



Joint Lake Placid Village, Inc. and
Town of North Elba
Board Meeting
Thursday, December 13, 2018

Minutes of the Joint Lake Placid Village and Town of North Elba Special Board Meeting being held on the above date beginning at 4:30 pm in the North Elba Town Hall, 2693 Main Street, Lake Placid, New York.

Village Board Members Present: Mayor Craig Randall, Deputy Mayor/Trustee Art Devlin (via video conference), Trustee Peter Holderied, Trustee Jason Leon, Trustee Scott Monroe, Village Clerk Anita Anthony Estling

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

Others Present: Town Attorney Ronald Briggs, Code Enforcement Officer Michael Orticelle, Community Development Commission Chairperson Dean Dietrich, Adirondack Daily Enterprise Reporter Griffin Kelly, Members of the public

Supervisor Politi opened the meeting at 4:30 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:

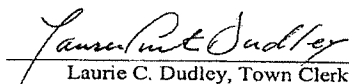
TOWN OF NORTH ELBA

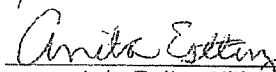


LAKE PLACID VILLAGE, INC.

TOWN OF NORTH ELBA AND VILLAGE OF LAKE PLACID
JOINT MEETING

PLEASE TAKE NOTICE that the Town Board of the Town of North Elba and the Village Board of the Village of Lake Placid, will hold a joint meeting, on Thursday, December 13, 2018 at 4:30 p.m. in the Town Hall, First Floor Meeting Room, 2693 Main Street, Lake Placid, New York for the purpose of discussing Vacation Rentals.


Laurie C. Dudley, Town Clerk


Anita Estling, Village Clerk

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

Supervisor Politi: First of all, I want to thank you all for coming and showing your interest. We appreciate it very much, but I do want to clarify one thing to all of you, that this is a public meeting, it is not a public hearing. A joint meeting between these two boards to try and finalized a vacation rental law. The purpose of the meeting is to draft a finalized law amending the joint land use code and to add regulations pertaining to short term rentals in the Village of Lake Placid and the town of North Elba, excluding the North Elba section of the Village of Saranac Lake. This is a working business meeting of two municipal boards together with the chairman of the Community Development Commission and Rental Study Group, as well as the Code Enforcement Officer. This proposed local law has been a collaborative effort based upon insight from the rental study group, comments from previous public forums, and an extensive review of vacation rental laws throughout the country. Pursuant to Open Meetings Law, the public does not have the right to comment in these deliberations. You may listen to what we are talking about. This is a business meeting trying to finalize the law. Once the law is in draft form, we will set public hearings open for public comment and discussion, likely to be in January. We're very close to finalizing this law, but the two Boards need to agree on segments of the law, and that's why we're here. We're not here to take any public comment. We will take public comment at a later time. So once the draft is in place we will hold those public hearings in January and give everyone an opportunity to express their views and/or present written proposals on the proposed law. There will be plenty of time for public comment, it just will not be this evening because there is nothing to comment on. We haven't finalized the law at this point. When it's finalized it will be online, there will be copies in the Clerk's offices, and it will be available for everyone to read, and then we'll take public comment. Hopefully we'll hold public hearing in January, and if the law is further modified after January, we would have to have another public hearing, but in any event, we would like to have a law in effect by March. This started in 2015. There has been extensive research on it. It's a difficult undertaking. It's an undertaking that nationwide people and communities and municipal governments have had to deal with. We understand and we hope that you understand that this will be a living document, it won't be perfect when it's done, it's likely that it'll have to change from time to time, but that's what we have these Boards for.

Everyone has a copy of the amendments and changes?

So Part 1, the modifications dealt with the definition of short term rentals being less than 30 days. I don't think any of us have any issue with that language. Has everybody reviewed it? It also includes, an addition was made based upon discussions with the study group, to add the definition of "half bath." I don't think anyone has any issue there. Correct? Does anyone have any question with regard to the new language on the purpose of the local law? A lot of these changes were drafted by Ron, so that's one of the reasons he is here so he can answer. So no one has a problem with that language? OK.

Going down to short-term rental regulations, this section deals with the short-term rental permits that are revocable. It calls for "no property may be used as a short-term rental without a short-term rental permit." Everyone is on board with that. Short-term rental permit shall be valid for, this calls for a period, two years. Anybody have any problems with a two-year period?

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

A conversation ensued about when we are looking for this to take effect. Ron answered that it would take effect, as per the language of the local law, whenever we state it is going to take effect. It was questioned when the Codes Office would start distributing the paperwork. Mike said the rollout is expected to be a couple months. The hope is to have it done by the end of June.

Supervisor Politi: One of the things is says, Dean, is the permits shall expire on December 31. We would like to modify that to say all permits will expire two years hence from the approval date, so we don't have 800 coming in in December/January 1.

Number Three was that they are transferable upon sale, pursuant to meeting the same requirements. Anyone have a problem with that?

Four talks about revocations.

Peter questioned whether the two-year term was agreed upon. After short discussion everyone agreed to that length, from date of issuance.

Supervisor Politi: Number Five had required that all of them be inspected, which would be a nightmare, so this is the language that I have added. I'm going to read it to you so you are aware. "No permit shall be issued nor re-issued unless and until the Code Enforcement Office has approved and/or verified the minimum provisions of the permit application requirements, shown below or herein, the owner/applicant consents to the enforcement officer or designated personnel to conduct an inspection of the property to verify applicable standards as per noted in Section 11.2 Sub D, Sub 2. If you look that up it says that in reviewing the application, if the enforcement officer has reasonable cause to believe information contained in the application is inaccurate or incomplete, he may exercise his right to inspect. I think that's pretty clear. I think that helps your office out rather than saying every one has to be inspected. We figure there are close to 800. It would be impossible to do 800 and get permits out.

Mayor Randall: And that assumes that the applicant has certified that he meets all the requirements.

Mike: You will certify on your application, and it'll be notarized.

Supervisor Politi: We added a number six, and you all have that, that "No permit shall be issued unless the short-term rental property is registered with the Occupancy Tax Program administered by the Essex County Treasurer's Office." The other question Dean, whether it should go at this point was whether we want to put in as a Number Seven here, that a permit is not required where the cumulative rental or lease period is less than fourteen calendar days per year. That's something that you had asked to be a part of it.

Dean: You can postpone that decision because that can be part of your rate decision, which happens after this. If you want to put it in here, you could put it in here.

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

Supervisor Politi: They do the same thing in the county, and it's meant so that local people who might rent just for Ironman, or less than 14 days a year wouldn't have to be treated as if they might be considered a business property.

Unknown: When the Village discussed this they said fill out the affidavit but no fee.

Dean: We had originally discussed a no-fee permit. You still have to do the application because safety is not negotiable, so if you're willing to rent you have to do the affidavit that says you're safe, but you don't have to pay the fee.

Supervisor Politi: I have no problem with that. Does anyone have a problem with that? Ron, you want to make a note?

As far as the permit application requirements, I know Derek you wanted to ask about fire extinguishers?

Derek: Yes, and maybe the question goes to Mike, but the way it's worded, you wanted a fire extinguisher at each exit. In my experience working with fire extinguisher personnel, the two more important spots are utility room/boiler room and kitchen. Those are the two primaries, or at least one on each floor. There is also no mention of size of fire extinguishers, and my recommendation would be, in a rental situation, to ask for ten pound instead of five pound. A five pounder is quite often worthless. For me it's just a common sense safety thing.

Supervisor Politi: Where did it come from that language?

Mike: I don't know.

Supervisor Politi: It could have been Vail's law.

Dean: We originally had talked about a kitchen, and any open flame. So that would be your boiler room if you had an open flame, or your kitchen or fireplace. One in the kitchen is the language we started with way back in 2017.

Supervisor Politi: Do does anybody have any problem with the modification of that language with regard to fire extinguishers? So Mike would you get together with Derek and Ron on the language specific to that particular clause?

Dean: There is one that is missing from here that was in our original one in 2017, and that is a certification that your chimney has been swept. We had said within a year. Usually you want your chimney cleaned each year. So if your application is for two years you're not going to get to check it for two years, so that's where you are.

Supervisor Politi: Is there code on that Mike?

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

Mike: No. It's best practice that any homeowner should consider.

Dean: Plus you have a lot of people coming up here that aren't used to doing chimneys. The people that live here know you've got to...

Supervisor Politi: The only problem with that that I know is it's pretty hard to find people to do that work.

Art: Peter, what are the requirements for Golden Arrow for your fireplaces?

Peter: There are none. We have them cleaned every year, but as far as I know.

Unknown: So how do we handle people that clean their own?

Mike: Again, it's a best practice, I don't know if we can force it unless they want to put it in the law and say you need these papers from a company or you certify that you cleaned your own.

Unknown: The same thing as some part of this you're going to certify that they have fire extinguishers, so put that in there that they annually or routinely get their chimney cleaned.

Peter: Should that be part of the affidavit then?

Supervisor Politi: Yes.

Dean: You have to put it in here so that you can put it in the affidavit.

Ron: This is the category of affidavit right now. We're in that area.

Supervisor Politi: It would be in four, sub four, it says "all fireplaces," I think you can put it in there. Nobody has any problem with the exterior doors? Electric systems serviceable with no visual defects.

Dean: You talked about a carbon monoxide detector. Our original language said if necessary. A lot of places don't have any carbon dioxide sources, so that's kind ridiculous, that what our feeling was back in 2017.

Mayor Randall: And yet if you sell a property you're required to have an operating smoke detector and carbon monoxide detector, and that seems in conflict with the code.

Supervisor Politi: I don't think it's a big deal. I think most people are going to have a carbon monoxide detector along with a smoke detector. It's 2a sub i, it says at least one carbon monoxide detector is in there. Every sleeping room will have an exterior exit, that's code.

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

Nobody has a problem with that. A statement of number of sleeping rooms, a statement of number of parking spaces on the property that meet the standards set herein. Any issues with any of that? OK.

D, "the duration of a short-term rental shall not be less than three nights. Any solicitation or advertisement of any kind offering a property for short-term rental for less than three nights shall be a violation of this local law and may result in the revocation of the short-term rental permit."

Scott: Why are we doing three nights?

Supervisor Politi: That came up and it's a discussion item. Some people want it to be seven.

Scott: We're doing a definition of what short-term rental is. If it's less than thirty days, I don't think we should be putting an additional minimum on it, that it's got to be between three and thirty.

Supervisor Politi: I think a lot of this came out of the fact that a lot of the problems we've experienced is events taking place which are usually two or three nights, and those type of situations have resulted in the greatest amount of problem. In addition to that, there was the thought that why would I bother to be in a Bed & Breakfast, or be in a commercial situation and have to pay commercial fees and everything, when my neighbor who has a residence can do the exact same thing and not be subject to the same restrictions. And in some ways we felt that if this type of a restriction might benefit the Bed & Breakfast and motel community, and still allow for short-term rentals to exist on a little longer basis. That was the thinking. I don't know that the Town Board has any issue with it.

Peter: I'm fine with three days, I don't know about you.

Jason: I don't know. It's really up to the public. My initial inclination was we wouldn't need it, but if the public felt like it, ok.

Supervisor Politi: That's why we're going to have a public hearing and we'll see what people say, but I think that most of the issues that have occurred are the very very short-term, overnight, two nights scenario when people are coming in and going out and couldn't care less. We don't have that problem with landlords who live here and landlords who are paying attention. We have problems with landlords who are not here and do not have caretakers and do not have people who are watching their property.

Derek: The economy of scale alone doesn't really work for one or two nights anyway. By the time you pay a cleaning fee and all the services that go with arrival and departure, it really doesn't make any sense anyway.

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

Bob: My thought was, quite frankly it's going to be less headaches for us if there's a three-night minimum because you're getting people that are coming here and investing a little more in our town than just passing through for a night. Those seem to be a lot of where our problems are.

Scott: I was just looking at, a lot of people come on Friday and leave on Sunday.

Unknown: They can pay for three nights.

Supervisor Politi: And that may be what happens, but they can't advertise it. That's the point. They can't advertise it. Alright so E, "affidavit certifications shall be valid during the term of the short-term rental period." I crossed out the language that says "in addition to the inspections required by section 11.2(A)(5)," which I read you the modification. That needs to come out, otherwise it contradicts what I read. F is the affidavit certification shall be established by the Code Enforcement office. Three is a site plan drawn to scale showing the location of buildings, sewer lines, septic systems and so forth. It does not have to be prepared by a professional.

Dean: We had briefly talked about that being a may rather than a shall so that the inspector can deal with that. If you're looking at trying to ascertain if there are enough parking spots, Mike knows better, with a satellite photo you can pretty much tell, yeah there's room on the guy's driveway. If the satellite photo can't do that you can do that. We don't know what other advantage there would be to be requiring a scale. If you're going to do a septic inspection the people know where they are. We're trying to make this as easy as possible for people. We can see it being necessary in some instances, but generally to make someone who is renting a condo to do a site plan. What has he got?

Supervisor Politi: I think we found this to be typical in other laws.

Dean: It's also typical in every review, and when I was on the Review Board it's typical. A lot of times it's waived just because you have guys put a stair in, you say well show me a picture. Where is the line? I don't need you to go out there and draw a map. It would take me a while to draw a scale model of my property.

Supervisor Politi: So what do you want to do?

Unknown: Make it discretionary.

Supervisor Politi: So Ron, you got that?

Peter: The affidavit should say the number of parking spaces.

Supervisor Politi: And he has to check and verify anyway.

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

Bob: So let me ask you this, Mike, so someone is filling out an affidavit, they're sending it to your office, applying for a permit, are you then going to be reviewing this and have an exchange with that property owner?

Mike: I don't know. The affidavit is going to require you have somebody on 24 hour call to be available to handle issues in the house, so if anybody is a proper contact that would be. If we have to go out to do inspections and verify some of the information we will.

Ron: I envision the affidavit being incorporated into the actual application.

Mike: It is.

Ron: You'll do a checklist when you see it, and if something is missing you'll call somebody. If it seems on its face to comply it's great.

Mike: If we can verify by satellite imagery or whatever other records that we have...

Bob: So if we go way back, you may have 800 applications.

Mike: Right now we're five and change confirmed.

Bob: So you have 500 applications. If we're saying we pass a law in the spring and we're hoping to have everything going by summer, you're going to have a lot of work. Do you have the manpower to be able to handle all those applications?

Mike: That's why there is going to be a rollout period. If the law is effective on March 1st, we're not going to expect on March 2nd to have five, six seven hundred applications in. We're going to give them a grace period for a month or two and then a certain cutoff date, this is it, the end date.

Unknown: According to the county there is more like 800 in Lake Placid.

Mike: And again, the software and the internet has confirmed 500.

Peter: And then it'll be innocent until proven guilty as Mike puts it. When he does the inspections, if they lie on the application they get kicked out.

Bob: Sure, but just to get the approval of these applications is going to take some time. I don't know how we do this in March and are up and running by June.

Mike: You pass the law; we'll do the rest.

Supervisor Politi: Number four, private septic systems. Everybody read it? Any issues with it?

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

Unknown: Is this everybody or just Lake Placid Lake?

Supervisor Politi: Anyone who has a short-term rental.

Scott: Are there going to be enough people to be able to do the inspections?

Supervisor Politi: This again is a Mike thing.

Scott: My fear is he's going to get inundated with a bunch of calls and it may affect a permit for somebody saying, I'm waiting for him to come and inspect it.

Supervisor Politi: I think the majority are on the public sewer system. There are definitely some that are on septic systems.

Mike: And again, if they can certify that it's been checked by a professional in the last year or so that'll save us going out and physically checking it.

Supervisor Politi: You don't want a situation with twenty people in the house and you've got a septic system that hasn't been pumped out in ten years. It becomes a problem.

Ok, number five, the name, address, telephone number, contact number of the person has got to be on the form. The contact person must be located within thirty minutes distance by car and must be available twenty-four hours a day, seven days a week. So every property is going to have to have a contact person.

Art: Roby, what happens if a vacation rental is not rented. Does that person still have to be within thirty minutes of the rental? It kind of sounds that way from what you just read.

Supervisor Politi: I'm thinking in terms of a rental, if the tenants are causing a problem, there has to be somebody within thirty minutes to respond to the complaint.

Art: Right I guess what I'm saying is while the vacation rental is rented I can see that, but if you only rent out four months a year, the other eight months a year do you really need that person nearby?

Jack: I think you do because if the fire department has to go, they don't want to wait over thirty minutes for somebody to come into a problem, whether water is coming in or not. If you've waited thirty minutes, and I've done that before, thirty minutes is a long time.

Supervisor Politi: Yes, this process, there will be a list. It's anticipated what we'll do is there will be a list at the fire department of every permitted property for short-term rentals, with the individual's name and telephone number as a contact. So if there happens to be a fire or whatever, the fire department will know immediately who they should be calling and to have them respond.

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

Art: So they don't have to physically be within a certain distance? They just have to be reachable by phone.

Supervisor Politi: Yes, unless, this is meant for a complaint by a neighbor, a noise problem, somebody has got to go to the property. They have to be thirty minutes, not three hundred miles. The situation we've been having is that we go to call the owner, they don't answer their cell phone, there is no caretaker, there is nobody that is going to be responsible for the property. We want to eliminate that for neighbors.

Peter: The only change I would make is to also add the owner as a secondary number because people change caretakers.

Supervisor Politi: I agree with you. I think that's a good point. But they will have the responsibility Pete, in this document, and I think Mike you have to remember this, that if they do change caretakers they are going to have to modify with the code office. You got that Ron?

Six was a statement that the applicant has met and will continue to comply with the standards of these regulations and the permit. I don't think anybody has an issue with that.

Section C, short-term rental standards. The first section is on occupancy. The maximum occupancy for a short-term rental unit shall be the maximum of the following: two people per bedroom plus two. You have a four-bedroom house; it will allow you ten people. Two per bedroom, plus two. Or four people per full bathroom plus two for half bath. So if you have a four-bedroom house you can have ten people. But if you only have two bathrooms, you're only allowed eight. So the maximum occupancy shall be calculated based on either of those two standards. Now, was it to be the more restrictive?

Dean: We left that up to you guys.

Bob: It says more restrictive.

Supervisor Politi: Most restrictive. So if there was only two bathrooms you would be allowed eight not ten.

Dean: We provided a spreadsheet that had the occupancies as advertised and how much they can have if they use their bedrooms or their bathrooms. Sometimes a bathroom is higher, sometimes a bedroom is higher and I think you looked at that spreadsheet and determined more restrictive.

Supervisor Politi: In no case shall the occupancy of a short-term rental exceed 16.

Derek: Where did 16 come from? It's an arbitrary number in my mind because so far we've set a good equation for the numbers of occupancy, bedrooms, bathrooms, parking spots, exits, legal exits, whether it's in a basement or whatever. I realize that in Lake Placid there are limited

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

numbers of places that can rent to higher numbers, and I'm not suggesting we should go through the roof with those numbers, but if a house qualifies by number of bedrooms and number of bathrooms, parking spots and satisfies everything, I don't agree with putting a limit on 16. It's certainly commonly known that I'm a caretaker and I represent one of the homes that does take care of up to 24 people. The owners are not in opposition of lower numbers, however 16 really effects quite a bit, and I'll give you just a couple quick examples. By accommodating 18 – 24 people, there have been groups there that come for weddings, and whole families from west coast, east coast, whatever, I don't need to get into that, but it serves a special group. In the six years that I have been taking care of this business, there has only been one complaint where we had to bounce people. The owners are very responsible. Regardless, in the rentals that are on the books right now, carrying us through winter and into the summer, that one residence represents 300 people that want to come to Lake Placid. In groups that are 18 – 24 people, I've done the research on the competition areas, and they are Killington, Okemo, Stowe, all represent places that can accommodate up to 25 – 28 people. So I'd like at least in this section, to not limit in no case be 16, but have a variance, so that on a discretionary basis, Mike could go to a place and deem a number that is acceptable according to the other rules.

Dean: First of all, to begin with, you can still rent to over 16 people, you just couldn't do it as a short-term rental. You would have to do it as a boarding house/rooming house. We have a long history of that. If someone want to continue to rent to over 16, they would just have to go to the Review Board and then they would have to have a parking plan, they'd have to have a lighting plan, a vegetation plan. It would be basically a commercial enterprise. So we're not stopping someone from doing this. One of the reasons we came up with 16, is when we did that spreadsheet with the bedrooms and bathrooms, we found that there are certain buildings that are designed for high occupancy, and they are designed for high occupancy because they have a lot of bathrooms and a lot of bedrooms. More than a regular family house would have. They are basically designed to be a boarding house. We said well if they are designed to be a boarding house they should be a boarding house. And the other thing to keep in mind is that boarding houses right now are allowable as a conditional use in every section of Lake Placid with the exception of the North Lake Residential. So you can have a boarding house in rural county side, village, in every zoning district except North Lake Residential. If you wanted to allow boarding houses up there you could amend it, but that was our thought.

Derek: So under a boarding house then you're saying this place I take care of doesn't need a permit?

Dean: They do need a permit. They would not be a short-term rental. They would be a boarding house.

Derek: Where is that permit process in town?

Dean: That's the land use code.

Derek: And how would they treat it differently?

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

Mike: If they're going to be a boarding house, DOH is going to be involved, we're going to do an annual inspection. It's a different level. DOH had got a bunch of paperwork. I do the inspection. That's a bigger deal.

Derek: So it's more restrictive?

Mike: More restrictive. Because a vacation rental, the only restriction is what this law is going to say.

Dean: Again, our thought was, and you can disagree with it, but our thought was if you have that many people you should be a little more restrictive. There's more of a safety hazard, and it seems to me if it looks like a fish it is a fish.

Derek: What is more restrictive about a boarding house than what we're talking about?

(Cross talk about boarding houses and the rules.)

Ron: The joint review board has a wide breadth of discretion in terms of when they do their reviews, and Mike just talked about a couple of things with the Department of Health.

Supervisor Politi: The 16, does that represent in your mind commercial?

Mike: Once you go over 11 bodies you put the short-term rental under the Department of Health.

Dean: So the Department of Health number is actually 11.

Unknown: The Department of Health is not enforcing anything, so. This is our law not theirs.

Mayor Randall: Another point to be taken, in the inventory of listed rentals, 16 seemed to cover a very high percentage, with very few properties that were above 18.

Dean: That's partly it. We took into account a number of factors, one was the Department of Health, one was the design of the buildings, again when you get to a place that can occupy a large number, they basically are designed that way. They are designed for each bedroom to have their own bathroom. A few families do that, but very few single residential homes, and if you're talking about ten bathrooms and ten bedrooms it seems to me, when I lived in boarding houses that's what we had.

Mike: And I'm required by law, any building with three or more apartments or units in it to be inspected every three years.

Derek: 16 is a suspect number.

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

Dean: We had some rationale for choosing 16. You can have rationale for choosing different numbers too.

Mayor Randall: Another point Dean is that the average short-term rental, you're dropping 16 people into a single residence into a neighborhood that isn't designed for higher volumes of traffic, and that is a problem for the Village and we hear about it frequently. There needs to be a compromise on this issue at some point, and those issues where there is opportunity for larger occupancy need to meet a higher standard.

Derek: I certainly don't want to get into an argument situation, but you have places that rent to six and eight people that are habitually complaint areas.

Art: Not anymore.

Derek: so that argument doesn't hold water with me, I'm sorry.

Dean: What drives this, the hook in this, and I think we always need to consider the hook in this is safety and welfare. And as I say, the Department of Health starts to say, oh, you've got 11 in there, we've got to start coming in, you still haven't met their health and safety standard, and that's partly why we've bumped it to 16, because it seemed to take into account the facts on the ground, one of the issues is complaints, but the real driver of the thing is safety. If the health department says look, after 11 units you have to meet a higher standard, we feel that at some point in time we have to have a higher standard.

Derek: Then make it for 11 and not 16. That's my point.

Dean: We can do that too. I understand there are rationales.

Jason: Derek, my question would be, how often do the owners of the building stay at the house?

Derek: About eight times a year for four to seven days. So they are very involved in the community.

Mike: You mentioned variance and discretion. I don't want any variance. I want a formula that says this is what you all decide, what the public decides, that I can enforce. I'm not going to say this guy can get away with that, and this guy can get away with that, that's not going to happen. Everyone's going to be held to the same standard, whatever this comes up with.

Bob: I think we should be taking a look at what the rules are for a boarding house.

Dean: They would have to meet all the standards of parking, vegetation, noise, lighting.

Supervisor Politi: Ok, number 2 was sufficient off-street parking in accordance with section 11.3. I don't think anybody has any problem with that. Number 3 was tenants and guests shall

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

park in the off-street parking spaces required by section 11.3 of this section and shall not park on any part of any lawn of the property nor on the public or private street. Anybody have any problem with that? Four is a house number visible from the street or road. Five, provisions shall be made for weekly garbage removal. Six, advertisements for the short-term rental must conform to what is allowed under these regulations and the short-term rental permit. Seven, each sleeping room shall be at least 70 square feet in size for one person and 100 square feet in size for two persons, with an emergency escape or rescue opening.

Peter: I think the sizes are too small.

Supervisor Politi: It's code. It sounded small to me too, that's why I asked the same question. That's code. New York State building code. Eight, there shall be no campers located on short-term building properties nor shall there be overnight camping in tents or otherwise on short-term rental properties.

Dean: We had a discussion of this in the Development Commission. We kind of think you have an occupancy so there can only be five people there. If two of those five people are kids it's a rite of passage, so our recommendation was to allow that occupancy to take that over.

Supervisor Politi: I think the purpose of that Dean was on a number of occasions in the past few years weekend tenants of various events have come to houses and rented the house and then put up tents in the yard to utilize the infrastructure, sleep in the tents but utilize the bathrooms. One of the issues here is not only health and safety but it's also the amount of use, wear and tear on our infrastructure system, our sewer system, our water system and so forth. And if we're going to allow thirty people to come to and stay at – maybe five in the house but twenty in the yard – that was a problem.

Dean: Our thought was they'd be occupants. You couldn't have thirty people in the yard because your occupancy is five, then there are going to be five people. So maybe you need a definition of occupant, to make it easier for the code officers.

Bob: So maybe that it's something that you can't use tents to increase your occupancy.

Unknown: What if you have permission for sixteen, but you have sixteen people sleeping in tents outside and a fire pit going. I mean, is that going to be quiet? How about the noise factor?

Supervisor Politi: I agree. The whole idea was to stop that nonsense from happening and it's happening.

Mayor Randall: And again, keep in mind that what we're talking about is residential neighborhoods, not a commercial part of the community.

Supervisor Politi: Nine was using properties as keyhole properties to the lake, which is happening also. People are renting one house and then moving all their boats to the dock and

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

they're parking in the yards and utilizing that property or all their friends are utilizing that property for access to the lake.

Bob: How do you stop that?

Supervisor Politi: A neighbor complains.

Bob: But I mean someone is renting that property on the lake with a dock, they're not allowed to have friends over?

Supervisor Politi: You're not allowed to use it for a keyhole every day.

Bob: But how do you enforce that?

Supervisor Politi, Again, most of the enforcement is going to come from neighbors, I think, or the complaints. You're going to find out about most of these things from neighbors that are affected by the problem. What do you all think?

Jason: It seems like if they come over and they're being reasonably respectful there won't be much of an issue.

Supervisor Politi: Ten is weddings, corporate events, commercial functions, and other type of outdoor events, must end by 10:00 pm, unless a variance is received from the Zoning Board of Appeals for such event. All such events are subject to the applicable noise restrictions under the Village of Lake Placid/Town of North Elba Land Use Code or under any other local law or ordinance. I think that there have been a lot of complaints about having weddings, and rather than tell people they can't have weddings in their yard, the thought was, if the wedding is over by 10:00, and doesn't go until 1:00 or 2:00 in the morning, people can live with that. But you can start a wedding by 4:00 or 5:00 and be over by 10:00. It doesn't need to go on after midnight. And we've had a number of issues that have been raised and brought to both of our boards about this kind of thing. This is an attempt to allow both sides of the coin.

Alright, Procedure upon filing application. Any issues on any of these? I didn't have any.

Five was short-term rental permits issued pursuant to this section shall state the following. There was only one that was changed, and that was five (e), people having outdoor fires located within the Village limits, must have those fires extinguished by 10:00 pm.

Mayor Randall: The other piece of that should probably indicate that they be contained in an appropriate receptacle. In other words, you can't just simply place logs out on the ground and light a fire. Actually, I believe open burning in the Village is prohibited by the legislation anyway.

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

Supervisor Politi: The complaints we have had are that vacation rental folks all get together at night, especially on the lake, they have a fire pit, and when you are talking around the lake it's like an echo that carries across from east lake to west lake, and people were disturbed by it. This allows them to have it, but the cutoff is 10:00 pm. Again, it's an enforcement issue. How are we going to know about it? The neighbors are going to complain. 5(e) should also refer to the Town in addition to the Village. I know it's been more of a problem in the Village than it's been in the Town.

F statement that renters must comply with and be provided with a copy of the noise ordinance of the Village of Lake Placid and the Town of North Elba, which sets strict limits on noise levels between 9:00 pm and 7:00 am. Anybody have any issues with this?

G, a statement that the short-term rental permit may be revoked for violations.

H, any conditions imposed by the Enforcement Officer and that the permit shall expire, that's got to be changed Ron. It says on the 31st, that's got to be changed to the anniversary date.

Section E, Display of Permit and Notification. 1. The issuance of a short-term rental permit is subject to continued compliance with the requirements of these regulations. 2. Prior to any renters taking occupancy in the short-term rental property, the permit shall be prominently displayed inside and near the front entrance and a copy of the short-term rental permit shall be made available for public inspection in the Codes office to anyone.

Discussion of how many copies of the permit displayed and where.

Mike: I would say they would be lovely to have in the window but I wouldn't do that to anybody. One inside, places that I've rented they have a booklet of some kind inside with information about how things work in the house and if you put it in that booklet that would be fine.

Bob: Is the permit application available for inspection in the codes office?

Mike: No, the application maybe not, just the permit because there could be some personal information on the application that wouldn't be for the public.

Unknown: We'll have to check that.

Jason: So are we changing it to just one that's inside?

Supervisor Politi: Yes. Number 4 is that for every short-term rental the owner would provide an information packet to the renters which will include good neighbor guidelines. We talked about this at the county, talking about visitors and other communities have this, it would be a brochure that would be in the packet or on the wall of every short-term rental that would advise tenants as to noise restrictions, garbage removal, and other things, good neighbor type things for the

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

people to be aware of. The Town of Vail has this type of thing where it's in every rental package, 24-hour local agent contact, general respect for neighbors, noise and outdoor lighting, maintenance of property, garbage disposal, parking and traffic safety, pets and tenant/guest responsibility. We're working with the Visitor's Bureau on preparing such a thing that they would make available for the public and for everyone to have to be able to give to their tenants. Any issue with that?

F, compliance hearings and penalties. If you have a complaint, the complaining party shall first attempt to contact the contact person designated on the permit, describe the problem and indicate the remedy. The contact person shall within one hour respond to the complaint and remedy as soon as reasonably possible. The Fire Department Dispatch will have the names and contact information for each contact person to provide to the complaining party. If the response is not satisfactory, the complaining party may file a complaint with the Code Enforcement Officer by submitting a written complaint.

Mike: There may be a vehicle in our software/online. I'm not sure how it works yet because we don't have full access.

Supervisor Politi: A written complaint or online complaint, Ron, you can modify that.

Art: Before you go any further, I had a question on that as far as must contact the owner first or the person in charge. If you are just a neighbor next door, and you chose not to go over, to complain to them initially, I would call the police if there was something that was going on that I was afraid of. I wouldn't want to tell people they have to go over. I think they may go talk to the person, but if they feel they need to go call the police, let them call the police.

Bob: You don't have to call the contact person. You can just report them.

Ron: This says shall, so we have to change that.

Supervisor Politi: Ok, we'll change that to "may."

Four, if the enforcement officer finds a violation he may do any of the following: attach reasonable conditions to the existing permit, suspend the permit or revoke the permit. Five, should a permit be revoked, none of the owners of the short-term rental property may obtain any short-term rental permit sooner than one year after the date of revocation. The Village of Lake Placid or the Town of North Elba may initiate law enforcement proceedings under the Land Use Code at any time following receipt of a complaint. Decisions of the enforcement officer will be provided to the parties and may be appealed within thirty days of receipt of the decision by the owner or the complainant. This says to a five-person tribunal, I've talked with Dean and he thinks maybe it should go to the ZBA under the land use code. It makes sense because the ZBA has counsel in place. So would you rather have it be the ZBA than a tribunal? So will you change that please? Eight, any owner found to be in willful violation of this code shall be

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

required to reimburse the Town for its reasonable costs of enforcement, including reimbursement for staff time and reasonable attorney's fees.

Mayor Randall: This is joint; so should that be Town or Village or Town/Village?

Supervisor Politi: Yes, it's Town/Village.

11.3, required off-street parking. Required off-street parking for rentals shall be one space for every four permitted occupants with the exception of Main Street from the post office to One Main Street, where the applicant must demonstrate that they have the appropriate off-street parking in place.

Mayor Randall: It can be parking permits or it can be management with another property away from the street. The problem is zero setbacks on Main Street and generally no parking on site available.

Jason: That may crunch the use of permit parking by residents then.

Mayor Randall: We have in one case successfully allowed the use of permit parking, because generally those people are coming in at night, and that was the building known as The Haus on Main Street. It's awkward because the permit parking shifts around at night when we're cleaning, so sometimes it's the NBT lot, sometimes it's the backside of Teddy Bear Park, sometimes it's the municipal lot. It's what we have right now.

Supervisor Politi: Penalties, number 1., by a fine or penalty of not less than \$350, and not exceeding \$1,000, or by imprisonment for a period not to exceed 15 days, or both, for a conviction of a first offense.

Bob: Who determines what the fine is?

Mike: The judge. The judge (inaudible) violation and then we go to court.

Supervisor Politi: 2., by a fine or a penalty of not less than \$1,000 and not exceeding \$3,000 or by imprisonment for a period not to exceed 15 days, or both, for a conviction of a second offense both of which were committed within a period of five years. 3., each week's continued violation thereafter shall constitute a separate additional violation. Do you want to explain that?

Ron: Well, the fine gets bigger and bigger if you continue to violate.

Mike: If you don't remedy it in the timeframe set forth.

Supervisor Politi: Ok, just wanted to make it clear to everybody.

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

Scott: I'm a little confused, if we're appealing it to the ZBA how is a judge getting involved with giving the penalty?

Ron: What if the person doesn't appeal to the ZBA? One is civil and one is criminal.

Supervisor Politi: Everyone is entitled to due process. One of the things we talked about was three strikes and you're out.

Dean: You can revoke the permit. There are a couple things to consider. Usually with the land use code, it's a weekly violation. So if you're constructing something illegal, the second week becomes the second violation. We're talking about shorter terms here. We had originally suggested a 24 hour or maybe 72-hour violation. So if you're over occupancy on Tuesday, you've got to fix it by Sunday or somebody has got to go by Sunday if you're over occupancy. So that's one thing. The other thing is it helps to do a couple things, like make sure we state that advertising a property for rent for a period of less than sixty days is presumptive evidence that it is a transient rental and any person who stays overnight in violation is a separate violation. So if you have twenty people instead of sixteen, you have four violations, not just one.

Bob: Do we want to put language in there that says the first time you're paying a fine, the second time you're paying a fine, the third time you're not allowed to rent anymore?

Ron: You mean a permanent revocation?

Bob: I don't know if it's permanent.

Ron: Then what would it be?

Mike: Sure, make it permanent.

Bob: In my mind, I don't know how to do this legally, but in my mind we're removing your right to rent this until we figure out what the heck is going on.

Ron: Well I don't know what that means. It's got to be more precise. But there is provision that you can have it revoked.

Bob: When I'm reading penalties I'm seeing, pay a fine, pay a fine. I think I want the land owners to know that if we're called to your property a third time, we're going to remove your right to rent until you resolve whatever issue we have with you.

Ron: There are civil penalties and criminal penalties. We're now focusing on criminal penalties. Earlier in the document there were civil penalties, but that is to say, to revoke the permit. Would you like to put a term in there, for example to be revoked for two years rather than one year? Because right now there is language to revoke it for one year. We could make it longer if you wish.

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

Peter: What if Mike revokes a permit but they continue to rent?

Ron: Enforcement is potentially always a problem. You have to go to court and get a judge to stop them from what they're doing. A restraining order. That's what you have to do. If someone just defies, it, continues to defy it that's what you have to do. It's like building a boat house without a permit. You've got to go to court. Same thing. If people don't comply with the law then we have to take the steps necessary to enforce it and only a judge can do that.

Supervisor Politi: We're entitled to home rule law, especially in zoning, it's not going to get overturned. It's one of the reasons many of us, going back a number of years, with Walmart. The community modified the zoning law. We've modified the zoning law on a number of occasions. It's been upheld. We have the right to do it.

Ron: But I think Peter's point is a good one, and that is if you have an utterly defiant owner who just ignores the law, and ignores all the notices, the only thing left is to go to court and get a restraining order.

Supervisor Politi: Obviously. A restraining order is probably something that would be fairly easy to get under the code. So what do you want to do guys? How do you want to leave number 3?

Bob: I want a solution that says, three strikes and you're out. That's my feeling.

Ron: Ok.

Supervisor Politi: I think three strikes and you're out was part of your recommendation.

Dean: The problem with that we found is if you have some neighbors that complain all the time you're going to get called to the police three times. If you have another guy that doesn't, you never get called. And so we left it up a little bit to the discretion of... we could say after so many violations it's up to the discretion of the Code Enforcement Officer, but not everybody is going to get complaints at the same rates.

Ron: What if there is a complain, and the owner says there wasn't an infraction, then it's a personal opinion.

Dean: That's why you give him some discretion because he's got to be able to do that.

Bob: I just think it's got to be written in a way that, we all know you're going to have a few properties that are really problem neighbors, and we've got to have this written in such a way that we can defend saying we're done.

Ron: We have that already. It's in here. You can revoke. Then only question is how long, because right now the revocation is up to a year.

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

Derek: This is new and I think that's a good way to get started.

Art: Roby if I could ask something, if somebody is applying for a permit, and we look at it and we don't agree with it, they don't get a permit?

Mike: If it doesn't meet the criteria as outlined in the law they don't get a permit.

Art: So I think if they've gotten three strikes and they're out and they've applied within one year we may still say no until such a time as you feel comfortable they can abide by the rules.

Ron: Say that again please.

Art: We have the right when someone applies initially to deny them a permit if they don't meet all the criteria, if somebody has three strikes and you're out, and they apply within another year, I think if we aren't confident that they can comply with the rules, then they can't get a permit and we'll deny it. I think that's where the answer comes to how many years before they can reapply.

Mike/Bob/Ron: But it can't be arbitrary.

Art: But if it says we put this person in place and we've done this and we're going to comply with this...

Bob: Well maybe it's revoked until they can reapply and demonstrate...

Ron: The language we now have says one year.

Supervisor Politi: I want it cut and dried. It's going to get somebody's attention.

Dean: It says right here; a short-term rental permit can be revoked for violations. There is no number of violations. If it's a very egregious one, you can do it at one. Three would be more of a policy than it would be written in stone. And any decision he makes then to revoke a permit is really a civil decision and that goes to the ZBA. So the check on the revocation is the ZBA. The check on Mike writing a ticket that says you have to pay a \$1,000 fine is the court.

Supervisor Politi: So based on that we leave it the way it is?

Dean: I think so. I think we have it covered.

Supervisor Politi: Ok, 11.5, miscellaneous.

Mayor Randall: I had a change there. First of all, it says any short-term rental owned by the various people who are not full-time residents of the Town of North Elba, that should be both Town and Village, shall pay commercial rates, that's not the correct designation in there. It

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

needs to say shall be metered for water and sewer services. And we don't have to say anything about electric because everybody in Lake Placid is metered. I think the suggestion there was to try to make a distinction between a building that gets residential rates and a building that gets commercial rates and I think there again there's an issue Dean that goes back to the boarding house type of issue. Currently also, any reference to rates, rates are governed by the electric utility here and also by the water/sewer utility, based on consumption. They're not governed by the land use code.

Ron: Do we even need A?

Mayor Randall: Only to the extent of suggesting that any, and I think we had this discussion with the Village Board, in the township, the majority of our buildings are metered. In the Village, our commercial properties are all metered, with rare exception, but our residential properties, many of which are vacation rentals, are not. What we're suggesting here, is that there be a requirement that those buildings be metered for water and sewer. The reason being that there is likely to be unusually higher consumption than what a flat rate currently generates otherwise.

Supervisor Politi: The Town has no issue with that.

Peter: If they don't meter the property when they're required, we need to have you give the list to the water department.

Unknown: Your form has got to have on it water meter.

Mike: Water meter and account.

Mayor Randall: The other observation I had is that the document needs to have some reference in there to the fact that the application fee will be determined by and set by the Boards.

Ron: I think we said that.

Mayor Randall: I don't see it in there.

Unknown: The next issue I have is what will a permit fee be?

Do we want this to make money or to break even?

Bob: If you take 800 properties and they're paying \$200 each, that's \$160,000. Is that enough?

Peter: Unless you want to carve out some money for some other programs. I think this is turning into a can of worms.

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

Bob: The money should be utilized to pay for this program. Another way to look at this is, some of these houses are businesses. They're making money in our town. Maybe they ought to be contributing a little more to the community. I don't know.

Peter: I proposed to Craig \$100 per bedroom per year.

Bob: I'm along the same line.

Mayor Randall: The Village Board looked at it as this as \$100 per bedroom and the reason for that is this, you can have a two-bedroom short term vacation rental, it's a \$200 fee, but if you've got eight bedrooms, it seems to me the property that has the potential to earn more and will have a bigger impact on our neighborhoods should be contributing a bigger amount of money than the little small residence.

Derek: Let me bring up my situation, if I go to the boarding house, and we have eight bedrooms, I don't have a fee.

Dean: You have other requirements and costs.

Jack: I think another part of the fee we had talked about is eventually we'll do inspections. In other words, getting another entity to help with the inspections, whether it's the Fire Department. So the fees can help to subsidize the Fire Department, the inspections, it's all better.

Jason: It's not the main revenue, it's just to manage these.

Mike: It's going to be more work for my office, more work for others.

Supervisor Politi: Eventually there will be more inspections, you may have to hire another person to review applications.

Dean: When we originally started this Jim Morgansen said to me way back when, because we had talked about the fire department doing the inspections, we found there is an incredible liability if it's the fire department doing the inspections. Whoever makes inspections has to be a certified building inspector, has to go through that training. It kind of limits the number of people who can do it, but that limits your liability. It made sense that the fire department do it, because then you guys know what's in the house, and where the bedrooms are, and if you go in a burning building it's kind of nice to have that knowledge.

Ron: Craig, 11.2 B says that the permit application has to be accompanied by the payment of the permit fee in an amount to be determined by the Village Board and the Town Board.

Mayor Randall: Perfect.

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

Supervisor Politi: Ok, so where are you guys on a permit fee?

Scott: I'm ok with \$100.

Mayor Randall: Per bedroom?

Dean: Well that doesn't need to be in the code.

Supervisor Politi: No, but it's something we're going to have to discuss.

Mayor Randall: And the code just simply has to state that the fee will be set by the boards.

Ron: And it does say that.

Supervisor Politi: I don't have any problem with just a flat fee.

Jason: I'm along the lines of what the mayor is speaking, a graduated sort of cost depending on the size.

Scott: The thing is, after a year or two goes by, we can reassess whether it's too high or too low.

Supervisor Politi: The thing is Scott, the law requires a two-year permit, so you have to pay for two years in advance, so you have five bedrooms you have to pay a \$1000 per year.

Jason: But that's where the mayor comes in where the teachers or just the ones who are trying to subsidize their living, that's much more of an economic impact as opposed to those that are just...

Bob: Well if it's less than fourteen days won't have to pay for anything.

Supervisor Politi: I was thinking in terms of \$200 per permit annually, everybody would pay \$400 for two years. \$400 if there are 800 that's \$320,000. That's a lot of money.

Unknown: A person with four bedrooms is making a lot more money...

Supervisor Politi: I know that.

Unknown: It's a fairness issue, that guy who is making a lot of money is paying the same as the guy who is making a little.

Scott: You know the smaller places can rent a lot more often than the bigger places.

Unknown: When we started a couple years ago we were talking about two hundred dollars per bedroom, and we were talking about a hundred dollars per house.

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

Dean: We had originally talked about \$200 per bedroom. We thought it would do two things. Number one it would cover the costs of a new code enforcement officer, which we estimated to be \$60 – 70,000. And the other thing is we said if there is money left over it should go to quality housing fund. That short term rentals create pressures on the community and that any money that is generated by short-term rentals should go into a pool and that pool should be used for programs that mitigate those problems: extra enforcement, to help people who can't pay their taxes because their assessments were raised because of the raising of the value of their house. Our suggestion was make sure you cover the enforcement officer and if anything is left over use it for creative ways to mitigate the problems caused by short-term rentals. That was our philosophy and you can live with it or not live with it. And you can change it. Every board will have a different approach.

Derek: Because it's a new program and we want to prove every aspect of this, I would suggest a per bedroom rate of \$50. That still brings in in that two-year period a lot of money. And that leaves us room to increase it as we can justify it. Because personally I can't see the justification for all that money in the first one or two years. That's my point of view. That's a pretty good chunk of money.

Mayor Randall: It is. The immediate concerns of both the town and the village are subsidizing the impact of the code office. There may be other impacts that we're not focusing on right now.

Derek: And we seem to be focusing on 800 as the number. I don't know if that's realistic or not.

Peter: That's including the no-fee permits as well. People who are not going to pay.

Derek: So let's use 500. We take in \$100,000.

Crosstalk about fees.

Mayor Randall: \$100 per bedroom per year is what our Board has discussed.

Unknown: You guys are all good with \$100?

Jason: Initially I don't think so. I would like to have more of a numbers based approach about the different tiers we currently experience here in Lake Placid and see what would be appropriate.

Scott: It would be nice to know how many one bedrooms, two bedrooms, three bedrooms, four bedrooms, five bedrooms, we have out there.

Jason: It's not hard to compile those numbers.

Mayor Randall: The inventory that Dean did I think does provide that data.

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

Dean: The inventory though is a structure; it doesn't tell how many weeks it's rented. You can get some idea of that probably from McKenna. You can backwash off of McKenna's data that's going to the bed tax, but that's not as accurate. That bed tax count will become much more accurate as we get this online, because there is a software, one of the things we did, the Development Commission has software, and that software is now up and running, and that will help a lot with enforcement. It keeps track of things. So I didn't really answer your question...

Mayor Randall: I do agree that whether it's 550 which Mike has identified or 800, which is the number that's out there, until we have actual experience we don't know.

Dean: I guess where I was going is Mr. Monroe is correct, we don't really know how many times any particular unit is being rented. We know about the structure of the unit, but we don't know how much income is being brought in.

Mayor Randall: I don't think the rate can necessarily be set by how many times a unit is rented, nor should it be, it would be too difficult.

Supervisor Politi: Well guys, we've got to come to a conclusion at some point.

Dean: Can I say something? You have three months to decide what you're going to charge.

Supervisor Politi: I know, but we're all together now.

Jason: I think we were hoping for a little bit sooner.

Unknown: You can listen to the public input at the public hearing.

Bob: You know what, think about it. A four-bedroom house may be making 40 grand a year. What's \$400? I've come full circle. Having the pool of money can mitigate some of the negatives that these vacation rentals have caused is not a bad thing.

Supervisor Politi: Ok, so we can't finalize this law until we're set on occupancy, which we breezed over here. I want to move to set a public hearing and we have to have something in place. We've agreed on everything except the sixteen people.

Derek: Well, you've already shown a couple of different ways where we're joining in some of the boarding house rules, and excluding the short-term rental to go back to boarding, so I'm a little confused why we aren't going to include the whole rental market into these rules.

Supervisor Politi: Derek, my personal feeling is why don't you leave it the way it is, allow this to go to public hearing and get the input. If you want to modify the law after that point then we'd have to modify it and have another public hearing, then that's the way it has to be done.

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

Derek: I'm fine with that. Mike and I have to get together anyway to talk about the fire extinguisher issue, and you can print out that section on boarding houses so I can get that information out, and public input may throw quite a few of the ideas...

Supervisor Politi: As far as the permit fee, Ron is right, you can deal with that at a later time, but by discussing it tonight at least the public is aware that it is an issue that needs to be resolved. So I think it is a point for a discussion at a public hearing, what that amount is going to be. Is there anything else among the modifications that we've each reviewed?

Art: I have one thing Roby. You've got a house and it has enough bedrooms that you can have sixteen people there, let's say you invite 32 people over for a party. Are they allowed to have all those people there in a residential neighborhood?

Supervisor Politi: I think that was one of Dean's points about the definition of occupant.

Art: Night seems to be picked up at 9 or 10 o'clock, but during the day? Say in the afternoon someone with sixteen people is allowed to bring in another 32? And have a party on the front lawn?

Supervisor Politi: I don't think it's any different than having a wedding in your yard.

Art: Didn't we say that was going to have to go to a permit?

Supervisor Politi: No, it has to be over by 10:00 pm.

Art: I'm just thinking let's take a neighborhood like Johnson Avenue, a house down there, would we really want to allow to have somebody go in there and just set up a party? People have to get up the next morning and go to work.

Supervisor Politi: I think that if they're violating the noise ordinance someone is going to call the police.

Art: Ok, what about parking? If people come over where do we stand on that? Do they have to be able to park on property? Or will they be able to park in all the streets in the neighborhood?

Supervisor Politi: No, they have to have appropriate parking. One of the sections of this report says the parking must take place on the premises of the rented property, it cannot be on the street. It cannot be on a private street.

Ron: We haven't defined occupant. Is an occupant overnight? The limitations on occupancy, we have not defined it. We have to define it.

Art: So our limitations on parking apply to visitors as well is what you're saying?

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

Ron: If that's what you want to do.

Unknown: How would you do that? What if I had a party with people over? What's the difference?

Dean: When I was seeing it in Vail and other laws, which was in our original law, is occupant is any person who is on the property after a certain point. And they would usually put that point in time with the noise ordinance. So if you're on the property after 10:00 you're an occupant.

Supervisor Politi: I have a section that Dean sent me about the definition of occupant, that he's talking about that we can add to the first section of the law. Is that ok Art?

Art: Yeah, as long as we don't end up like I say with neighborhoods where there are sixteen people and then they bring in 32 more and they bring in cars and they're not parking on the property.

Peter: Right now there is no prohibition on a local doing it.

Art: That's right, but you live there, it's your house. You're not going to do that every night. You might do that twice a year, once a year. Vacation rental might do that 32 or 42 times a year.

Crosstalk

Supervisor Politi: Ron, I think I'm going to have you and Dean get together on the definition of occupant. Art's point is well taken. Anything else?

Art: Mike, I've got one more question. I know rooms have occupancy levels. Do properties have occupancy levels ever?

Mike: For a personal house, no. You can put as many people in your private house as you want. You want have a party, have a party. There is no oversight on that. Once it becomes a commercial venture or there is a law like this that restricts occupancy then there is something to work on, so that's why the number and how you want to approach it is important.

Supervisor Politi: We're not going to cover everything guys. We're not that smart. It's not going to happen. This is a law that is going to change frequently. This is a start and it's a good start. It's taken a long time to get here, but we're moving on it.

Ron: I'm going to make the revisions and do a redline version and send it out to everybody.

Supervisor Politi: It'll go to your board and the town board. We will set a public hearing date on the proposed law as you will at the same time. Maybe we'll have two public hearings in January. Maybe we'll have it at the convention center for people to come and voice their

Lake Placid Village, Inc.
Town of North Elba
Joint Board Meeting
Thursday, December 13, 2018

opinion. We'll get it online and it'll be available in the Clerk's office so everybody has it. Everybody will come and we'll move as quickly as we possibly can.

Ron: I think after a public hearing you can have changes based on the public hearing, without having another public hearing, depends on how significant it is.

Superintendent Politi: I know at the county if we change it we have to have another one. That's your call and Janet's call. On behalf of the Town Board I declare this special meeting adjourned as of 6:03. Thank you very much for coming.

Mayor Randall: And I'm going to do that on behalf of the Village Board.

There being no further business before the Village or Town Boards, the meeting was adjourned at 6:03 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Anita Anthony Estling". The signature is written in dark ink and is positioned above the printed name of the signatory.

Anita Anthony Estling, Clerk
Village of Lake Placid