



Lake Placid Village, Inc.  
and  
Town of North Elba  
August 3, 2017

Minutes of the Joint Village of Lake Placid and Town of North Elba Special Board Meeting held on the above date at 3:00 pm in the Board Room on the first floor of the Municipal Hall, 2693 Main Street, Lake Placid, NY.

**Present:**

Craig Randall	Mayor
Scott Monroe	Trustee
Jason Leon	Trustee
Peter Holderied	Trustee
Ellen M. Clark	Clerk
Paul Ellis	Treasurer
Roby Politi	Supervisor
Derek Doty	Councilman
Jay Rand	Councilman
Jack Favro	Councilman
Bob Miller	Councilman

**Others Present:**

Jim Morganson	Codes Enforcement
Mike Orticelle	Building Inspector
Ron Briggs	Attorney
Dean Dietrich	Community Development Commission
Antonio Olivero	Adirondack Daily Enterprise
Bill Billerman	Heidi Roland
Chip Bissell	Mary Ann Hawley
Other Members of the Public	

Supervisor Politi opened the meeting at 3:00 pm with the Pledge of Allegiance and the Village Clerk read the Public Notice. A copy of the full Notice is included below.

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**VILLAGE OF LAKE PLACID  
AND THE  
TOWN OF NORTH ELBA**

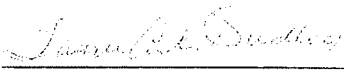


**NOTICE OF SPECIAL JOINT BOARD MEETING**

NOTICE IS HEREBY GIVEN that the Village Board of the Village of Lake Placid and the Town Board of the Town of North Elba will hold a Special Joint Board meeting at 3:00 pm on Thursday, August 3, 2017 in the First Floor Meeting Room of the Municipal Hall at 2693 Main Street, Lake Placid, NY for the purpose of discussing Community Development Commission's recommendations regarding private rental properties.

Dated: June 17, 2017.

  
Ellen M. Clark, Village Clerk

  
Laurie Curtis Dudley, Town Clerk

Supervisor Politi stated that this is a public meeting, not a public hearing. It is a planned workshop between the Village Board and the Town Board to discuss the Community Development Commission recommendations regarding vacation rentals. The public is welcome to listen, but the Boards will not take public comment during the meeting. At the end, if the Boards choose to do so, the public may make comments. If there are modifications to the Joint Review Board Code or any new ordinances for the Village or Town, there will have to be a public hearing where public comments will be accepted.

Dean Dietrich opened the discussion with a review of the draft ordinance for vacation rental properties in the Town and Village, as previously discussed with both Boards over the last several meetings, for the

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purpose of deciding how to move forward at this point. He outlined the various provisions by category, as set out in the draft ordinance presented in July which is included herein.

**Draft Ordinance  
Transient Rental Registration**

**I) PREAMBLE**

Single and multi-family residences, once occupied by full time, year-round residents, are being utilized more frequently as short-term, transient occupied rentals. These rental units generally remain unregulated.

These unregulated transient rentals contribute to a variety of serious issues:

- Health and safety concerns for transient rental occupants
- Noise, light, trash, and parking nuisances
- Additional stresses on municipal infrastructure

**II) DEFINITION:**

**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.

**III) APPLICABILITY:**

- A) All transient rentals within the Town of North Elba and the Village of Lake Placid must be registered.
- B) The North Elba / Lake Placid Code Enforcement Office shall administer the registration system.
- C) *All transient rentals within the Town of North Elba and the Village of Lake Placid must also be registered with the Occupancy Tax Program administered by the Essex County Treasurers Office.*

**IV) TYPES OF REGISTRATION**

- A) No fee registration – Any transient rental where the lease period and /or the cumulative rental or lease period is 14 days or less per calendar year. No fee shall be charged for this type of registration.
- B) Fee registration– Any transient rental where the lease period and /or the cumulative rental or lease period is 15 days or more per calendar year.
- C) All Registrations shall expire one year from the date of issue.
- D) Registration fees shall be established by the North Elba Town Board and the Lake Placid Village Board

**V) REQUIREMENTS:**

A) Emergency Contact Information: The owner shall provide the address and phone number for a designated emergency contact person. The person must live within 25 miles of the rental proper. The contact number registered must be answerable at all times. This information will also be filed with the Lake Placid Police and Fire Departments and must be supplied to the renters.

B) Safety Standards: The property owner shall submit a notarized affidavit certifying each rental unit meets the following conditions:

- 1) Street-side emergency numbers displayed (proper 911 signage)
- 2) Working Smoke Alarms are located on each level including one in each sleeping area
- 3) Working Carbon Monoxide alarms (if source exists)
- 4) Proof each open flame chimney has been cleaned within one year
- 5) Working fire extinguishers are in each kitchen area and by each fireplace
- 6) The rental unit complies with the NYS Property Maintenance law.

C) Notification Requirements: The property owner shall submit a notarized affidavit indicating each individual or group leasing the property has been notified of the following:

- 1) location of on-site parking
- 2) a summary of the applicable noise ordinance (Village / Town)
- 3) a trash control plan

D) Transient Rental Units connected to the Lake Placid Municipal water system must be metered.

**VI) OCCUPANCY RATES:**

If large numbers of people occupy a dwelling there is a greater chance that areas without safe egress will be utilized as bedrooms. This creates a dangerous situation to the visitor a potential threat to any fire fighter who may have to enter such a closed location in the course of an emergency. Over-occupancy also stresses existing infrastructure.

A) Maximum occupancy shall be calculated as 2 times the number of bedrooms recorded by the Essex County Real Property Tax Services Office + 2 additional occupants.

Examples:

2 Bedroom unit= 4 occupants for 2 bedrooms + 2 = 6 maximum  
4 Bedroom unit= 8 occupants for 4 bedrooms + 2 = 10 maximum  
6 Bedroom unit = 12 occupants for 6 bedrooms + 2 = 14 maximum

B) Maximum occupancy of a studio apartment shall be 2 occupants for the first 220 sq. ft. with one additional occupant for each additional 100 sq. ft. of living space

Example: 550 sq. ft. studio = 2 for first 220 sq. ft.  
+ 3 for 330 remaining sq. ft.  
5 is maximum occupancy

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Under Section III – Applicability, Section C - Dean explained that there was some discussion about whether someone who is registered with the Town or Village must also be registered with the Occupancy Tax Program administered by Essex County Treasurer's Office. Supervisor Politi said there is a law in the County which requires registration with the County already.

Under Section IV – Types of Registration, Section D – With regard to fees, both Boards have previously agreed on a \$100.00 yearly fee.

Dean pointed out that there would be certain requirements in order to get a certificate of registration which are listed in Section V. He also noted that the Commission has been looking at software providers i.e. STR and Tax Crawler. Both companies have looked at our proposal. The committee is continuing work on this.

Under Section V – Requirements, Section C– the owner would be required to notify their insurance company that they are renting their property so that everyone knows that the property is covered by insurance during the rental period and the renter is covered. Derek Doty asked why the property owner has to notify their insurance provider of the rental? Dean said it's a matter of safety and protection for the renter. In some cases, if you rent for more than 10 or 12 days, the owner may be required to have a commercial policy.

Peter Holderied said it is important to require two forms of egress in every bedroom. In discussion it was noted that that could be included by saying the rental unit must also comply with the NYS Property Maintenance Law and a hyper link to the full document could be referenced. Jim Morganson said hopefully the website associated with this process will have a reference document and anything else that comes up in this discussion too.

Mayor Randall said under the Notification Requirements, this information needs to be posted in a conspicuous location in the structure being rented because it is instructions to the tenant and the tenants change on a short term rental frequently. He asked if the registration would produce a medallion that would be fixed to the exterior of the building which would identify it as a vacation rental. Dean said the committee decided not to recommend that because there is a concern that it would advertise to potential burglars that it is vacant. Recently during Ironman, Mayor Randall said there were one or two individuals complaining that there were signs on Hillcrest and again this week there was a very large banner in front of one property. Two things are happening, he said.... many property owners who are renting their homes are not really residents of Lake Placid and are not familiar with our Code and how we would like our community to be and they put tenants in who have no understanding of the expectations of how to occupy the property, especially as it relates to their neighbors. Sometimes the tenants are blindsided when there is a knock on the door and they are told they cannot party on the front lawn at 11:00 at night or they cannot put signs or banners up on the property. Dean said those are human behavior issues that are best dealt with by Land Use Code ordinances such as parking, noise and trash. Having said that, Dean said, flags and banners are a bigger question to be handled at another time. Mayor Randall pointed out that these are properties that are set in residential areas and should be held to residential standards. Whether it fits in to this or whether it can be addressed through the Land Code, but certainly the property owners need some understanding of our expectations of how they should operate. Derek Doty said we need to find the fine line between the community spirit and accepting these huge numbers of people here who help to keep the economy rolling vs a sign ordinance. He said the property you are talking about is probably the one he takes care of on the corner of Elm and Hillcrest where there was a tall single banner.

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Regardless of where it is, he said, how do you define the difference between that corner and Ironman where it is solid 10 x 10 tarps for 3 quarters of a mile. So there is an overall attitude when we accept these people here, they have to be made to feel welcome, as well, and for one weekend or four days for a banner, we can find the laws that don't overdo it. He also said he does not agree with pretending they are not here and write regulations that basically make them hide when they are. Mayor Randall said, for the most part, these are properties in residential districts of the Village and Township as opposed to a commercial strip. Trustee Leon said he thinks what the Mayor is saying is that in many instances it is not that big of a deal, but in the aggregate. Even a single instance is a serious problem, Bob Miller said, and agrees with the Mayor. Bob also said he has a problem with going in to people's homes because they are private residences, but when those houses have an effect on the neighborhoods, we need to do something about it and quite frankly, he said, we have a real problem. We are victims of our success and in some of these neighborhoods the people who live here are not able to enjoy their property because of what is happening with the rentals. Mayor Randall said it could be addressed in the districts of the Land Use Code. He said the framework is there, expectations are what he is talking about. What's appropriate on Main Street, Mayor Randall said, certainly would probably never be appropriate for Hillcrest.

There was discussion about the enforcement and the right to inspect properties. Jim Morganson said if someone files a complaint, the Codes Office would investigate. Supervisor Politi said the registration application says on it that they agree that in the event there is a complaint or a concern as to the public health and welfare of the particular building, they would allow the Code Enforcement Officer or Building Department to inspect the property. If they refuse to allow an inspection, there is a provision that would allow the Code Office to suspend the registration. If they still don't comply, criminal or civil penalties would apply.

Under Section VI – Occupancy Rates, a discussion took place regarding the proposed examples for determining occupancy in the draft ordinance. Trustee Holderied said the formulas need to be made bigger; they are making many buildings illegal right from the start, he said. Dean said the formulas were based on the inventory of rentals and match up pretty well. The discussion continued about keeping a house on Hillcrest from having 24 people in it and maybe going to a square footage formula instead.

Dean said he heard in the previous meetings during this process that overcrowding was an issue that needed to be dealt with so that is why they came up with these formulas. Trustee Holderied said the density is being lessened for a bigger house if you only add two for each one. This lowers the density for a small house vs a bigger house if you only add two and two. Dean reviewed the problems with using square footage versus bedrooms and how the common areas in the houses come in to play. After some discussion, Bob Miller suggested staying with the formulas as a default and if the home owner felt their property did not fit these guidelines, they could apply for a variance. Dean said his committee would work on the variance aspect.

In discussion whether or not it should be handled through criminal vs civil courts, Ron Briggs said the most effective remedy is to take away something they have a right to do, rather than try to go to Court and get a fine imposed. For example, he said, if you can't rent your property without a permit, that is as clear as can be in the law, then the threat of revoking the permit is the greatest leverage for enforcement. Dean said that is built in to this, but the next level is what if the guy keeps doing it anyway. Then, Ron Briggs said, you have a clear violation of the law. Dean said then you have to decide to go civil or criminal law. Because there are so many managers that are off site and owners that are in different countries and states,

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it would be better with civil. Further discussion regarding the enforcement aspect continued with the point made that the Village has a Police Department to help enforce, but the Town does not. Supervisor Politi said that the Town has decided to retain a Constable, similar to the Animal Control Officer, to respond to any calls of disturbance or issues with regard to vacation rentals outside the village, because the State Police have said they will not respond to disturbances. The calls would go to the Police Department and dispatch would contact the Constable. That would primarily be from 10 pm to 8 am, which is the time the disturbances typically occur, Roby said.

With regard to compliance, Dean said that at the last meeting with Essex, Hamilton, Franklin Counties and Town of North Elba we looked at different purveyors for software to deal with the registration process and requested bids to reflect the cost, if it were done as a shared service. Roby said the County is trying to make it part of the government efficiency grant to purchase the software at no cost to the Town or Village.

Ron Briggs said this has to either be a Local Law by both the Town and the Village or it could be an amendment to the Land Use Code. Ron said its best to have one Code with everything in it in one place. Ron said he would have to look at the parking code to see if it is consistent with the intentions of this new rental provision. Further discussion took place about whether Airbnb or VRBO or the like has any sort of registration. Supervisor Politi said if anyone uses Airbnb or the like, the software being looked at will identify those properties and the owners. Discussion also took place regarding developing a standard information sheet (one for the Town and one for the Village as they are different) with the rules regarding parking, trash, etc.

In recap, Dean Dietrich said he heard that the Boards want to add the requirement of two egresses for each bedroom, add some flexibility to the occupancy standards, add some language regarding flags to the educational component, and keep the civil option variance, and the right to inspect. He said he will make those changes and run it by his committee in the next few days. Ron Briggs, Tim Smith and Janet Bliss will collaborate on the drafting of the amendment to the Land Use Code. The next step after that is to have a public hearing and then, if necessary, modify or change the draft.

Bob Miller raised the question of noise disturbances from these vacation rentals and asked if more emphasis could be put on the noise ordinance and the education of the renters on what the expectations are in the Noise Ordinance. Dean said a copy of the Noise Ordinance should be given to each owner with the understanding that if their tenants violate the ordinance their rental permit may be revoked.

A discussion took place regarding the clarity of the law and the discretion allowed by the Code Enforcement Office. Derek Doty said everyone would like the law to be crystal clear and expressed concern about the occupancy matters involved which are discretionary within the Code Enforcement Office. Ron said he sees a lot of problems with discretionary too. Dean said anything that goes in to the Land Use Code is subject to review by the Zoning Board of Appeals. Ron said we could add a paragraph under the Powers of the ZBA which addresses this kind of variance because it would be a different standard under the Code. It was determined that there would be no variances needed, Jim's Office would say no and it would automatically go to the Zoning Board of Appeals and that when an application for a permit is received and it goes above the occupancy formula discussed earlier, a physical inspection will be required.

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Supervisor Politi invited the audience to ask brief questions. Heidi Roland wondered if there was any consideration given to the number of permits that would be issued in a square mile. Supervisor Politi said that would be discriminatory. She also commented that when you don't do a permit for the two week rental then the client is not under the same safety net. Jim Morganson said a permit is still required for the two week rentals.

Chip Bissell asked about parking. Some houses have 4 or 5 cars parked in the yard, so in the permit process if that could be addressed, and, if they pave more of their yard, there should be some storm water aspect to that. Dean said we are approaching that as an educational thing. When someone comes for a permit, that's where a discussion will be held as to what would be acceptable. Mary Anne Hawley asked if there were any neighborhoods that would protected from short term rentals. Supervisor Politi said everyone has the right to rent their house.

Another discussion took place regarding housing availability for young people. It was noted that years ago the concept was to allow residences to develop apartments for the young people to rent. However, the owners moved in to the apartments and rented the houses as vacation rentals.

The Constable was discussed again and Supervisor Politi said the Constable would have evening hours and whether or not we need one or two to get appropriate coverage is to be determined and whether or not it will be a full time position. It would be handled the same way as the Animal Control Officers.

Supervisor Politi declared the meeting adjourned at 4:17 pm. and thanked everyone for coming.

Respectfully submitted,



Ellen M. Clark,  
Village Clerk