



Melissa Harris <villageclerk@nelsonvilleny.gov>

Shortr term rentals

1 message

'James Nicholas' via Village Board <villageboard@nelsonvilleny.gov>
Reply-To: James Nicholas <jayjnicholas@yahoo.com>
To: villageboard@nelsonvilleny.gov

Wed, Jan 12, 2022 at 10:53 AM

Hello village board. Thank you for your service to our community. My thoughts on short term rentals are this. The rules should be targeted to the problem hosts. The existing proposal feels broadly restrictive to our ability to use this source of income that homeowners around the country and world are free to access. Am I correct in assuming that tourists are actively attracted here partially with money I contribute in taxes? I should be able to share some benefit instead of only the excess traffic, parking problems and litter that extra people bring. I know that I benefit from a strong merchant community but especially in these crazy financial upheavals across so many industries (we musicians were already reeling before the pandemic shut down all audience based work) our neighbors should have a way to supplement our income. Now is a tough time to be limiting access to a ready market that will go unserved with only 15 active rentals. At the last town board meeting a board member suggested that if there are problems that that number could be increased to accommodate more requests from local hosts. I am skeptical about that given what seems to be a generally hostile stance on the issue by the board. Why not raise the number now and then lower it if there are problems? A lot of the anxiety from anti STR neighbors sounded a bit vague and unsubstantiated to me but we all are in favor of targeting hosts who do push the limits of acceptability. Thank you



Melissa Harris <villageclerk@nelsonvilleny.gov>

Public Hearing for Local Short-Term Rental Regulations

1 message

John Lane <jrblane@gmail.com>
To: villageboard@nelsonvilleny.gov

Sat, Jan 15, 2022 at 5:18 PM

Dear Nelsonville Mayor & Board Members:

I am a resident of Cold Spring Village but have been following the development of proposed rules by the Nelsonville Board of Trustees ("Board") to regulate the operation of private-resident run Short Term Rentals ("STR") within Nelsonville.

I am particularly concerned by the substance of the proposed rules and strongly suggest that the Board stand-down on implementing these rules, but instead reconsider the overall legality and effect of such rules and work collaboratively with the neighboring Cold Spring Village Mayor and Board to implement a comprehensive, coherent and legally valid set of STR rules.


As you are no doubt aware, the former Cold Spring board pushed forward with a similarly problematic set of STR rules and restrictions in July 2021 in the face of strong public objection. I was among the many village residents who voiced very specific, good faith concerns and legal grounds for deferring further action until after a new Cold Spring mayor and board were elected in November 2021. Nonetheless, the then CS Mayor pushed ahead with a vote, resulting in the passing of the new set of rules by a thin 3-2 majority. The 3 CS board members who voted in favor of those rules, including the mayor, did not run for re-election and retired from the board. The 2 members who voted "no" remain on the Board as the new Mayor and a resuming CS board trustee. The remainder of the CS board consists of new board members. Each of the now 5 existing board members have expressed public views and comments that they will significantly modify the CS STR rules. As a result, the CS board should remove/modify what amount to unnecessary and in some cases legally invalid restrictions on private property owners. Most of the CS board members have also voiced the need to form an advisory group, involving village residents working with the CS board to address this issue. Further, the upshot of the current CS STR rules has resulted in a mere handful of CS village residents (by last count only 4) who have submitted applications for STR permits.

I submitted the attached letter to the CS board in July 2021 detailing the legal and practical pitfalls of the now lame duck CS STR rules. The same objections and grounds apply in major substance to the set of proposed rules that the Nelsonville Board continues to push forward. I strongly urge the Board to carefully review my letter because it very much applies here too.

Further, real and substantial legal consequences have resulted in other New York towns and villages, where overly intrusive STR rules have been found to encroach on *"the exercise of private property rights without substantial relation to a legitimate governmental purpose, which is to further the public health, safety, morals or general welfare of the village"* and where the bases of such purposes were *"not the result of a scientific or any other type of study"* leading to a conclusion that such rules are arbitrary and/or unconstitutional. See for example, *Eiseman v. The Inc. Village of Bellport*, 2020 WL 3476752 (2020) at *3, *9-11. Also see, *Weisenberg v. Town Board of Shelter Island*, 404 F.Supp.3d 720, 734-36 (EDNY 2019); *Calvey v. Town Board of North Elba*, 2021 WL 1146283, *8-9 (NDNY 2021). A copy of the *Eiseman v. The Inc. Village of Bellport*, decision is also enclosed.

Sincerely,

John R. Lane
5 Mountain Ave.
Cold Spring, NY 10516

2 attachments **CS Board Letter Re-Ch 100-STR Regs (Final 7-26-21).pdf**
99K **Eiseman v The Inc Village of Bellport.pdf**
323K



Melissa Harris <villageclerk@nelsonvilleny.gov>

STR issue

1 message

'Christopher Mc Govern' via Village Board <villageboard@nelsonvilleny.gov>

Mon, Jan 17, 2022 at 3:41 PM

Reply-To: Christopher Mc Govern <mcgovernchristopher@yahoo.com>

To: "villageboard@nelsonvilleny.gov" <villageboard@nelsonvilleny.gov>

Esteemed Nelsonville Village Board,

I've spoken with a trustee and with Rudolph von Dommele regarding the issue of STR regulation. I'm thus far not convinced that this issue rises to the level that demands action. If the Village has received complaints which compel action on this issue, my opinion is that regulation should remain sufficiently broad as to allow for minimal conflict. Threats of lawsuits should not dissuade the Village from protecting the rights of the community on this issue, but neither should the Village pass unnecessary restrictions on the use of residents' homes.

Thank you,

Christopher McGovern



Melissa Harris <villageclerk@nelsonvilleny.gov>

Short term rentals

1 message

esthermbooth@gmail.com <esthermbooth@gmail.com>

Tue, Jan 18, 2022 at 8:11 AM

To: villageboard@nelsonvilleny.gov

Dear board members,

We write to you respectfully because it came to our attention that you want to do away with short term rentals also called Airbnb.

We live in the village for almost 4 years and have never seen a problem with it.

We would rather think it's a great way of increasing the economy for our village.

Also some people depend on the income they generate from it. Do you really want to make their lives hard?

We travel through out Europe with Airbnb and it is a great experience.

Please don't take this away from our village and the potential money they spend at our businesses that make this our great village.

Thank you for your consideration!

Sent from my iPhone



Melissa Harris <villageclerk@nelsonvilleny.gov>

Proposed STR Bill

1 message

Jackie Hetherington <hrcgroup@gmail.com>

Tue, Jan 18, 2022 at 11:50 AM

To: villageboard@nelsonvilleny.gov

Dear Mayor Bowman and village trustees

I am writing in reference to the current proposed STR Bill. My husband and I reside at 268 Main Street, Nelsonville, and have done for almost twenty years. We have a legal two family home and are planning on using the second part to rent as an STR to try and offset some of the very high costs of living in this village. We feel that the proposed bill is unfair in putting limitations and restrictions on the use of ones private property and feel this law is unnecessary, STRs are not an issue in Nelsonville, and there are only three listings found on Airbnb. We feel that our small village does not need this type of big government outreach. We have worked hard to get our property to the point of being able to rent it, and are very much depending on the income it will provide. We are particularly concerned with the cap on the number of days we can rent, and also the number of permits that will be allowed, and feel it will greatly impact our financial planning. We hope our thoughts and those of our neighbors on this issue will be considered and we can come to an agreement that is satisfactory to everyone.

Sincerely

Jackie Hetherington and Pieter Lennarts
268 Main Street.

Thomas Corless
Healy rd.
Nelsonville, NY 10516

January 18, 2022

Mayor Bowman and Nelsonville Board of Trustees,

In regard to the proposed "short term rental" regulations put forth by the board of trustees. After, reviewing the draft proposal, participating/commenting and listening to public hearings on the topic. I have not noticed any real changes to the original drafted law, specifically to changes that were proposed or questioned by the public at said hearings. The appearance is that the board has compiled regulations on the topic from various municipalities and are attempting to have them fit Nelsonville. Each one of these other communities is unique to itself, as is Nelsonville. I am concerned that the proposed law is not in response to any factually based or officially documented complaints, and that the Public hearings were nothing more than a formality and a legal obligation of checking the public hearing box before adopting a law. As the draft law stands I'm opposed to its adoption.

Sincerely,

Thomas Corless

Nelsonville

Andrea Corless
Healy rd.
Nelsonville, NY 10516

January 18, 2022

Mayor Bowman and Nelsonville Board of Trustees,

For many years, from about 2001- 2016 between Fishkill road and the Village of Cold Spring line along Main street in Nelsonville you could count about 6 houses or trailers in complete disrepair or even totally abandoned creating an eyesore and dangerous conditions for Nelsonville residents. On several occasions abandoned residences were found with burst pipes filling up basements with water. I find the fact that homeowners are willing to establish reasonably managed short term rentals without over regulation a good thing for Nelsonville.

Andrea Corless

Nelsonville



Melissa Harris <villageclerk@nelsonvilleny.gov>

Re: Shortr term rentals(this letter was a not posted publicly yet)

2 messages

'James Nicholas' via Village Board <villageboard@nelsonvilleny.gov>

Tue, Jan 18, 2022 at 8:39 AM

Reply-To: James Nicholas <jaynicholas@yahoo.com>

To: villageboard@nelsonvilleny.gov

> On Jan 12, 2022, at 10:53 AM, James Nicholas <jaynicholas@yahoo.com> wrote:

>

> Hello village board. Thank you for your service to our community. My thoughts on short term rentals are this. The rules should be targeted to the problem hosts. The existing proposal feels broadly restrictive to our ability to use this source of income that homeowners around the country and world are free to access. Am I correct in assuming that tourist are actively attracted here partially with money I contribute in taxes? I should be able to share some benefit instead of only the excess traffic, parking problems and litter that extra people bring. I know that I benefit from a strong merchant community but especially in these crazy financial upheavals across so many industries ,(we musicians were already reeling before the pandemic shut down all audience based work) our neighbors should have a way to suppliment our income. Now is a tough time to be limiting access to a ready market that will go unserved with only 15 active rentals. At the last town board meeting a board member suggested that if there are problems that that number could be increased to accommodate more requests from local hosts. I am skeptical about that given what seems to be a generally hostile stance on the issue by the board. Why not raise the number now and then lower it if there are problems? A lot of the anxiety from anti STR neighbors sounded a bit vague and unsubstantiated to me but we all are in favor of targeting hosts who do push the limits of acceptability. Thank you

Michael Bowman <mayor@nelsonvilleny.gov>

Tue, Jan 18, 2022 at 9:09 AM

To: James Nicholas <jaynicholas@yahoo.com>

Cc: villageboard@nelsonvilleny.gov

James, the letter will be enter into record at this evenings Public Hearing regarding STR. Then will be posted as part of the meeting record.

Sent from my iPhone

> On Jan 18, 2022, at 8:39 AM, 'James Nicholas' via Village Board <villageboard@nelsonvilleny.gov> wrote:

>

>

[Quoted text hidden]