

Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
And via Zoom
September 11, 2023

Supervisor English called to order the Town Board Meeting of September 11, 2023 at 7:05pm.

The meeting was opened by a pledge of allegiance to the flag.

Town Board Members Present:	Mr. Kenneth English	Supervisor
	Mr. Jay Reichgott	Deputy Supervisor
	Mrs. Michele Lindsay	Councilmember
	Ms. Maria May	Councilmember

Town Board Member Absent:	Ms. Deirdre Murphy	Councilmember
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Recording Secretary: Marisa Dollbaum Town Clerk

Other Town Officials Present in person:

Mr. Robert Dollbaum, Highway Superintendent

Other Town Officials Present via Zoom:

Ms. Amy Levine, Town Attorney

Supervisor English called for a moment of silence in observance of September 11th.

Public Hearing – Short Term Rental Local Law

A Public Hearing regarding “Short Term Rentals” was called to order by Supervisor English at 7:10pm.

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Supervisor English explained that the proposed Short Term Rental Local Law is still a draft and the Board has no set timeline to make any final decisions. The plan is to have multiple Public Hearings to ensure the Board has heard feedback from the public.

Public Comments

- Sharon Radulov from Susan Court, read her prepared statement which is copied below.

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Sharon and Misa Radulov, 10 Susan Court, are wholeheartedly against issuing short-term Rental permits in the Town of Tuxedo. Short Term Rentals may just be a concept to the Tuxedo Board Members. Theoretically you think it's better to regulate short-term rentals than do nothing, however, I want to bring to your attention another option. The Town of Tuxedo can instead follow the direction of the Village of Tuxedo Park and create a law to prevent short term rentals entirely. If you are a member of this board and you live in the village of Tuxedo Park then wouldn't you want nothing less for Tuxedo residents as you already have for yourself? Your property is protected from the negative impacts of transient occupancy why shouldn't mine be? Do you think your standard of living is more important than mine? I do not.

The Village of Tuxedo Park adopted the Short-Term Rental Local Law No. 1-2018 on June 20th 2018 to completely restrict transient occupancy.

In Section 1 of their local law – The Village finds that it is necessary to PREVENT commercialization of the residential developments within their village. As the village reflects a SERENE residential environment, in which security, tranquility and the ABSENCE of commercial or tourist activity are vital elements to the fabric of their village. I too feel these qualities are crucial elements that should be protected in the Town of Tuxedo overall. However I find it more more necessary in our Conservation and R1 & R2 Low Density Rural Zoning Districts.

The Village goes on further to say that short-term rental reduces the quality of life in its neighborhoods and those residing in them. It negatively affects unique neighborhood character and reduces cohesion in their village. It may also reduce property values.

They further find that short term rentals often do not provide for the necessary building and fire safety measures and thereby endanger the safety of occupants, renters, and neighbors.

In creating this law The Board Members of the Village of Tuxedo Park decided to PROTECT its residents rather than Regulate them. Showing THIS board that there is another option that you can take which is to copy the Village of Tuxedo Park's local law in its entirety. I have included a copy of the law for the town board to review and consider. I'm asking you to put yourself in the shoes of the Residents that live in LOW Density areas and are totally against short term rentals and I will provide my reasons.

As I stated earlier Susan Court is where our home is. We are in a very small developed neighborhood. Currently, there is a 9,000 square foot home at the top of our street that has not been permanently occupied for at least two years. The homeowner has moved out of state. The homeowner has listed the home several times for sale and as far as I know it has not been sold. As a result, the homeowner decided to lease it to a nursing home. When that venture fell through the homeowner once again put it up for sale. There was a point in time when the Homeowner did find a renter. To welcome that renter the homeowner allowed a large block party with open containers and obvious drunkenness. The partyers were trespassing on neighboring properties. We did not want to call the police on our neighbor. The last time we called the police on a neighbor, we were harassed afterward for years.

My point is that short-term rentals is not a theoretical experience for us. This would be our reality. If the town board allows short term rentals of 2 days per visit that is exactly what we can expect our neighbor to have. If the town board allows 180 days of renting then we can expect 180 days of transient occupants as our new neighbors. Cars with strangers driving up and down our block will be our reality. There will be loud noise, there will be more garbage, there will be parties and late nights and outdoor entertaining on Sunday evenings when we are going to bed early for work the next day. In fact, a home that has 9,000 square feet with 4 bedrooms and 8 bathrooms can accommodate a very big party. This will most definitely negatively affect the character of our neighborhood.

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Section 81-1 B #2 states that the intention of introducing this new law is to protect and preserve the unique and tranquil neighborhood character as enacted by the comprehensive plan and zoning. In our opinion, as well as The Board members of the Village of Tuxedo Park, it does the exact opposite. Several articles online agree: On Wed Sept 6th The guardian reported "Those living near short-term rentals complain that the dwellings bring disruption to local communities, including noise, parties and pollution."

Section 81-1 #4 The town is suggesting that regulating short-term rentals will in some way prevent noise, trash, traffic and parking impacts. We agree with the Village of Tuxedo park that the only way to Protect our way of life is to Prevent Short term rental not regulate them.

We believe it is contrary for the Town to put in place a comprehensive plan to preserve a tranquil quality and then introduce a new law which directly compromises these preservations.

Section 81-3 A The Town has placed an arbitrary limitation of 180 days per calendar year which we believe is totally unenforceable. Neighbors will have no way of knowing if this restriction has been ignored. Nor will they have a way to prove it unless they hire a person to count every time they see a new car in their neighbor's driveway. *How does the town board expect to monitor this 180 day requirement?*

Section 81-3 C Refers to residents who are lucky enough to have their own homeowner association rules. However, it also points out the undue burdens that will be placed on residents that don't have formal rules. We will have no leg to stand on when problems inevitably occur. We will have to be burdened with making complaints against our neighbor to the police. This will become a safety issue for us. We will be harassed, and this will create neighborly disputes and harness negativity towards each other. This will place unnecessary stress to us in our lives. This is a guarantee. It is the reason why The village the Tuxedo Park adopted a law to prevent short term rentals.

Section 81-4 states eligible properties are specifically in Zoning Districts C, R1 & R2. The fact that the board has deemed these three districts acceptable locations seems arbitrary with little regard to the unfairness it creates to the residents in these zones. It also makes me question why these specific zones were chosen, and others were spared? If I were going to analyze the Tuxedo Zoning Map, and I am a member of the Tuxedo Zoning board - I would suggest The SR (Special Recreation) Zone is more appropriate than the C (Conservation) Zone.

I would also find Zone T-TC (Tuxedo Town Center) along the Tuxedo 17 Corridor would be less affected by traffic and noise from parties. Making it more appropriate than R-1 Low Density Residential. Even GB (General Business) Zone seems more appropriate for a commercial venture than R-2 Median Residential Density. Why Not R-3 & R-4? Is there a reason that these zones are getting preferential treatment? The chosen zones seem misguided at best. If the purpose of the law is to generate tourism into the town, then why is the TB zone left out? I would be more inclined to consider a lodging law in a Tourism Zone.

Section 81-5 States required rules and regulations. Is the town planning on hiring more personnel to create and maintain the permits and supporting documentation required for these new Airbnb establishments? New duties for the Town Clerk, Town Engineer and Town Inspector will be required. Will the current salaries be raised to cover these new expenses for the town? This will put further financial burdens on the Taxpayers of Tuxedo. Is that the purpose of this new law? To create a local tax to generate revenue for the town? If so, has there been an analysis done to compare revenue vs expenses that will come because of this new law?

In terms of grievance enforcement, I will share another personal experience. In the past, I have called the police for help when a nearby Monroe resident discharges their firearm within 500 feet of my residential

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structure. There is no police department that has ever helped with this ongoing problem. The Tuxedo Police tell me to call the Monroe Police and the Monroe Police tell me to call the State Police. No one seems to care that the firearms are being discharged within 500 feet of my home and directly next to the Appalachian Trail. Does this board actually believe that we can count on the Orange County Department of Health to investigate an Airbnb complaint with our neighbor? If the police don't help I find it highly unlikely that the department of health will come to our rescue. I expect no one will ensure compliance of this section.

Section 81-6 A refers to Quiet Hours and Amplified Sound restrictions. As I previously mentioned, noise and parties are a known issue of short-term rentals. This makes me once again question the zones that were chosen for this law. There are certain expectations when a homeowner buys a home in a Low Density Rural environment surrounded by nature and forest. Peace and Quiet and tranquility are the reasons a Low Density rural environment is chosen.

Sound disturbances are difficult to enforce. It is very easy for someone to lower the sound and then quickly raise it again. People who are not familiar with the way sound travels in Low Density areas may not even realize that sitting outside on their porch with music and wine and laughter travels even when you think you are speaking lightly. The statement that sound shall not be more excessive than would be otherwise associated with a residential area means absolutely nothing. It is a nonsense statement that carries no weight whatsoever. The immediate response from anyone would be denial. We are just sitting outside having a glass of wine. Which then brings me to the next section as an example.

Section 81-6 D The statement that the site shall be digitally monitored by the manager to ensure compliance with the maximum number of allowable guests and visitors entering the premises – is unclear with respect to What is the exact number of allowable guests? Take for example my neighbor's 9,000 square foot home. It has four bedrooms large enough for king-size beds. Does this mean the number of allowable guests is 8? Is the Board's intent to have the manager digitally monitor the home with cameras to confirm that there are only 8 people sleeping there? Is the Town Board suggesting that the homeowner, renting their home, can ignore privacy laws and digitally monitor the amount of people in their home? I am not a security expert, but I would guess this is illegal. The landlord could also install multitudes of bunk beds, provide trundle beds, etc., which could encourage large groups of people to rent the home. So now envision 8 – 10 or maybe 8 – 15 people sitting outside having a glass of wine. Would that sound be considered excessive? For a 9000 square foot home 10 – 15 guests can easily fit and would seem probable. The more people that chip in the cheaper the cost of the Airbnb. This is why there are so many Airbnb noise complaints exist. We could expect a party every weekend 180 weekends out of the year. Imagine it – every other weekend a party at your neighbor's house. That is not a fun experience.

Section 81-6 G The statement "*owners shall maintain liability insurance for injuries or damage caused by rental guests in an amount determined by the Town Board*" makes me question - is the Board suggesting that you are experts in injury liability insurance? Based on what experience will the board determine what injury protection will be required? This could potentially put the Town of Tuxedo at risk for lawsuits.

Section 81-8 F #5. The planning board will authorize a permit if the number of permitted rentals is not excessive in number. What does the planning board consider excessive? Excessive is a subjective term that may have different implications to different people. Say for example we look at Susan Court with 5 homes. Would the board consider 2 out of 5 homes excessive? Or would 3 be excessive? What if 4 of my neighbors decide to allow for transient occupants? Is that where the line is drawn? Using the term excessive implies that it will be

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the opinion of the planning board members. This will further complicate the burden on the neighboring residents. It will involve another board that neighboring residents will have to appeal to.

I have tried to shorten my complaints of this law but as I continue to read each section I am reminded of how contradictory it is to the comprehensive plan and zoning which was designed to preserve the unique and tranquil neighborhood character of our town. Not one section in the law that I have read so far gives me any concrete assurance that the character of town will not change. In fact, it reminds me of all of the consequences of permitting short term rentals. Once again I refer to the Village of Tuxedo Park which is our Neighbor and we should learn from them how to protect our town. I question the motives behind enacting this law in Tuxedo. In light of all the negativity in the press recently against Airbnb & short term rentals why is the Town board embracing it?

I will end this letter with the following request. If the town board is so inclined to negatively change the character of this town then in my opinion it should not be handled with a regular vote from the Town Board Members, but rather the Town of Tuxedo should submit a valid elector-initiated petition to include a referendum on the back of the ballot for the next election – So the residents can vote on whether or not we want this new law. This has been done before. The Library has done it for budget increases and It was also done for the recent consolidation of the Town and Incorporated Village of Tuxedo. While I am not educated on how this can be achieved, I would be more than happy to work with anyone in The Town of Tuxedo to begin the petition process.

Thank you for your time and attention to our firm objections to your short term rental law. Which in reality we translate into 2 day transient occupants for 180 days out of the year as our new neighbor. Put yourself in our shoes.

Thank you very much.

- Mary Hanson from Bramertown Road agreed with Susan Radulov's statement. She feels the zoning would change from residential to commercial in the allowed areas since short term rentals could be run as a business. She also said there is no background check for renters and there is no assurance that someone isn't on a sex offender registry. She asked if there would be any financial benefit to the Town and why other zones were not selected to allow them.
- Barbara Voza from Alma Court said she knows that it is difficult to get an insurance policy on a property that operates as a short-term rental. She commented that these types of rentals have been banned in many other places. She believes the property values will decrease if short term rentals are allowed.
- Lauren Miranda from Benjamin Meadow Road asked the Board where the idea of short-term rentals came from. She agreed with Sharon Radulov as well.

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- Anthony Valenti and Kristen McInerney from Woods Road live across the street from a home listed on AirBnb. They are opposed to allowing short term rentals. They have witnessed as many as nine cars parked at the house and have dealt with noise and garbage issues from renters. They moved to Tuxedo to safely raise children and they do not want different people coming and going.
- Claudia Bhaktiary from Fawn Hill Road questioned why this local law was up for discussion since there are houses listed on AirBnb in Tuxedo currently. She does, however, hope this local law will help regulate them. She did not realize that short term rentals could be banned altogether and would like the Board to look into that option.
- William Lynch from Clinton Road read his prepared statement to the Board and it is copied below. (Need to get copy from Ken)
- JoAnn Tuttle from High Hill Road, agreed with the comments already made. She said residents moved to Tuxedo for its peace and quiet. She said there are two homes in Laurel Ridge operating as short-term rentals. She added that these types of rentals could be used for trafficking drugs.
- Bronwyn Roantree from West Lake Road, is concerned that housing being purchased for short term rentals would take away from potential full-time residents, which could benefit by adding children to the Tuxedo Union Free School District.
- Daria Bekersky from Clinton Road, agreed with all of the previous comments and concerns. She would like to see this local law voted on by the residents and not by the Town Board.
- Marie Warniaha from East Place agreed with the previous speakers and asked if the Board considered Tuxedo's limited police force.
- Email submission from Pamela White from Bramertown Road is below

“I think that the town board is trying to control short-term renters, and believe this is a good law. The only thing I think should be changed is section 81-6. The term of the rental should be changed to not be less than seven nights, as opposed to two nights. Two nights allows for too many rentals, and people who are serious about vacationing in tuxedo usually would stay a week. I think it should also be added that renters must be of 25 years of age or more.”

The full discussion can be viewed on our YouTube page here
<https://www.youtube.com/watch?v=UP8iwoaCKpc&t=2010s>

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Public Hearing will be kept open until Monday, September 25, 2023

Motion made by Supervisor English, seconded by Councilmember Lindsay, to keep the Public Hearing on “Short Term Rentals” open until the next meeting on Monday, September 25, 2023.

The foregoing resolution was adopted on vote of 4 ayes, 0 nays and 1 absent

OTHER BUSINESS

1. Resolution Introducing Local Law and Providing for Public Notice and Hearing

BE IT RESOLVED that an introductory Local Law, entitled, “REAL PROPERTY TAX EXEMPTION FOR VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE SERVICE WORKERS” be and it hereby is introduced by Supervisor English, before the Town Board of the Town of Tuxedo in the County of Orange and State of New York, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED that the Board hold a public hearing on said proposed local law at the Town Hall, One Temple Drive, Tuxedo, New York at 7:30 P.M. on October 11th 2023, and

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the Town of Tuxedo of said public hearing at least ten (10) days prior thereto.

On a motion by Supervisor English, seconded by Councilmember May, the resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Absent.

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2. Resolution Introducing Local Law and Providing for Public Notice and Hearing

BE IT RESOLVED that an introductory Local Law, entitled, “NEW YORK STATE UNIFIED SOLAR PERMIT IMPLEMENTATION” be and it hereby is introduced by Supervisor English, before the Town Board of the Town of Tuxedo in the County of Orange and State of New York, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED that the Board hold a public hearing on said proposed local law at the Town Hall, One Temple Drive, Tuxedo, New York at 7:00 P.M. on October 11, 2023.

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the Town of Tuxedo of said public hearing at least ten (10) days prior thereto.

On a motion by Supervisor English, seconded by Councilmember Lindsay, the resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Absent.

3. Schedule Hamlet Revitalization and Beautification workshop

The Town Board scheduled a workshop to discuss ideas for Hamlet revitalization and beautification on Monday, October 2, 2023 at 7:00pm.

4. Letter of support for Duck Cedar Plaza

The sewer system that services the Duck Cedar Plaza is too small for the current occupancy. Engineers propose constructing a package plant and will need to get permission from the MTA since the effluent will have to go under the railroad tracks to get to the Ramapo River.

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Motion made by Supervisor English, seconded by Councilmember May to write a letter of support written to the MTA for the Duck Cedar Plaza plan to construct a package plant.

The foregoing resolution was adopted on vote of 4 ayes, 0 nays and 1 absent.

5. Parks and Recreation Local Law

The Board is working on updating the Parks and Recreation chapter in the Town Code. They would like to add fee categories to charge for park rentals. They Board would also look into increasing parkland fees for subdivisions. They will continue further discussions at a later date.

Agenda Item #1 – Resolution to approve RFP for Ford F250

Motion made by Supervisor English, seconded by Deputy Supervisor Reichgott that the Town Board of the Town of Tuxedo hereby authorizes the Town Clerk to submit a Request For Proposals (RFP) for one Ford F250 for the Highway Department.

The foregoing resolution was adopted on vote of 4 ayes, 0 nays and 1 absent.

MONTHLY REPORTS

Supervisor English is in receipt of the following monthly reports:

- Building Department
- Justice Court
- Town Clerk

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DEPARTMENT UPDATES:

- Rob Dollbaum, Highway Superintendent, said they are finished with paving and installing berms for the season. They are cleaning drains and preparing for leaf pick up season. They are finished with screening the dirt pile for this year and will begin crushing the rocks that have been separated.
- Marisa Dollbaum, Town Clerk, gave a reminder that the mobile DMV Unit will be at the Eagle Valley Fire House tomorrow starting at 10:00am.

TOWN SUPERVISOR/TOWN BOARD UPDATE:

- Councilmember May said Congressman Pat Ryan and his mobile C.A.R.E.S. van will be at the Tuxedo Park Library tomorrow from 1:30pm to 2:30pm.
- Councilmember Lindsay will participate in a Community Choice Aggregation call to get an update on that program on Thursday, September 14th. She is going through the monthly statements of utility costs for Town Hall to help with the energy audit.
- Supervisor English announced the Town was awarded \$3,333.00 in grant funds to use towards Police protection equipment.
- Deputy Supervisor Reichgott has been working with the Building Department on securing a couple of properties around Town, one of them being the Red Apple Rest. He wished everyone a happy and healthy New Year to those that celebrate Rosh Hashanah.

MINUTES

Motion made by Supervisor English, seconded by Councilmember May to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on August 28, 2023.

The foregoing resolution was adopted on vote of 4 ayes, 0 nays and 1 absent.

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VOUCHERS

Below are the vouchers totaling \$5000 or greater:

2012922065	Office of the State Comptroller	\$20,099.00	July 2023 Court Fines & Fees
2012922069	BMI Imaging Systems	\$5,750.00	Microfiche Scanning
2012922079	Global Montello Group	\$6,987.98	Fuel Delivery 1/2 August
2012922082	Cargill Salt Eastern	\$118,127.77	Deicer Salt
2012922089	C.N. Wood Co. Inc	\$13,250.00	Dirt Pile Screener Rental
2012922092	Corrosion Products & Equipment	\$14,500.00	Flow Study
2012922098	Chase Card Services	\$5,127.99	August Credit Card Charges
2012922103	H2O Innovation	\$6,819.40	Monthly Fee
2012922104	Rockland Paramedic Services, Inc.	\$63,196.50	September 2023 Paramedic & EMT Services
2012922110	C.N. Wood Co. Inc.	\$12,291.52	Excavator Rental For Dirt Pile 8/10-9/6

On a motion made by Supervisor English, seconded by Councilmember Lindsay, that the following vouchers, having been audited by the Town Board, are hereby approved for payment:

Claim numbers: 2012922053 through 2012922131

General Fund:	\$157,854.51
Part-Town Fund:	\$17,089.38
Highway Town Wide:	\$127,896.48
Highway Part Town	\$6,410.67
Hamlet Sewer District	\$25,641.74
Refuse and Garbage Disposal	\$0
Trust and Agency	\$2,975.00
Total Abstract Amount:	\$337,867.78

The foregoing resolution was adopted on vote of 4 ayes, 0 nays and 1 absent.

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PUBLIC COMMENTS

- Resident Jerry Mottola had the Building Inspector at his home to help guide him if he needs to get a building permit for work that was done prior to him owning it. The file the Town has on his property only has a permit that was issued for his sun room and he asked if he needed to get a permit for work that was additionally done. Deputy Supervisor Reichgott will look into the matter.

ADJOURNMENT

Motion made by Supervisor English, seconded by Councilmember May, to adjourn the meeting at 9:45pm.

The foregoing resolution was adopted on vote of 4 ayes, 0 nays and 1 absent.

Respectfully submitted,

Marisa Dollbaum

Marisa Dollbaum
Town Clerk
Town of Tuxedo