



Joint Lake Placid Village, Inc. and
Town of North Elba
Board Meeting
Wednesday, October 7, 2015

Minutes of the Joint Lake Placid Village and Town of North Elba Special Board Meeting being held on the above date beginning at 3:30 pm in the North Elba Town Hall, 2693 Main Street, Lake Placid, New York.

Village Board Members Present: Deputy Mayor/Trustee Art Devlin, Trustee Peter Holderied, Trustee Jason Leon, Village Clerk Ellen Clark

Town Board Members Present: Supervisor Roby Politi, Councilman Bob Miller, Councilman Jay Rand, Councilman Jack Favro and Councilman Derek Doty

Members Absent: Village Mayor Craig Randall and Trustee Scott Monroe

Others Present: Dean Dietrich, Britt Isham, Chuck Finley, Bob Maswick, and Bill Hurley

Supervisor Politi opened the meeting at 3:30 pm with the Pledge of Allegiance and the Public Notice was read by the Village Clerk. The notice is made a part of these minutes below:

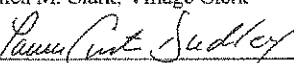
TOWN OF NORTH ELBA



LAKE PLACID VILLAGE, INC.

**Town of North Elba and Village of Lake Placid
Joint Meeting**

PLEASE TAKE NOTICE that the Village Board of the Village of Lake Placid and the Town Board of the Town of North Elba, will hold a joint meeting, on Wednesday, October 7, 2015 at 3:30 p.m. in the Town Hall, First Floor Meeting Room, 2693 Main Street, Lake Placid, New York to discuss potential changes to Comprehensive Plan and possibly set Public Hearing date for any such amendments.


Ellen M. Clark, Village Clerk

Laurie C. Dudley, Town Clerk

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Wednesday, October 7, 2015

Dean Dietrich thanked the Boards for their time. He provided the Boards with a proposed outline which is included in the minutes as Exhibit A.

Dean noted the members of the Quality Housing Initiative Committee who worked on this project, and advised the Boards that this committee has been meeting regularly since November 2014. He said that the committee has been actively meeting with members of the community, rental agencies, etc. They developed an inventory of vacation rentals and researched the legal aspects of this project.

Dean noted that this Quality Housing Initiative (Vacation Rentals) is part of the Comprehensive Plan. Community Development partnered with Cornell University and had a preliminary study done by some of the graduate students which basically outlined some of the issues that need to be dealt with. The committee also relied a lot on the study done in 2005 by Emily Kilburn, he said. They also looked at several other similar communities across the US that deal with the same issues.

The Committee's philosophy is that public health and safety is a priority and residences that are actually being used as hotels should have a higher standard of safety requirements. Transient rentals fill an important role in Lake Placid. The Committee does not want this to negatively impact the market as Lake Placid is an events-based village, but we need to be able to cover the cost of administration, Dean said.

Dean discussed the importance and the process of building an inventory of vacation rentals, including using the online sources such as vrbo.com and Airbnb.com to determine who the "mom and pop" rentals are as opposed to those in the vacation rental business.

Dean mentioned that if a permit system was put in to place, it might generate enough money to support hiring a full time rental permit enforcement person to do inspections when necessary. He also suggested the possibility of using an affidavit system, such as Aspen, Colorado uses. The affidavits would allow for an inspection with a 24 hour notice and would include the Public Health/Safety Requirements as noted in the Outline.

The Boards discussed public health and safety as being the most important issue to deal with and discussed the Committee's list as provided in the Outline. They further discussed the pros and cons of an application/permit process by affidavit of the landlord attesting that certain health and safety requirements are in place and taxes paid versus an application/permit process that would require paying a salary and benefits to a rental permit enforcement person to do inspections, etc. The negative impact on the State mandated Tax Cap by adding another employee to the Town or Village was also discussed.

Dean said that the committee was very sensitive to not impacting the market. They came up with a \$200 permit fee per bedroom for someone who is renting for more than three or four weeks a year. He also noted that they have included in the outline a no-fee permit so people who only rent their place for two or three weeks a year could do it just with an affidavit.

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Wednesday, October 7, 2015

The Boards then discussed private residential versus commercial operations and how some of the residences are actually commercial operations, but don't pay commercial rates for water, etc. Dean explained that the Land Use Code defines buildings as they are designed, so if it is designed as a house, it will be classified as a residence. Dean also said that they were concerned about businesses like Northwood School or NSA, so they defined what a Transient Rental is in their Outline, which is different than the way the County handled it. He said they added in to the Transient Rental Definitions of the Outline verbiage "for a period of less than 30 days" so as not to impact the prison guard or teacher that is renting for two months while they find a house or the people coming here for 6 to 8 weeks for employment.

They discussed the possibility that the collection of fees would be done by the Building and Planning Office if a permit enforcement person was hired. They suggested that he would do inspections only if there was a problem. Dean explained that if there was a problem, the permit enforcement person, who would be a peace officer, would handle the problems even in the middle of the night. The Boards were concerned with parking and noise problems with these types of rentals and Dean said those items would have to be addressed by an ordinance. Dean said the committee was also very concerned about unintended consequences in regulating parking in the permit process. The Boards discussed other municipalities and how they handle enforcement. Dean noted that the City of Rochester does do revocations of permits, but in most areas of the state you cannot give an Administrator fining responsibilities, so we could not give Jim that responsibility. Rochester can do it because they are a city and have administrative power, he said. Dean said the committee feels the best way to address problems with the rentals is through a person. However, if the Board wants us to go back and try a no-fee permit, the committee could do that, but, he said, he did not know if we could do any system without some increased costs.

The Board asked Dean if the committee could develop the Affidavit so they could review it. Dean said they would and could adjust the fees based on using just the Affidavit system.

Once the system was up and running, Dean said, they hoped that there might be extra funds generated that could be used for quality housing for those who cannot afford a boiler or a roof or paint. That would be a way we could use housing to improve housing, he said. Other members of the Boards said they would like to see any extra funds used for health and safety in the community.

In summary the Boards agreed that everyone is nervous about having to hire a full time person and they discussed the possibility of setting this up in phases. Start with the Affidavit system and data collection and then, if we can see the system is working, hire someone.

Dean said, from this meeting, he sees the Committee's job is to come up with two systems, one that has an enforcement person and one that does not. Parking and noise are issues and they will try to come up with some options for that as well.

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Wednesday, October 7, 2015

Dean asked the Boards if they want the Committee to work through a small group or would they prefer to come all together. Supervisor Politi said there is a lot at stake and the Boards represent different factions of the community so it would be best to come back to both Boards. Supervisor Politi also said that this is a controversial topic and it will not happen overnight. There is no easy solution, but we will need to come to some sort of compromise.

There being no further business before the Village or Town Boards, the meeting was adjourned at 5:05 pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ellen M. Clark".

Ellen M. Clark, Clerk
Village of Lake Placid

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Wednesday, October 7, 2015

Exhibit A to Joint Board Meeting of October 7, 2015

QUALITY HOUSING INITIATIVE

1) COMMITTEE PARTICIPANTS:

Sue Cameron, Dean Dietrich, Brit Isham, Kelly Kennedy, Emily Kilburn, Bob Maswick, Jim Morganson

2) APPROACH:

- Focus on public health and safety
- Understand that transient rental units fill an important role
- Cover the costs of administration
- Act with moderation
- Identify rental units so they can be addressed through review and planning process
- Opportunity to improve existing housing stock

3) GOALS:

- Promote public health and safety of visitors to the area
- Improve the quality and energy efficiency of existing housing and rental stock
- Mitigate negative impacts of vacation rentals
- Enable residents to remain in the community

3) TRANSIENT RENTAL DEFINITIONS:

TRANSIENT RENTAL: Any pattern of rental (including vacation rentals) or leasing under which a residential building or structure, single or two family dwelling, condominium, townhouse, guest house, cottage, cabin, attached or detached apartment, fractional ownership unit, time share unit or accessory dwelling is rented as a living quarters for any period of less than 30 days.

EVERY TRANSIENT RENTAL WOULD BE REQUIRED TO HAVE ONE OF THE FOLLOWING TYPES OF PERMITS

No- Fee Permit – Any transient rental where the owner also occupies the rental structure during the lease period and the cumulative rental or lease period is less than 8 days per calendar year.

Fee Permit– Any transient rental where the owner does not occupy the rental structure during the lease period and the cumulative rental or lease period is more than 7 days per calendar year

3) OCCUPANCY RATES:

Allowable occupancy rates would be calculated as 2 times the number of "sleeping areas" as defined in the NYS Uniform Code:

A sleeping area is any living area that is not a kitchen or lavatory of at least 70 sq. ft. with 2 emergency egresses (windows included) and access to a lavatory without passing through another room

Studio apartments have a minimum 220 sq. ft. and may have two occupants. Each additional occupant requires an additional 100 square feet.

note: This would include dens, studies, great rooms, etc. - excludes porches some basement rooms

3) PUBLIC HEALTH / SAFETY REQUIREMENTS:

- Working Smoke Alarms on each level + one in each sleeping area
- Carbon Monoxide alarms if source exists
- Chimney cleaned within one year
- Working Fire Extinguisher - 1 in kitchen area + 1 for each fireplace
- Metered water (if hooked to municipal system)
- Certificate of Insurance
- Trash container or pick-up plan sufficient for occupancy levels-
- Floor plan sketch (to determine occupancy rate)
- Street-side emergency numbers displayed (proper 911 signage)
- Emergency contact information (address / phone numbers of responsible person within 25 miles)

Additional considerations:

- Owner signs awareness of local ordinances- noise / parking
- Advertising should reference permit number- suggested at application point
- All units must comply with NYS Property Maintenance law.

4) NON-COMPLIANCE

Enforcement provisions mirror Land Use Code:

First offense \$0- \$350 / up to 6 months jail

Second offense (within 5 yrs.) \$350 - \$ 750 - (6 months jail)

Third and subsequent offenses (within 5 yrs.) \$750- \$1000 (6 months jail)

Any continued violation after 24 hours is new offense

Each person over occupancy limit is a separate offense

Offenses deemed a misdemeanor for CPL purposes

Owner agrees that inspections can occur with 24-hour notice to the emergency contact person.

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Wednesday, October 7, 2015

- Notice is defined as verbal / electronic message to contact information provided
- Inspections must be during daylight hours
- Failure to comply counts as a violation toward revocation of permit

If a property has 3 violations in one calendar year the permit may be suspended for a one year period

4) FEES

Fee should cover the cost of administration (Full time person in Building and Code Enforcement Office – this person could also help with record management).

Committee suggested \$200 per sleeping area

Revenues could be target to pay for administration and improve the quality and energy efficiency of existing housing and rental stock

5) ADMINISTRATION PROCESS :

Permits Issued by Building Department

Applicants apply with notarized affidavits (Including a sketch plan of the unit)

Process should be online using electronic data as much as possible (Forms scanned / Data base shared and accessible)

No fee permit- includes specific dates (maximum 8 days) – notarized affidavits used in lieu of inspection

5) NEXT STEPS:

- Edit concepts as suggested by Town and Village Boards
- Develop Resolution / Local Law
- Identify administrative needs (computer, software, internet connections)
- Develop application forms and display permit
- Determine timeline for enactment / enforcement
- Public Hearing process

Revisit legislation after one-year of experience