

TOWN OF ROSENDALE  
TOWN BOARD WORKSHOP MEETING/PUBLIC HEARING  
OCTOBER 4, 2023

Supervisor Walsh called the meeting to order at 7:08 PM followed by the pledge. A moment of silence was observed for Dorothy Stodter and Stephen Fabrico.

|          |               |                 |
|----------|---------------|-----------------|
| Present: | Supervisor    | Jeanne L. Walsh |
|          | Councilmember | Molly Muller    |
|          | Councilman    | Joseph Havranek |
|          | Councilmember | Ashley Sweeney  |
|          | Councilmember | Carrie Wykoff   |

Also Present – Jill La Fera; Assistant to the Supervisor, Kenneth Hassett; Deputy Supervisor, Billy Liggan; Planning Board Chair, Joe La Fera; RMC Building Manager, Kristina Carr; Recreation Chair, Nick Wulczyn; Building Inspector and Keven Hines; Fire Marshal.

Public Input – Billy Liggan thanked the Town Board for the Rosendale Street Festival. The Street Festival for next year is July 20 & 21, 2024.

The Town Clerk opened the Public Hearing for Local Law #4 Accessory Dwelling Units at 7:10 P.M.

Councilman Havranek said he had a few sections in question. These were section 5 lot requirements, and he discussed his reasons why it should be stricter with a variance and not just a site plan review. Supervisor Walsh and Councilman Havranek discussed different options but will have to review everything with the Town Attorney.

Fanny Trataros -Resident – Asked a question about legal non-conforming property that was built in the 1950's before the Zoning Board. Councilman Havranek said that it should read pre-existing non-conforming use. Supervisor Walsh said that should be added.

Pandora Faucet – Resident – Stated she didn't see what the problem was making an existing garage an accessory dwelling. Councilman Havranek said then they wouldn't need any set back requirements in the zoning. Each zone in the town has set back requirements.

Michelle Vitner – Resident – Stated density has its place, but also to keeps the town character and doesn't want to overrun neighbors, but people also need a place to live. Supervisor Walsh said that the codes are put in place so people aren't getting nasty calls from their neighbors.

Marty Einemann – Resident - is concerned people are going to take advantage of the Accessory Unit to make money. Supervisor Walsh said there is a great need to have a place for people to live. The Town Board explained to Marty that it must be a preexisting unit that a new building cannot be built to be an Accessory Unit. He also asked how it would affect the taxes, which is a question for the Assessor.

Cheryl Schneider – Resident – Brought up how she felt about multiple non-conforming regulations that need to be reviewed.

Macenzie Grate – Resident – There is a serious housing shortage and is worried about limitations.

Sadie Heagney – Resident – Discussed how economy affected housing pricing and being more Liberal with changes.

Ed Parker – Resident – Lives on 15 acres and has 4 new houses that were built and has approval for 5 more in front of the Planning Board. Chairman Billy Liggan said the Planning Board did not give any allowances it was the Building Department. Supervisor Walsh said the short-term rentals are a different hearing, but she said if you apply for the units to be Accessory Dwelling Units, they cannot be short term rentals.

Thomas Childers – Non-Resident – Asked Supervisor Walsh how she viewed economic welfare. Supervisor Walsh said she can't speak for everyone, but the Town of Rosendale does better with more units because it helps to pay the taxes and to bring revenue into their homes. Thomas said to Councilman Havranek that earlier things were referred as rural character, but he feels like it is being used in place of density. He asked if Councilman Havranek wants to preserve rural character to preserve a certain level of density in the town. Councilman Havranek said he wanted to be consistent by the comprehensive plan that was adopted by the town.

Pandora Faucet – Resident – Addressed her concern about taxes being raised high when a unit is added it isn't worth it renting to a lower income person. This is something that should be reviewed by the Assessor to see if the value will increase.

Michelle Vitner – Resident – Asked if there was any sense of the cap of units will be. Supervisor Walsh said there was no decision made on that.

Carol Garfinkle – Resident – Expressed adding units is good for affordable housing. She said that she thinks you should be able to rent out a accessory unit once and a while which can help make afford her house. Supervisor Walsh said if you had your home as a short-term rental it would work, but not for an accessory unit. Based on her zone and density. Carol said she would like the board to consider letting accessory units be short term rental as well. Supervisor Walsh said she can promise that it won't happen.

Fanny Trataros – Resident – Said the purpose and intent is to create housing expansion for local workforce and to provide options for young and older families. She asked if she has a house but doesn't live in it, she can't make it a dwelling. Supervisor Walsh said no you must live onsite.

Robert Chester – Resident – He said this is a great idea and accommodated most concerns people may have.

Councilman Havranek discussed his concerns and possible changes for the law.

Martin Einemann – Resident said it would be helpful to put what can and cannot be done with examples on the application.

Nick Wulczyn – Building Inspector – Said he wanted to make a couple points. He said the state was proposing taking away the municipalities zoning laws and they could put an accessory dwelling anywhere. The whole purpose was with the intent of the town to get ahead of this so it would not happen in the town and the town would have some say. He said the purpose of this is to make it easier for residents to go through this without a 3-to-4-month approval. He also said if you have an accessory unit, you cannot have a short-term rental on the same property. This code will be utilizing what is already on the homeowner's property. Supervisor Walsh said that some changes will need to be made. Also, there was a discussion if it will go to the Planning Board for a Site Plan review or there will be a check list for the Building Department to review.

Supervisor Walsh said this Public Hearing will be kept open and reviewed by the Town Attorney and can also be heard next week.

The Town Clerk opened the Public Hearing for Local Law #5 Short Term Rental at 8:17 PM.

Cheryl Schneider – Resident – expressed her concerns about the number of short-term rentals. She also said they should be limited and should not be non-owner-occupied rentals. They should be registered and pay hefty registration fees.

Mackenzie Grate – Resident – She is a non-owner-occupied short-term rental, but she can not afford to live here and work here on the salaries in the area. She supports the code and application process but feels there should not be a limit and there should be some unoccupied owner rentals.

Nick Wulczyn said there are no regulations for short term rentals and the Building Department needs to know if someone is renting out a basement with no egress and safety. He said they want to make sure everyone is safe. Also, if there is going to be a cap on short term rentals what is that cap going to be he asked and how will that be regulated.

Kevin Hines said as of today they have identified 77 short term rentals, about 1/3 are people from out of state and a couple are listed as LLC. He also said there are about 6500 residents in the town and if you were to take away short term rentals there would be 77 places for people to live.

Supervisor Walsh said there is not a limit on how many short-term rentals there can be, but there is a limit on how many short-term rentals a person can have. If they are out of town and are non-owner occupied, then they can only have 1 rental.

Katrina Thies – Resident – She said they live on a private drive with about 8 homes and 2 short term rentals. She said it has been a very negative impact. If there were 2 families living, there instead it would change their lives.

Ed Parker – Resident – He said he owns 3 rentals on 15 acres of property. Supervisor Walsh asked if he lives there, and Ed said he lives across the street. He said there was a house there falling apart and he redid it and put a homeless family in there. He said that if they limit how many rentals they have, he won't be able to afford the taxes. Supervisor Walsh said he has the density and lives next door so that is a big difference.

Robert Chester – Resident – He said is very pleased that the town is taking steps to help regulate the rentals. Supervisor Walsh said that the rentals can only sleep as many beds as they have. He suggested that the local manager be contacted and be on site. Also, if there are complaints registered with a rental property it should prohibit them from renewing their application. He said the town should put a limit on non-owner-occupied rentals. He said if it goes over the limit the town should do a lottery.

Timmie Elsner – Non-Resident- She asked what the definition of property is as someone with multiple units on their property is each one considered a property. Supervisor Walsh said yes. She said this helps clarify some questions.

Pandora Faucet – Resident – she said yes there may be some rentals that are loud and problematic, but there are a ton that are quiet, and people don't even know they have rentals next to them. She said the cost of rentals did not cause the rates of restaurants costs to go up.

Mike Mooney – Non- Resident – He said he has a property in Rosendale with an air stream trailer on it. Supervisor Walsh said they did say no campers. He asked what would make the distinction as it has a permanent septic system, electricity and washer and dryer. Councilman Havranek said there may be to make it a nonmoving camper as a permanent home. It would have to be immobilized. Supervisor Walsh said it is something to talk to the Town Attorney about.

Cheryl Schneider – Resident – she said the town has Zoning laws throughout that limit things. She said she can't believe the town won't do a lottery. Supervisor Walsh said we have your comments, and the town will take them into consideration.

Bob Skerritt – Resident – He said about 5 years ago the house across the street was bought by a business and is a short-term rental called the Rondout Retreat. He said there is a 9:00 pm quiet time, but there is no one there to regulate it. Supervisor Walsh said to call the Police. Now they have bought another house next door. He said some people are very respectful and some do not care. Supervisor Walsh said with this law they would not be able to have both those rentals if they are non-owner occupied.

Thomas Childers – Non-Resident – Asked if Councilman Havranek thought preexisting short term rentals should be exempt from the process. Councilman Havranek said this need to be explored and go to the Legal Counsel.

Councilman Havranek discussed and reviewed possible changes With Supervisor Walsh and will be reviewed with the Town Attorney.

Delaurna Muphy – Non-Resident – Shouldn't be making the laws so strict to keep the residents and businesses in town and felt short terms are great where there are no neighbors.

The Town Clerk opened the Public Hearing for Local Law #6 Adult Use Cannabis Retail Dispensary and On-Site Cannabis Consumption at 9:50 PM.

Martin Eineman – Resident – He doesn't think the town needs to have this facility. Supervisor Walsh said the state has legalized it and the town wants to control how it is done in the town with the zoning code.

Robert Chester – Resident – Asked if the sale of cannabis cannot be in the same location as a smoking lounge and what is the purpose. Supervisor Walsh said that it cannot be in the same location. Timmie Elsner said in terms of the state regulation that has been issued and within a consumption lounge you can purchase in the lounge and can only smoke in that lounge. She said it is the same as a bar versus a liquor store. At a dispensary you can only purchase it there. He also asked if there are multiple potential sites for this. Supervisor Walsh said yes there is.

Ed Parker – Resident – Said it is not just up to the town to get a location it is also up to the State of New York. He said it is called DASNY. Supervisor Walsh said our code is about what the town is allowing.

Katrina Thies – Resident – Asked to clarify section F5 and what it meant. Supervisor Walsh said it must be a stand-alone business. She asked what the purpose of that was. Supervisor Walsh said it is to control complaints from residents.

Sadie Heagney – Resident – Said she thinks it should be in walking distance to be safe.

Councilmember Sweeney asked if the 2:00 Am and the 500 feet came from the State. Supervisor Walsh said that is something the Town Attorney put in the law. Deputy Supervisor Hassett said the state regulation is they must be closed 2:00 AM – 8:00 AM.

Timmie Elsner said that town regulations should not be more restrictive than the states and if they are the state regulations apply. Supervisor Walsh said we will investigate it.

Billy Liggan said there should be something in the code about an alarm system for false alarms. This is to correct any errors in the system that may come about. Ed Parker said they have been talking to housing works and they come to the area to provide financing for systems. He said the systems required by the state vastly elaborate and have all types of regulations that must be met.

Supervisor Walsh made a motion to keep all 3 Public Hearing open through next Wednesdays meeting and will accept written comments, 2<sup>nd</sup> by Councilman Havranek. ROLL VOTE: 5 YES.

Supervisor Walsh said the Town of Rosendale was awarded a bronze level service this week and would like to thank Penny Coleman for all her work and all the departments that worked with her.

1. Supervisor Walsh made a motion to request a 30-day extension for Municipal Opinion for the Town of Rosendale, 2<sup>nd</sup> by Councilmember Sweeney. ROLL VOTE: 5 YES.
2. The Town Clerk handed the Town Board the Tentative Budget.
3. Supervisor Walsh made a motion to accept a donation of \$1,000.00 from Mohonk Preserve to put in Recreation Fund, 2<sup>nd</sup> by Councilmember Sweeney. ROLL VOTE: 4 YES. Councilmember Wykoff absent.
4. Resolution 10-2023-#1 – Supervisor Walsh made a motion that the Town Board of the Town of Rosendale set the Halloween Curfew at 9:00 PM, 2<sup>nd</sup> by Councilmember Sweeney. ROLL VOTE 4 YES. Councilmember Wykoff absent.

Supervisor Walsh made a motion at 10:30 PM to enter executive session for the purpose of discussing the employment of a particular person(s), 2<sup>nd</sup> by Councilmember Muller. ROLL VOTE: 5 YES. Returned at 11:05 PM with no motions made.

Supervisor Walsh made a motion to audit the bills, 2<sup>nd</sup> by Councilmember Wykoff. ROLL VOTE: 5 YES.

#### AUDIT OF BILLS

|              |             |                  |             |
|--------------|-------------|------------------|-------------|
| GENERAL FUND | ABSTRACT 10 | VOUCHER #519-546 | \$14,414.70 |
| HIGHWAY FUND | ABSTRACT 10 | VOUCHER #169-186 | \$31,115.28 |
| SEWER FUND   | ABSTRACT 10 | VOUCHER #148-155 | \$1,559.70  |
| WATER FUND   | ABSTRACT 10 | VOUCHER #119-127 | \$2,253.61  |

Supervisor Walsh made a motion to adjourn at 11:08 PM, 2<sup>nd</sup> by Councilmember Sweeney. ROLL VOTE: 5 YES.

Respectfully Submitted,

Mandy Donald  
Town Clerk