

**Planning Board
Town of Keene
Keene, New York 12942**

Date: Tuesday, March 14, 2023

Kind: Regular Planning Board Meeting

Place: Keene Town Hall

Board Present: Tom Hickey, Larry House, Brian Crowl, Linda Labarge

Board Absent: Mike Hartson, Travis Gagnon & Ron Hall

Others Present: Dave Deyo (councilman), Bob Biesemeyer(councilman), Derrick Martineau (code officer), Joe Peter Wilson (supervisor), Tina Preston (planning board secretary/clerk)

Call to Order:
Tom Hickey called this meeting to order at 9:04 am

Approval of Minutes:

A motion was made by Brian Crowl and seconded by Linda LaBarge to approve the Minutes of the February 14, 2023 Planning Board Meeting as presented. Motion CARRIED – 4 Yes

New Business:

**STR – Vacation Rental discussion with Town Board Members
Review the Draft Law & Task Force Recommendations**

Brian Crowl started with the fact that he felt with everything going around that the planning board should be brought up to date. Bob Biesemeyer was glad that the planning board reached out to the Town Board.

Joe Pete Wilson offered to give an overview - Draft Law has not been put into a law it is open for discussing. First there was the community master planning committee that Larry House served on

that was looking at STR, then strategic plan then went to the task force. In January 2022 the task force gave recommendations to the Town Board and the Town Board just sat on it for a year and nothing happened on it. Chris Daly picked it up and drafted something in a form of a law to discuss.

The Site Plan Review handles – Development, Land Use, Building Management – Would be the next step in the process that is being created at this time with the proposed Draft law or Task Force Proposal.

Brain Crowl stated anytime someone takes residential property and turns in into a STR/Vacation Rental it is Commercial Use and requires a special use permit. Each one should be coming in front of the Planning Board.

Dave Deyo stated this is why he is completely against the law because there are already steps that are supposed to be taken already in the Site Plan Review Law. This is a Change of Use and the process need to be completed. Tom Hickey stated that there are probably 100 places that have not completed the correct process and come in and filed the proper paperwork. Dave stated to Joe Pete that he missed that they discussed the Task Force Proposal in January 2022 but that they discussed they were going to have a public hearing and that never happened instead Chris created a Draft Law. Joe Pete stated that the process of creating a law has not started yet, you are discussion what might be going to be in the law.

The site plan needs to be more clear going forward. One of the things that was talked about a few years ago was the water law needs to be tied into the site plan law.

Larry House stated he brought up a year ago changes to the site plan review law. Recommendations of the task force Under section 1.4 of the Site Plan Review Law Page 1-4 J – STR - Dwelling Unit to include lean-to and campsites that are rented in whole or in part for a period less than 30 connectivity nights. K-Registration – An application form submitted to the Town Board from the owner for approval for the short term rentals.

Brian stated it is pretty clear it is in 2 different places and people should be made aware that this is already in place and already in the book.

Bob Biesemeyer – Draft from January 2022 from Larry House and everyone who was on the task force group. This draft to him is an excellent document and the appendix A – Terms and Conditions – Consequences – Fees and ends with a signature.

Larry House – Article 2 General Review standards – 2.18-19 STR in the case of Short terms rentals, the needs of renters for adequate outdoor space for play and informal recreation shall be considered, as well as adequate space for off street parking for maximum capacity. The overall effect of multiple transient residents on the health, safety and general nature of the surrounding neighborhood shall be considered. David Deyo feels this is fine and this is all we need we don't need to complicate things with more workshops and board meetings. Try this for a few years and see if this works. Joe Pete stated that all the workshops were proposed at Dave Deyo request.

Tom Hickey wants to discuss Commercial Definition – people stay in house and rent sometimes so 50% personal 50% commercial. Tom feels if at any time money is being made then it is commercial.

Brian Crowl agrees with Tom Hickey – Brian feels that each proposal/draft can use some adjustments. Brian addressed David with the way he speaks he makes it sound like the law is a done deal and is over reaching and so on so forth and that he should address them both as drafts. Every time you say Law Law Law that gets stuck in people's head and they think it is a done deal and Bob Biesemeyer agreed with Brian.

Site Plan Review is a Law
Draft Law is NOT
Task Force is a Proposal

Bob Biesemeyer – Would like to see us move forward with the document from the Task Force and at the end of the workshops decide if board is going to take the Task Force Proposal add/subtract to it by hiring an attorney who is well verse in this type of work. This Attorney will advise the board and will work with the Town Board and the Planning Board.

Tom Hickey stated that the Town Board needs to come together with one form to work with out of all the drafts/proposals they are working with and present that to the town not the two they have currently Bob Biesemeyer agreed.

Bob Biesemeyer read the STR certification part what the STR owner would be certifying to when they sign the form and the signature would be notarized. Bob also stated that if there are problems then they revoke the permit.

Bob Biesemeyer is in favor of moving forward with the STR Registration. Bob is in favor of January 2022 Draft he was not prepared for when Draft Law came about. He feels the laws in the Draft Law are too much to dump on the code enforcement officer. He feels this law will be like the junk yard law and will not get enforced

Brain Crowl thinks that the cart is out before the horse and that the board should take the two documents and look at the similarities and difference and make one documents and rename it.

Derrick Martineau stated once these properties come in to become a STR he is required to go out and inspect them and register them. Tom Hickey stated these applicants are not professional when they are filling out the registration form and checking that they have all the proper safety devices. Tom Hickey also advised that the town consult with an attorney before agreeing to use the self-inspection process. Bob Biesemeyer agreed with Tom's suggestion on the attorney and added the first year when all these register the code enforcement could not get there in a proper time frame and according to Bob Biesemeyer looking out for the towns liability that if it is self-certifying that a lot of these places may not be compliant with what they are self-certifying, but the town will not hold a great deal of liability by the way this draft is written Bob said you have keep in mind that a person who has any property of any sort they should be thinking of the kind of people staying they that could sue them and their insurance. Tom Hickey stated we should have applicant also give proof of insurance with registration.

Joe Pete feels we are caught in the middle if the town knows STR have safety issues and they do something or they do nothing. Bob feels most are covered in the building permit application. Joe Pete stated, not with lodging the way doors open up, exit signs and Joe Pete and Bob agreed this is not an easy situation. They both agreed that as a Town we are limited on the number of employees we have that it is not something we can get to right off will take time for a roll out process.

Brian Crowl feels there should have been a cover page to the public that the whole reason for any of this was for public safety. This is to make sure no one dies, no one gets sued and at the end

of the day the town has certain responsibilities and that the town is looking out for everyone's welfare and not trying to ram regulations down everyone's throat.

Brain Crowl stated people need to realize that there are regulations in other towns. Anyone who does business knows there are so many hoops to jump through and so much money to be spent on survey, inspectors coming in to check extinguishers, works, insurance, plans and accomplish other things in another town. Bob stated that all these other towns have not created the perfect world and Joe Pete said no they have not he had an operator of large STR in Keene call him about all this and asked if this was trying to put him out of business and he explained that there are over 100 and the town has an obligation to figure who has then and Bob Biesemeyer agreed. Bob stated the best way to get a list together is to make it as user friendly as possible.

Bob Biesemeyer stated that if Joe Pete and himself were to write the overview of these two laws they would probably be completely different so if Brian wanted to do a cover letter on it they would appreciate it. Bob stated they the board has agreed that they are trying not to engage to anything on Next Door Keene. Bob stated no one has a major dog in the hunt of going one way or another.

Bob Biesemeyer stated there is a lot of common ground and they just need to work together. There is no need for the heated discussion. Brain Crowl feels whoever drafted the draft law should provide clarity from the original draft and why.

Bob still feels both documents need to be out in the public so everyone can review both and Tom Hickey feels that we should get down to one first and go from there to stop the arguments.

Brian Crowl – This is a heated discussion throughout the town words like suspicious on Next Door Keene, People on both the Planning board and Town Board have STR is this a conflict of interest to begin with at what point does all this become a basis? David Deyo stated at some point everyone has some skin in the game.

Bob Biesemeyer & Joe Pete agreed once they come up with one agreement they need to get a Lawyer that specializes in this type of field.

**K-23-6
GARAGE**

LANGMANN, WILL – UNATTACHED 2 CAR

Owner would like to build an unattached 2 car garage @ 139 Hulls Falls Road, Keene, NY Tax Map # 153000 53.4-1-8.002. Tom Hickey and Larry House met with Patti Wright Caretaker. They need; 1. APA Approval or NJ Letter, 2. Property Line Distance. When Tom talked with Will on the Phone he stated that his brother owned the adjoining lot and he wanted to be closer than 15' to the property line so Tom is going to reach out to Patti Wright to follow up. Tom feels if this is the case with his brother's property then there should be survey done. Patti stated that Will Langmann owned both lots but Tom feels with is incorrect. However, this tabled till next meeting waiting; 1. NJ or APA Letter, 2. Signed & Stamped Plan 3. Property Line Distance 4. Completed Application. All in favor 4-0

k-22-12

MALLETTE, TYLER – TREE HOUSE

Tyler Mallette got a letter from APA that they can build Tree House and a SFM on the current property. The owners provided the Planning Board with a copy of the said APA letter. A positive site visit was completed. File Closed

OLD BUSINESS

Correspondence:

None

Discussion:

Joe Peter explained how this Site Plan Review Law will tie in with the New Water Law and should be updated. This would include having a public hearing after changed reviewed. Water Law; Water 1 – Keene runs spring way – church street-down 9N and a little way up Hulls Falls Road.

Water 2 – Keene Valley – school Lane, up Johns Brooks Road – Rt. 73 toward St. Hubert's – Beede Lane – end of Holt Road

We have a very out dated water law and need an updated one on what is commercial use? What is residential use? What do you do about swimming pools? Where does the Towns responsibility end and property owners responsibility begins? The rates for turning on/off. All this information is on the Town Web Page for the older information. The town if about to take a debt for a project in Keene Valley so it is important that all our documents come together. Tom Hickey and Brian Crowl agree that the Town Board

needs to get to one document for STR before they can move forward with updated the Site Plan Review Law.

Brain Crowl - Talked with Brain Ford at APA regarding Additions – Brain Ford stated that all additions are considered constructions and should have a NJ letter. Small additions would be screened in porches and Major additions would be over 1000'. Everyone should be encouraged to get one.

Adjournment:

Motion to adjourn was offered by Tom Hickey, seconded by Brian Crowl – CARRIED, 4-0

The meeting was adjourned at 10:10 am
Respectfully submitted,
Tina L. Terry Preston done by a recording

Next meeting – Tuesday, April 11, 2023 @ Keene Town Hall