lapse, as long as no one has made a proper petition for a Permissive Referendum then this Resolution would go into effect.

Supervisor Annabi read the Resolution as follows:

RESOLUTION #R23 –278

**RESOLUTION AUTHORIZING THE TOWN OF PUTNAM VALLEY TO CONVEY
0.198 ACRES OF REAL PROPERTY LOCATED AT 18 COLEMANS LANDING &
NOSWAL PARK ROAD TO CARRIE SCHINDELE**

WHEREAS, CARRIE SCHINDELE is a co-owner of three (3) parcels: a 0.44 acre lot (62.14-1-20); a 0.16 acre lot (62.14-1-15); and a 0.03 acre lot (61.14-1-22) located at 18 Colemans Landing and Noswal Park Road in the R-3 Zoning District; and

WHEREAS, the Town of Putnam Valley holds the apparent color of title to a 0.198 acre landlocked strip of land (the "Subject Property") which was created when prior owners of the SCHINDELE lots extended portions of the properties into Lake Oscawana; and

WHEREAS, the Subject Property contains an existing seawall which has fallen into severe disrepair and the failure of which may affect the structural stability of the abutting SCHINDELE properties; and

WHEREAS, the Subject Property is deemed unusable by the Town and has been unused for a significant period of time; and

WHEREAS, SCHINDELE has provided the Town with a survey of the Subject Property which was prepared by Jennifer W. Reap, L.S., dated December 15, 2020; and

WHEREAS, SCHINDELE has provided the Town with an appraisal of the Subject Property prepared by Bill Pforzheimer of Castle Appraisals, dated June 12, 2023, which opines that the Subject Property has no market value due, in part, to the lack of access to the landlocked area, the lack of ability to develop the land under current zoning regulations and its irregular shape; and

WHEREAS, SCHINDELE has made the offer of \$10.00 payment to the Town of Putnam Valley along with the costs and fees associated with the repair and continuous maintenance of the seawall in return for conveyance of the property; and

WHEREAS, pursuant to Town Law § 64, General Powers of Town Boards, a Town Board may, upon the adoption of a resolution, convey or lease real property in the name of the town, which resolution shall be subject to permissive referendum; and

WHEREAS, this action to convey surplus real property is an Unlisted Action under the State Environmental Quality Review Act (SEQRA), and a Short Environmental Assessment Form (SEAF) is attached hereto.

NOW, THEREFORE, BE IT RESOLVED, The Town Board hereby states that because only the Town Board can convey surplus real property held in the name of the Town that it is the only involved agency, and the Board hereby declares that the proposed conveyance will not result in a significant environmental impact; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Putnam Valley accepts such offer of payment of \$10.00 and the payment of all costs associated with the repair and maintenance of the seawall and agrees to convey the Subject Property to SCHINDELE, subject to permissive referendum; and

BE IT FURTHER RESOLVED, that the Town Board directs the Town Clerk to advertise notice of the conveyance of the property for permissive referendum opportunity in the official Town newspaper; and

BE IT FURTHER RESOLVED, SCHINDELE shall be required to bear any and all costs for the advertisement of permissive referendum, filing of such real property conveyance, and any other transfer of property fees; and

BE IT FURTHER RESOLVED, that such land is conveyed with the understanding that SCHINDELE shall diligently obtain and comply with all permits and permitting requirements applicable to the repair and maintenance of the existing seawall.

Dated: August 16, 2023

Moved: Supervisor Annabi

Seconded: Councilman Luongo

Motion passes/ fails: Ayes 4 Nays 0

		AYE	NAV	ABSENT ABSTAIN
PRESENT/ABSENT	Councilwoman Tompkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PRESENT/ABSENT	Councilman Russo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PRESENT/ABSENT	Councilman Smith	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PRESENT/ABSENT	Councilman Luongo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PRESENT/ABSENT	Supervisor Annabi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PUBLIC COMMENT

Presented by Supervisor Annabi

Supervisor Annabi reminded everyone that there is a three (3) minute talk time limit.

Highway Superintendent Keeler said this Saturday is Bulk Drop-Off from 8:45 to 11:45 AM. Supervisor Annabi added that Town Hall is also open that day.

Supervisor Annabi reminded the community that Town Day is on for September 16th. Applications are coming in quickly, the electricity is filling up fast. The fireworks begin at 8:30 PM. Please remember the road will be closed for safety.

Councilman Luongo said this will be the Fire Departments 22nd year holding their 9/11 Memorial Ceremony. The ceremony starts at 6:00 PM and lasts about 20-25 minutes at the Town Park.

AUDIT OF MONTHLY BILLS

Presented by Supervisor Annabi

RESOLUTION #R23-279

RESOLVED, that the Town Board approve the following bills, after audit, being paid:

<u>VOUCHER NUMBERS</u>	<u>AMOUNTS</u>
43438-43576	73,938.62
43170-43472	99,880.56
43257-43547	182,714.21

Seconded by Councilwoman Tompkins, unanimously carried.

Supervisor Annabi made a motion to go into Executive Session to discuss a personnel matter. No further business will be discussed afterward.

Supervisor Annabi made a motion to close the meeting at 8:25 PM., with no further business being conducted afterward.

Seconded by Councilwoman Luongo, unanimously carried.

Respectfully Submitted



Sherry Howard
Town Clerk
8-24-2023