

**Joint Town/Village Public Hearing
Vacation Rentals
Tuesday, February 25, 2020**

North Elba Board Present:

Supervisor Rand, Councilman Favro, Councilman Doty, Councilman Cummings, Councilwoman Politi and Laurie Curtis Dudley

Lake Placid Village Trustees Present:

Mayor Randall, Trustee Holderied, Trustee Monroe, Trustee Leon, Trustee Devlin (via skype) and Anita Estling

Others Present: Addendum 1

Mayor Randal opened the Public Hearings by asking everyone to stand for the Pledge of Allegiance.

Anita Estling read the Public Notice which was properly published and posted

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Board of the Village of Lake Placid and Town Board of the Town of North Elba will hold a public hearing on Tuesday, February 25, 2020 at 6:00 p.m. at the Conference Center, 2608 Main Street, 2nd Floor, Lake Placid, New York, to consider a local law regarding vacation rentals in the Village of Lake Placid/Town of North Elba.

The text of the proposed local law is available for inspection by any interested person at the Offices of the Village Clerk or Town Clerk, 2693 Main Street, Lake Placid, New York as well www.northelba.org and www.villageoflakeplacid.ny.gov.

All interested persons are invited to attend the public hearing, and will be given an opportunity to be heard. If you plan read a prepared statement please bring a copy to provide to the Clerk for the accuracy of the minutes.

Laurie Curtis Dudley, Town Clerk

Anita Anthony Estling, Village Clerk

Mayor Randall – Welcome. Just to set the pattern before we begin, the format of this evenings sessions will follow the format some of you are familiar with from the first public hearing and the second public hearing this past year on this same topic. Individuals will be invited to the podium to address the two Boards and speeches will be limited to 3 minutes. The meeting this evening will be held open for one week, through next Tuesday evening to allow for additional comments.

The Rules for Tonight

There is a sign-up sheet for anyone who wishes to speak in the back of the room with Laurie Dudley, Town Clerk. If you wish to speak, please add your name to the list. Speakers will speak from the podium at front of room and must state their name.

Anyone representing another person or group of people to state their name and name(s) of those they represent. Speakers will each have 3 minutes to speak Anita will let you know when your 3 minutes is coming to an end. Please respect the views and opinions of all speakers. Verbal interruption, clapping, shouting, booing or other outbursts will not be tolerated.

This is not a debate. It is a public hearing giving the public an opportunity to express views on the proposed local law. There will be no question and answer period. Members of the municipal boards are here to listen only.

We will keep this hearing open for 1 weeks from this date.

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DONNA MORRIS-CALVEY

Thank you Board members. My husband and I own a home on 93 Elm St. We are concerned the STR laws will not foster affordable housing, will hurt the economy and damage our reputation as a friendly resort town. Specifically, section 11.6 section C has a narrow definition of a hosted short term rental as “an owner who lives on the property 275 days of the year.” This gives no incentive to large STR owners to carve out an affordable apartment which could be occupied by an onsite caretaker. Additionally, this definition hurts lower income locals who rent out an STR accessory dwelling. Item 7 in section 11.4 for required off street parking coupled with section F compliance hearings and penalties pits people against each other. What happens if an unassociated resident or visitor is legally parked in the street in front of an STR house and the STR owner is mistakenly accused of unauthorized parking? Shouldn't these same parking requirements apply to everyone, to prevent unequal treatment? Section S states a failure to attempt to contact the contact person will not excuse a violation. Suppose somebody spots a car legally street parked in front of an STR and rather than notifying their 24/7 contact of a potential violation, they simply file a complaint with code enforcement. The STR owner only learns of this alleged violation after the fact when they receive a \$300 fine. If street parking is so problematic why don't we institute a system of parking permits which apply to everyone? Board members I urge you to recraft this legislation to prevent unequal treatment the law imposes. Instead of trying to make housing affordable by driving out tourists and driving out second home owners to the detriment of a major economic engine of this whole region. I urge community leaders to take bold steps to achieve the 50% local workforce goal. Following other successful ski resorts programs. Fellow citizens, we all must support new funding mechanisms for low income home ownership. Including, perhaps an added sales tax occupancy tax and real estate transfer taxes. We have to share the burden, let's provide a real path to home ownership for young people to keep them here and preserve the character of our friendly resort community. Thank you.

TOM RATH

I'd like to take a moment to thank the members of the board for all their efforts. Your job is not an easy one.

My name is Tom Rath, I stand here on behalf of LAKE PLACID RESIDENT HOSTS. If you are a member of our group, please stand and be recognized...

We are a group of over 40 LOCALS and growing, we represent dozens of hosted properties throughout the town and village. We carry the torch for a longstanding tradition of Lake Placid RESIDENTS hosting weary Adirondack travelers. Whether sharing our favorite hike, recommending a restaurant, suggesting rainy day activities or giving guests directions to Donnelly's, we all love what we do...

We are your teachers, coaches, plumbers, shop owners, retired professionals, stay at home Moms, parents of school age children...Collectively our hosted properties have received thousands of 5-star reviews from our guests and have never had a complaint from our neighbors. We take immaculate care of our hosted properties because they are in fact our homes. Our guests are greeted upon arrival, explained the rules and given our personal cell phone numbers should any questions or issues arrive. For several of our members this extra income is the only way they can afford to live in Lake Placid...

Over the past year we've asked you for a voice, thank you for hearing us. We don't fully agree with the document, especially some alarming last-minute changes made by select board members. However, the latest draft does at least recognize our existence and we are grateful for that.

We fully support sensible legislation. We support a permit system that addresses safety, noise, parking and general nuisance issues. We DO NOT support curfews, legislation that contradicts the land use code, the discrimination of businesses not located on Main Street, nor do we support unaffordable permit fees. Each of you has received a letter from us reflecting our concerns. We welcome a dialogue with any board members that would like to get to know our members better.

If ANYONE here would like to join LAKE PLACID RE-SDIENT HOSTS please don't be shy!

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My name is Thomas Rath, I am easily found on Facebook or via email at trathlll@yahoo.com. Thanks to everyone for your time...

KYLE KORMAN

I agree with reasonable regulations that govern short term rentals, but I reject any language that restricts STR owners to a 90 day limit and requirements that owners cancel their reservations if a permit is denied or revoked. We should be afforded the exact same rights as all homeowners of Lake Placid. To restrict STR's to 90 days is an unreasonable measure with very predictable consequences. Consider the same restriction to business owners in town where they can only keep their doors open for a quarter of the year — but the good news is their local government will give them permission to pick which season. What do you think would happen to these businesses in a destination where tourism has 365 day marketability? I believe in a limited form of government whose reach does not go beyond that which keeps us safe. This resolution uses the guise of the town's safety and other fabricated issues to justify abusing and alienating those of us simply for owning a home and using it lawfully. We've had nothing but positive experiences with our guests who treat our home respectfully, received zero formal or informal complaints from the town enforcement or neighbors, and we use professional property managers local to the area who are on call 24/7 to respond to the needs of the home and our guests. It seems convenient that this proposal would make STR owners the scapegoat for a problem that has so clearly been identified as a lack of affordable housing, according to a study conducted by Camoin Associates. From my vantage point it seems the study was authorized with the hopes of a predetermined result which did not come to fruition. It doesn't take a genius to see this resolution as overtly oppressive, unreasonably restrictive, solely targeting STR owners in an intentionally direct attempt to run them out of business and out of town, leaving their updated and restored properties vacant and still unaffordable. It's restrictive language and overreaching government authority wrecks of bad faith toward a growing group of people in Lake Placid, not to mention a less than subtle attempt at circumventing anti-trust law to lessen or remove competition for hospitality. My message to you all — please look beyond what these boards have drafted. They are not on your side nor representing your interests to deliver more affordable housing. This resolution simply ignores the identified issue and does not seek to solve the underlying problem. In fact, if allowed to pass it will create brand new ones. The STR's and the \$32M they've been responsible for injecting into the Lake Placid economy in 2019 will dwindle, taxes paid into the state and county will dramatically shrink, and this time next year we'll all be sitting here discussing what cuts need to be made because of major budget constraints. We need to address the concerns of the residents and the concerns of the STR owners simultaneously in order to coexist and it can be done, but not by expressly discriminating against the latter. Many of us are simply trying to manage and defray our mortgages and taxes so that one day we can retire here and become a permanent part of this community whose fabric we also seek to preserve. This proposal should not be voted upon as written until the interests of both groups are more fairly and equally represented.

DR. RAY HAVLICEK

Thank you Lake Placid Board and North Elba Board for taking on this very difficult problem. We are here today because there is a conflict between those of us that don't want short term rentals and those of us that do. That's why we are here. When I first came to Lake Placid in the 1980's I lived in a residential community, I had neighbors with children running all over the place. The school was filled with children, we don't have that anymore. The neighborhood I live in has empty houses, the school district is going down the drain because the population of the census in the school district is half of what it was 35 years ago. We bought property in Lake Placid because we believed in residential neighborhoods as indicated in our deeds as indicated in the Town zoning understandings and that is why we moved into not a commercial area but why we moved into an area that was zoned for residential use. Right now we have a big problem on our hands and it's getting worse. You have people coming into the community buying up property to rent it out which is jacking up the cost of real estate making it unaffordable for people who want to work here or live here. That has got to stop. I compliment the Board in trying to address this problem. I understand that it is very difficult to come up with a solution to this but if we don't have an integral community we don't have the basic health of our community that will be passed on to our children in the school system and the jobs we may want them to have in the future if they can afford to live here. So many of our kids move out of the community because they can't afford to live here and there are no jobs here. That has to end and I think that

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the steps you are taking are an important first step that you're taking to help write this very big problem that we have and I hope you are successful with it. Thank you.

KEVIN FOUNTAIN

Hi everybody and thank you very much for inviting us to come. I have two points. First about the 90 days, I also think that is a bit counterproductive and I don't like anything that brings less money in to Lake Placid. I like to see more money coming into Lake Placid, it is going to be difficult this year, trust me it is going to be very difficult. There are things happening in the world that are going to spill over here and money is going to be an issue. If you have less than 30 days per rental it is easy to run the numbers and see how it's going to go into the millions of dollars that don't come here and some people may say ha ha ha we screwed the owners of the vacation rentals, yeah but who else did you screw. You screwed the guys who clean, caretakers and contractors. The main street businesses because there are less people running around buying things and going to restaurants and you screw the people who work there too. Why should I care? I care because I came from them, I am one of those people who wasn't always a successful businessman and certainly wasn't when I was born. I sold my rentals and in interest of full disclosure I sold them and I wasn't ashamed of them, they weren't harming anyone's neighborhood and everything was going really well. They were good for Lake Placid and the people who came were happy families. Why did I say they didn't hurt anyone? Because they were neighborhoods that were never going to be neighborhood, the taxes were so high that no one is ever going to buy those houses and try to live in them, they can't afford it. Who wants to pay \$40,000 just to live in a house? Most people even if they had the money wouldn't pay. It was paid because you have a vacation rental there that makes enough money to pay that off. Does that mean I think all rentals are good? No, I don't. I think it depends on where they are. A friend of mine took me for a ride, we went around town and she was saying we were doing this and here we're doing this and here we're doing that and here we're doing this and here you see that. To tell you the truth when I made my vacation rentals I made them all on Mirror Lake Drive because I assume people want the water and they want to come to Lake Placid and they want to enjoy what Lake Placid is famous for. It really had not occurred to me until I went to the meeting before this that people were putting up vacation rentals all over Hillcrest Avenue and I don't think that is the same as putting them up at Whiteface Inn or something like that where you're not ruining anyone's community, you're not making noise, you're bringing money into the Town and everything is fine. I am hoping to ask the people of the Board to consider that maybe a one size fits all law is not the best. Maybe the law should be map based and start divided up. You have the Town and you have the Village. The Town is one thing but in the Village it's another situation where people who do want to live in a community and have their families and their kids playing together, as long as they can keep them off their bloody phones will have a chance to do so. Thank you very much.

KAREN HUTLINGER

Members of the Lake Placid and North Elba governing bodies, the residents of Lake Placid and North Elba and distinguished carpet baggers. I don't really understand why we are having this meeting, I am concerned about our residential neighborhoods. We have a Land Use Code, all you have to do is enforce the Land Use Code. You spent a lot of time on the Land Use Code, why should I not have any neighbors, it just doesn't make any sense. If you want to apply these regulations to rentals outside the residential zoned areas that's great, I think they're all very intelligent and they apply to specific problems. Really just follow the Land Use Code. I have a problem with the people who have spoken prior to me in that they have said well we are homeowners but then somehow the word business creeps in. You can't deprive me of my business, well you know this isn't Misses Jones teaching piano three afternoons a week out of her home, this is people who are funneling hundreds of people through their house. I want neighbors, I want the same thing that other people have talked about, kids playing in the park, kids going to the school, fathers who have time to do boy scouts, and we are not going to have that. I don't like these people who have come and bought these houses and hollowed out our residential areas. What's next? If our neighborhoods are not actively restored to what they were before some of us are going to start taking some more direct action. I'm not talking about cans of spray paint but I am talking about picketing, and trying to discuss this with the people who are visiting these rental homes. I hope that you would please consider giving us our neighborhoods back. Thank you.

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ERIN FARLEY

Good Evening Board and Lake Placid Community!

Please slow down...Placid did not arrive at this contentious discourse overnight. Decisions that affect all community members with severe economic implications, need thoughtful consideration before they become law.

My name is Erin Farley. I am a proud 4th generation Placidian. I am fortunate to have found my vocation as a teacher, for the past 24 years; which has allowed me to live in various communities, but my Home has and always will be Lake Placid.

About 10 years ago, I joined a few of the social sharing rental platforms, to rent our family cottage, and earn money on a flexible schedule. Knowing that in time, I would return to Placid, and enjoy my retirement at our cottage. My family had previously rented the cottage out for about 50 years. My parents also rented out our main house additional bedrooms every summer, as well! At that time, Boarding houses were very common on Parkside Dr. They catered to seasonal work force, NYC summer folks, vacation seekers, and skaters. This is a time when Peacock Dairy delivered milk, a horse might be seen trotting up Parkside, having gotten out of its stall. The Lake Placid Club, Homestead, St. Moritz, Whiteface Club, Alpen of, The Lakeside and The Chalet welcomed short and long term guests. I too have many wonderful memories of what life was like in Placid, prior to the 1980 Olympics. Times have changed.. .. It is 2020.

The last time I spoke concerning STR's, I asked the Board where is the Data, to support the negative backlash, that was turning STR's into the "villainous scapegoat" it had become? The ADK Enterprise continued to "stir the pot" all too often, with one sided emotional commentary and accusations against owners of STR's, that included forcing the hockey team to move to Saranac Lake, decline in school enrollment,(which has been declining in NYS for the last decade due to aging populations, smaller families), taking homes away from families that wanted to buy in Placid, and the deterioration of quality of life, due to rowdy guests. In addition, there were no longer affordable housing options for locals, since STR's had depleted the housing stock.

I began to wonder, where is all this animosity stemming from... Groups were formed voicing their opinions in the newspaper. Although, the Group's names differed, they were mainly comprised of the same people. The majority of people, with inherited local businesses and family wealth, who sent their children to Saint Agnes and Northwood, were all of a sudden concerned with enrollment at Lake Placid School.

Others were contractors, who built and marketed 2nd home developments. Is there a reason these contractors did not build low income family homes?

Yet they complain that there isn't affordable housing for young families and workers.
Profit...

Another common grudge cited in the newspaper was the work force was being forced to live outside Placid in Ausable, Malone, and Saranac Lake. I thought ok... .100k people have chosen to live in these bedroom communities for many, many years... .Most of these folks choosing to live where they grew up and commute. The job availability might be scarce in their hometowns, but in Lake Placid, the service industry is busy year round.

This economic concept is common all over America!

Our crisis is an economic issue at its core. The problem has much more to do with minimum wage earnings impact on buying opportunities and qualifying for an affordable mortgage. The county needs to step up, as they have done in the past. Building affordable housing, like The Commons.

A 10k study by Camion was commissioned to provide Data on STR's Major Findings included:

- a) Providing Affordable workforce housing High priority Mixed Usage, Single family, dorm style apts.
- b) Better Data and Tracking is needed to understand the impact of complaints against STR's inc. noise and nuisance issues. Create a Public Housing Assistance Program

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- c) Create a Workforce Housing Fund,
and many moreread the study!!

Why is The Board disregarding the Data found by the Camion group? This was a costly study with sensible suggestions. Instead The Board is focusing on their own disciplinary arbitrary ideas, like 90 day cap.

Where are you getting this number from? No studies/data, prove that this amount of days will have a positive impact for home owners or the community.

Common sense dictates that tourists will go elsewhere to spend their money, if there is no where to stay. The demand and lack of supply will deteriorate the reputation of Placid as a tourist destination. Closed up homes will fall to a state of disrepair, as owners profits have been taken from them to provide up keep.

These STR's are "personal businesses" that are created and nurtured for a Profit. The Profit is what offsets the owners' taxes and upkeep of the home by local workers, to enjoy their 2nd home with family and friends too!

Is that what the business community wants?

The gov recently stated his staff could not find a place to stay between Lake George and Lake Placid.. ... You do realize the people employed by STR's ie cleaners, carpenters, caretakers, plows will have their wages cut in half, with a 90 day limit on rentals? These workers, STR owners, local businesses all deserve far better from their elected officials. Not planning for the future has brought us to this impasse. Please be conscientious in your pursuit of a just and equitable law/solution, to one of the profitable and social backbones of our community, STR's.

ANTHONY LAWRENCE

“I want to talk to you about Chickens & Weasels. When I was a boy The Lake Placid Club owned some multiple-dwellings known as The Knolls Farm, or locally, “The Chicken Farm”. Mr. Bickford was in charge of these hen houses—Whenever he heard a weasel he didn't rush off into the darkness and blast away indiscriminately with a shotgun. Killing a weasel before it sucks the lifeblood out of all your chicks requires a good light, a good sight, and a good aim. Mr. Bickford never left a bloody trail of collateral damage—He shot the predator and spared the prey.

In the Short-Term-Rental Issue, there are predators: I call them Hotel-Except-In-Name, that is, HEINous HOUSE owners. Their, albeit unintended, prey are North Elba's authentic HOME owners. Since a Commentary I wrote appears in today's ENTERPRISE, I need not speak long. I ask that that article be appended to the minutes of these informal comments.

Also in today's ENTERPRISE is a letter by another Placidian, Sven Curth. I heartily second what Mr. Curth writes, and ask that his letter also be appended to the minutes. The Great American Philosopher Gilda Radner—posing as ROSEANNA ROSEANNADANNA—famously said, “It's Always Something”. Many less than wealthy home-owners are surprised by emergencies—they always “happen” and they are never scheduled—surgery/rehab—accident/recovery—unemployment/reemployment—military callus/Nine-Elevens. Death/Divorce/Dismemberment/Disease/Discharge! All unscheduled tragedies and dramas= → IT'S ALWAYS SOMETHING!

In many of these cases the short-term cash-flow from a short-term rental enables the working-class home-owner to keep their hearth, their financial health, and their mental health intact and wholesome.

HOLY COW! The last thing such a home-owner needs is to play some game of “May I”—“May I take one giant step now?” “May I keep my home that I worked so hard to get?”—with some distracted/disinterested Town Hall Bureaucrat shuffling Red-Tape and ridiculously redundant regulations. What am I asking?—Asking for the Town & Village not to throw out the baby with the bath-water! SMART REGULATION—SMART TAXATION—SMART REPRESENTATION. Not Sham policies such as Nixon's infamous Odd/Even gasoline rationing, or the national 55 mile-per-hour speed limit, or the 18th Amendment= →

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PROHIBITION. Don't "Sham" us. Don't hit the chickens, don't destroy the golden goose—as Nat King Cole sang. "Straighten Up And Fly Right—Get The Monkey Off Your Back."

PATRICIA STANTON

This is not a local vs. out of town issue. This is a local law impacting local people and I am one of them.

My name is Patricia Stanton and I moved to Lake Placid 37 years ago. I am married to Lee Stanton, Jr., who was born and grew up in Lake Placid. We raised four children in this community and are active in many local organizations. We volunteer and we vote, and like many other locals we own a vacation rental. Lee and I are small business owners. We own and operate Speedway Automotive, a local auto body shop. We have no pension plan or 401 K waiting for us at retirement and we were planning on using our vacation rental income to support us.

We recognize the problems that some vacation renters have caused the Lake Placid community. Our guests are made aware of the local noise ordinance and where they are allowed to park. Our names and contact info are posted outside the side door and we meet almost every guest. We are not opposed to regulation. We obey laws that are in effect now and will abide by any future laws.

We do however, take issue with the 90 day cap on non-owner-occupied rentals. Few people would be willing to maintain a property that they can only use 25% of the year. A 90 day cap would significantly lower our vacation rental income and would leave our house unoccupied for most of the year. A 90 day cap would likely lower the value of our property.

If the purpose of this law is to safeguard the public health, safety and welfare and to achieve a balance between short term rental owners and local residents then these issues would be addressed through regulation and oversight. A 90 day cap is broadening the scope of this law. Not only would this limitation place excessive restrictions on the use of my land, I believe empty houses go against the purpose of this law.

Please do not proceed with the adoption of this law until a reasonable justification for the 90 day cap is given. Thank you.

CAROL NEVULIS

My name is Carol Nevulis and I am a resident of Lake Placid. My family has been a part of Lake Placid dating back to the early 1900's. My grandparents at one point owned several homes off of Hillcrest Avenue on Highland Place for the sole purpose of renting rooms primarily to figure skaters and other sports figures in training but also to vacationers for weeks or a month at a time always offering breakfast. My grandparents took pride in living in and owning these homes and providing warm and inviting lodging allowing people to experience what Lake Placid had to offer. They were ever present responsibly overseeing their guests and properties. This was their major source of income so I can appreciate residents wanting to cash in on people vacationing in Lake Placid.

The above scenario though, is must different from people living out of town who are purchasing properties in the same area for the sole purpose of making money turning residential neighborhoods into transient communities. This transition in neighborhoods has taken place insidiously over many years and reversing the pattern will be very difficult but must start somewhere and must have the interest of Lake Placid residents in the forefront not out of town homeowners.

Thank you.

JAMES BROOKS

As the Town/Village are proceeding to address Workforce Housing and Community Housing needs by proposed processes with others, except for the registration and safety related provisions now in your draft STR laws not objected to by most STR owners, why adversely impact those taxpayers and their employees, by imposing the unreasonable time limitations of a limited number

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of days each year. These laws will cause the loss of those customers and the income from their spending to other local businesses such as our restaurants, retail stores and sports venues as well as the loss of the taxes to our local and county governments. A further adverse impact will be to the high level of regular and attractive maintenance that keep our community looking good. Get those two housing projects going and see if they solve the housing problems. Don't risk loss of the economic benefits we now have by the STR's in business here.

The Community Housing Report by Camion Associates at its page 5 Executive Summary findings support the registration, safety and nuisance concerns rules. It affirmatively reported that our STR's are not the root cause of the housing deficiencies. Let's not create additional deficiencies and hardships as you are solving housing by those two projects. Once the tourists we advertise for are required to look to other communities or other States not only will your local residents and merchants that have jobs maintaining and supplying those tourists and the revenue they bring into our community will be permanently lost. There are too many vacation oriented communities fighting for the very business we now have. You may be destroying a significant part of the economy of the community we need in the years ahead. Large families with kids playing in our parks are gone forever. They play at the Rink or Whiteface Mountain or with their phones. We can't reverse that trend.

The Camion Report study acknowledged that "Better data and tracking is needed in the future to fully understand the impacts of STR's on the community." (pg. 5) It made no recommendation to self-inflict the wound of a limit on the days of rentals by STR's. I know of no other research that supports the limits of 75 or 90 days as a reasonable basis of solving the concerns of others speaking here tonight. Those time limitation numbers are arbitrary, unreasonable and capricious with no supporting studies to evidence they are rational. Have you imposed similar restraints on our local hotels, our motels, our restaurants, our retail stores? Zoning laws and Code Enforcement Officer's work are not intended to regulate the normal operations of businesses. Those time limits do just that. Your proposed laws are saying that it is o.k. for an STR usage of a property for 75 or 90 days, but not o.k. for the rest of the year. Your laws are putting those taxpaying employers of local workers out of business for 290 or for 275 days each year. Guess whose jobs will need to be eliminated? In my view, the time limits are illegal and unreasonable provisions.

Remove those time limits and the Village, the Town and the majority of your residents and the economies of both communities will be better served.

TRISH FRIEDLANDER

The proposed law amending the Village of Lake Placid/Town of North Elba Land Use Code is misguided in its response to vacation homeowners.

The intent of the 2011 Land Use Code was to designate residential areas, free from commercialization. It further attempted to address the complex issue of affordable housing by expressly prohibiting transient rentals in accessory dwellings and, by logical extension, in primary dwellings as well.

The primary issue is NOT with the 2011 Land Use Code, but rather with its lack of enforcement. The lack of enforcement of this code has never been clearly addressed. It appears that constituent pleas to preserve residential neighborhoods have fallen on deaf ears, resulting in the current flawed proposal. The preservation of our residential neighborhoods is what this community in crisis wants and needs.

Since the current proposal is misaligned with the vision for our community, well delineated in the 2011 Land Use Code, we advise the following:

- 1) Keep the language in the proposed February 10, 2020 amendment allowing permanent residents the ability to welcome guests as has been long-standing tradition?
 - 2) Change the 90-day limit on short-term rentals for vacation homeowners to 30 days.
- Allowing the vacation homeowner to rent for up to 90 days, as the February 10th proposal states, is clearly allowing a business to operate in a residential district. 90 days

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of rental is not at all restrictive - it is the majority of the summer and almost every desirable weekend in the fall and winter combined.

- 30 days allows the vacation homeowner some flexibility to off-set expenses and, additionally, is a more manageable number to regulate. A vacation homeowner renting for 30 days or less is not disruptive to the character of the residential neighborhood, 90 days is. Vacation homeowners who wish to rent for more than 30 days are welcome to invest in our commercial districts.

Other communities in New York State and around the country have enacted similar legislation to maintain residential districts free from commercialization. Our boards should not be afraid to do the same. As the boards so accurately state on page 2 of the February 10th proposal, "the historical nature of the community has been that of a small, residential resort community of owner-occupied dwellings and that extensive short-term rentals endanger the residential character of the community and may cause disruption of the peace, quiet and enjoyment of neighboring homeowners."

Let us work together to maintain a healthy community, free from predatory investors destroying residential neighborhoods.

SHAYN AND KAREN ARMSTRONG

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Let us work together to maintain a healthy community, free from predatory investors destroying residential neighborhoods.

DENISE DRAMM

There is nothing in this law that would stop the growth and further encroachment of STR's in our residential districts!

We must have a law that would stop further encroachment of commercial hotels in residential neighborhoods.

Fact- In 2011 the boards passed into law the very zoning code that protects residentially zoned districts. Mayor Randall said at that time, "this will become our new bible".

Fact- For the last 15 years they have not done their due-diligence in enforcing this code, nor have they asked their code enforcement officer past or present to do so, as they did with the all-important "Sandwich Board" sign code.

Fact- This law takes Rooming/Boarding houses out of "Conditional Use" in some districts, and puts it in the Definition of Short Term Rentals.

Fact- New York State Sales Tax Publication 858, page 8, states that Rooming/Boarding houses are in the same category as hotels/motels, and must pay sales tax! Rooming/Boarding houses do NOT fall under the state "Bungalow Law".

Fact- This law is attempting to supersede State Law.

Fact- This action if allowed would cause Essex County to lose 4% of said sales tax, and further decimate our neighborhoods.

Fact- The boards are attempting to change existing code that protects residential neighborhoods.

Fact- STR's are running commercial hotels, but paying residential property tax rates!

Fact- The boards are using discriminatory practices by allowing "Main Street" STR's an exemption from most of the proposed law, which all other STR's must comply with.

Solutions-

1. From date of new law, any STR will have 60 days to apply for a temporary use permit.
2. After the 60 days, there will be no further permits given in residential districts that are not owner occupied by a legal resident of this community.
3. These permitted STR's will be "Grandfathered" for 10 years, or until the property changes hands. They will then revert back to residential use, ONLY!
4. As long as they are running their "home" as a commercial hotel, they will pay commercial property tax rates!
5. STR's operating in commercial districts should have to adhere to all regulations set forth in this law, except the 90 day clause, since they are in a commercially zoned area.

To the boards- This proposal does NOT achieve any "BALANCE" for our community or stop the proliferation of STR's in residential neighborhoods.

Let me make myself perfectly clear to all non-resident STR owners- You are running commercial businesses in our residential Neighborhoods! This is WRONG! You only have businesses in residential neighborhoods because our boards failed to enforce the land use code, and do their due-diligence!

FRED ACE

What I want to say is that this new law is a disservice to the voters and the residents of this town. I know most of you people have been on the Board a long time and I think what is happening here is that you are getting complacent. Instead of following the laws that were presented in 2010 and having your code enforcers enforce them you have allowed it to mushroom. Now you are facing a dilemma and that dilemma is the fact that most of you and previous boards, realtors and so forth, including a board member which I find very unusual to say that a bad law is better than no law. Think about that, and you are allowing that to occur. Instead of enforcing the rules that were set forth in 2010, I know you are avoiding a law suit because the realtors have been socking our neighborhoods with these vacation rentals. They may not say it on their webpage in identifying their houses for sale but I guarantee in the closing sales pitch the realtors are telling them they can make money.

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DEBBIE ERENSTONE

I will try and be brief. Thank you very much for your hard work, I know that this is not easy for anyone. We are all in this room here because we love our Town even though we are on many different playing fields on where we stand on this issue, we all want to see our Town succeed. I really look forward to however we get past this, us all coming back and working hard together and that we can mend some of these wounds that are being ripped open. Thank you for that

In reading through this most recent draft it sounds like a lot of the specific concerns raised by residents have been addressed. I only want to speak to 2 points specifically. The first is the one thing I do find surprising is that while I personally feel the 90 day restriction is a good way to discourage people clearly we have allowed this to occur where short term rentals have become pervasive in a number of neighborhoods and a good way to make that less desirable is by limiting to outside investors, people from outside our town wanting to buy up our properties and not really being invested is by making them less profitable. By limiting that to a 90 day restriction that makes sense. It is less of a burden to that neighborhood they don't feel like this business is overrunning their neighborhood that allows for someone who just rents their house out on occasion to still help pay their taxes or help fix their roof that makes sense to me. I am a little confused from what I understand these restrictions also are going to apply to commercial property STR's but then there is a carve out for Main Street and clearly of course for hotels and other types of lodging. I know a big part of this effort and a big challenge in drafting up this legislation is to come up with something that is fair, not all of us are going to be happy with the outcome but we want it to be fair. By handling it that way it just doesn't quite make sense to me because it really does seem to put in writing that it is showing favoritism over a certain type of lodging in our community and discriminating against businesses that are not on Main Street because yes, our short term rentals are businesses and if it's on a commercial property why is it being restricted in the same fashion as it is in a residential area?

That is my point, thank you.

STEVE SAMA

My name is Steve Sama. My wife, Bronwen, and I live in Blueberry Hills here in the Village. We really like living in Lake Placid. However, we are concerned that the character of our neighborhoods is changing and not for the better. It is apparent to us that the Land Use Code we thought was the Law has enforced with regards to transient rentals in residential neighborhoods. We are seeing homes of families being bought and converted to commercial businesses in our residential neighborhoods with no review by the zoning enforcement for the impacts on a neighborhood. This commercial use of property is clearly prohibited by the Code.

The Camoin Work Force Assessment and the Short Term Rental study commissioned by the Town and Village have provided strong evidence that there are significantly fewer locally employed workers living in Lake Placid and that there is a declining year round population. The number of families living in Lake Placid has declined as has the school population. There is a clear connection between the increase in STRs and the decrease of available workforce housing. This trend does not sustain the economic wellbeing of the community.

I believe the proposed new law will not stop the erosion of the residential character of our neighborhoods. I agree that registering and regulating vacation rentals needs to be done but I also believe that any new proposals should be careful to not contradict the current Joint Land Use Code which is intended to protect residential neighborhoods. Thank you.

DON SCAMELL

Gentlemen and Lady-

Thank you for the time and thank you for your work. Thank you all for the time and effort put into the subject matter, STR law amendment. After studying it I am impressed with much of it, I also agree with your earlier understanding that this is but the first step of an enormously difficult situation. I find it both puzzling and distressing that nowhere within this amendment the first of these issues would be following present Land Use Code regarding zoning law. The second issue is the temporary ban or moratorium (temporary) on non-locally owned STR's. These STR's the other non-locally owned are businesses. Reportedly there is a doctor from out of town that has 7 STRs in town. Do you have any intention to address these two issues in any future amendments?

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This community, this group of families and neighborhoods and generational friends defeated Wal Mart. Fought them back and defeated them easily because we got together. If we can defeat Wal Mart certainly we can push back these non-locally owned STR's. Thank you for your time.

CATHERINE BEMIS

My name is Catherine Bemis. I am a small business owner, school principal, and rental property owner. I am local. I chose to buck demographic trends to move here and start a family and I am able to stay here and support my family by combining multiple income streams as is the Adirondack way. I have a vested interest in maintaining and improving the vibrancy of Lake Placid. I struggle with low enrollment numbers in the school setting and with difficulty finding employees for my two Main Street restaurants. These are problems I do not believe to be directly tied to the rise of the short term rental market. I blame the lack of affordable, higher density housing to support year round residents working in the hospitality industry. Even without AirBNB minimum wage employees are unlikely to be able to afford to rent or buy single family homes in our area. The scarcity of workforce accommodation is the true crisis that has been largely left out of the local housing debate.

I do believe regulating short-term rentals is important, but I do not believe the proposed regulations are in the best interest of the town as they stand with the inclusion of a 90 night annual rental cap. These regulations create a de facto ban by ensuring short term rentals cannot be profitable. This will hurt the tourism our town and businesses rely on. Travel has changed and maintaining the availability of short term rentals is essential to being an attractive destination. Without offering short term rentals for the modern traveler, we will be replaced by more inviting and affordable destinations.

Please do regulate the short term rentals. Take care of safety, parking, noise, and public nuisance issues. Decide how many permits to issue to ensure there is a balance between long-term and short-term options, but don't regulate to exclusion as it will push out both tourists and the locals who use this income to support their lives here. Please do what is best for the town and remove the nightly rental limit.

NICK SELENI

Hello, my name is Nick Seleni I live in North Elba and I own a caretaking and construction business with my wife here in Lake Placid. While most restrictions purposed are straight forward there is one section that is going to be a detriment to the economy of this Town. The idea of capping the number of rental days is not only impractical but misguided. The basis of this law was to attempt to preserve the feeling of community and to help begin the process of solving the affordable housing crisis in this town. Unfortunately the proposed cap on days will not help accomplish either of these goals. This regulation will have several side effects, none of them positive. For starters, homes that have filled their 90 day quota will sit idle and dark for large parts of the year. This will not help add to your sense of community but will create a feeling of a town in decline. Secondly, the owners of these properties who rely on renters to own a second home would be forced to sell and forced to put the properties up for sale. The large and mostly unmentioned problem here is that these homes are not only too large for a local worker to buy but certainly the price would be prohibitive. Also, these properties are not conducive to long term rental options. The third and maybe most severe issue will affect workers and the local economy. Whether you work directly in the tourism industry or not, you are a benefactor of what goes on in this town. Cutting the potential income from short term rentals will hurt everyone. With less money coming to town fewer people will be employed and many locals will be dealt a tough hand plain and simple. We invest millions of dollars to bring people to our area, the state spends millions to prop up our Olympic venues, this has been an area of recreation and tourism for well over 100 years but we are not immune from the ways of the modern world and today's super convenient click and rent culture, tourism dollars can flow anywhere. This town will already struggle over the next few years with the upheaval of the Main Street corridor project and the work around the Olympic center renovations and parking structure. The increasing unpredictability of the weather both summer and winter as well as an increasingly negative view of our country from travelers abroad will also hinder the potential of this town. If you also limit the availability of rentals you will see a decline in revenue across the board. This town is tourism there are no new industries coming here, you can't invite the world here and not have the

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accommodations they desire. This will create a ripple effect that will hinder the options of this town to draw large scale events in the future. While we pride ourselves in this areas uniqueness people can go other places to enjoy the outdoors. If you can't offer the public what they want, they will go elsewhere. You will also see the slow and unstoppable degradation of properties around town as people lack the resources or interests in keeping them up. This law is most part sound but without fixing this terminal flaw you will create an economy that is in decline. You will also see the community begin to wither away in ways you likely will not anticipate and the repair for this mistake will be far more difficult than the challenges we face now.

ANN O'LEARY

I would like to thank you for taking the time to consider all sides of this argument. It is a fine balance between growth and sustainability and we are currently at a tipping point. We have approximately 30 legitimate hotels and motels and more hotels being added as I speak. As a commercial rental owner was quoted "Lake Placid would be a ghost town without vacation rentals." Wrong. It would be a ghost town without tourists. More is not better. Hotel rooms sat empty last weekend because of the dent made by notable increase of vacation rentals this year. The real issue in my mind lies in the code. It was a well thought out and well written by the very body of local government I am speaking to. It was put in place to be enforced and prevent exactly what has been allowed to occur in our Town and Village. It has not been followed. I recently won a lawsuit in the State Supreme Court it concerned single family residential occupancy in the zone only allowing this. To simplify the argument was that an ever changing occupant was not considered a single family, again code was not being enforced and I was required to hire a lawyer and watch this go to two appeals after the original verdict. We won across the board and code held. Residential vs. commercial is at the core of our current argument. Current Land Use Code does not allow for transient short term rentals in residential areas. Why hasn't this been enforced and how could the new code not be in violation of the Land Use Code? Once this has been changed or amended there will be no turning back and our neighborhoods will be authorized by you to further deteriorate. I am not even entertaining the thought of permits, fines, number of people, etc in residential neighborhoods because it simply isn't legal. As a 30 year full time resident of Lake Placid I can tell you that our sense of community, safety, and future well-being of the town we love is in jeopardy. Now is the time to secure it. Thank you.

HEIDI ROLAND

At the August public hearing many residents spoke out about how their neighborhoods had changed from the effects of neighborhood homes being converted to vacation rentals – effects ranging from late night rowdiness, parking issues, skyrocketing property assessment and taxes, diminishing resident population, lack of workforce housing and residential neighborhoods becoming commercialized with houses acting as unregulated hotels or rooming houses.

Many of us left that public hearing with a feeling of unrest and have looked closer at the Joint Land Use Code – the law of how land and buildings can be used in different areas of the town and village. The land use code states what is allowed and prohibited in a residential district.

Houses been converted to strictly vacation rentals are commercial businesses and commercial business is prohibited in residential districts without a review process. That review process has not happened with any of the hundreds of vacation rentals in Lake Placid. The Code Enforcement Office has a growing stack of complaint forms asking for an explanation for the lack of enforcement of commercial vacation rentals in residential districts.

When the 2020 proposed STR legislation was released many of us were surprised to find that there was no specific language regarding the restriction of vacation rentals in the residential districts. Did the elected officials not hear us at that August public hearing?

I truly hope the elected officials do realize that registering and regulating vacation rentals is a preliminary step. The other step must be a decision as to where short term vacation rentals are or are not appropriate. That should have been the first step. We must get in step soon and before any final decisions are made.

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I believe houses used as commercial enterprises are not allowed in residential districts per the Land Use Code and should be restricted. I understand the tradition of owner occupied rentals. I believe regulated STR's operating in the commercial and the gateway mixed-use districts is appropriate. I agree that all vacation rentals should be regulated.

I continue to be very concerned that issuing a permit for a use not currently allowed in the land use code could legitimize these uses in residential districts.

Any legislation proposed should reserve the right to rescind a permit contingent on changes to the Joint Land Use Code.

I truly hope you are listening to the voice of the community tonight. We are the people who live, work, play, raise families, run businesses and volunteer in this unique resort town. We deserve to have a place to live without commercial business ventures next door. That place is called a residential district... and it is defined in the land use code.

BOB MASWICK

Good evening, my name is Bob Maswick and I live on the corner of Grand View and Oneida.

We're going to hear an awful lot of comments on the proposed amendment tonight, but I'd like to use my 3 minutes to recognize the 800 lb gorilla in the room and that is the TOWN OF NORTH ELBA/ VILLAGE OF LAKE PLACID PLANNING AND ZONING CODE, which was EFFECTIVE JANUARY 1, 2011

This document guides land use and development in our community.

When Northwood School decided several years ago to convert a single family dwelling into a residence for students and a supervisor, the Code Enforcement Officer determined that the proposed use was not allowed. The building was in the South Lake Residential district, where "Single and Two-Family Residential" and "Accessory Dwellings" are the only "Permitted Uses", and only three "Conditional Uses" are allowed.

"Single-Family Residential" is defined, in pertinent part, in the Land Use Code as:

A detached dwelling unit designed for year-round or seasonable occupancy by one family only.

The term "Family" is defined as:

A group of people, related or not related, living together as a common household, with numbers of persons and impacts typical of those of a single family.

The Zoning Board of Appeals noted that the South Lake District was "**the single most restrictive district under the Code in terms of types of uses involving overnight occupancy**". It determined that the School's proposed use was not allowable, noting a relative lack of "permanence" in the groups of students who would reside in the building.

The ZBA's memorandum of law (written by Town Attorney Briggs) argued that the objective of the South Lake District is "**to maintain its current character and intensity of development**". The brief also noted the rotating faculty on-site, limited student use of the kitchen, students' eating most meals in the school dining room, and the annual changing composition of students as factors not consistent with a "family" as defined.

The Supreme Court sided with the ZBA, granting its motion to dismiss. The case has been argued at the Appellate Division in March 2019, and parties are awaiting a decision.

The Town Attorney advised the Town and Village boards at a joint meeting on March 26, 2019 of the Northwood School litigation, now on appeal to the Third Department appellate division. He described the School's proposed use of a "single family residential" as a "dormitory":

"...The Appellate Division is going to make a ruling in that case. The issue in that case is, was that use consistent with a single-family residential use in the definition of family in the Land Use Code... Forget about this local law, there is a legal question whether or not you can do a short-

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term rental in a residential District under the Existing Land Use Code. This case is going to resolve that question. We have that to consider how we go forward with this."

While the attorneys viewed the decision as relating to businesses within residential districts, the ZBA and Supreme Court decisions focused on the definition of "family/" within the context of "single-family residential". I'll note that the definition of "family" does not vary from "single-family residential" to other "residential" buildings, nor from residential districts to non-residential districts. Perhaps the most important aspect of this is that it should be understood that the ZBA's decision is the official interpretation of the Town and Village of the Land Use Code, unless and until overturned by the Appellate Division.

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We're fast approaching the 10 year anniversary of the Land Use Code and there is ZBA's

PETER ROLAND

Good Evening and I too would like to thank you for your efforts. For the record my name is Peter Roland and I live with Heidi Roland on Hillcrest Avenue. We all wear many different hats in this community. My hat tonight is as a member of the Joint Community Housing Committee. I agreed to serve on that because I knew we had a problem and I was willing to spend my time helping to search for solutions for that. What we knew is that we had a problem, what we didn't know was the magnitude and that was researched and addressed by the Community Housing Needs Assessment. The Camoin report stated:

"The Town of North Elba and Village of Lake Placid are facing a workforce housing crisis."

Crisis is a pretty strong word. Especially coming from authoritative sources like that, it got my attention and I assume it got yours. In the magnitude of the need is daunting if you read that report. I will quote again:

"A growing number of short term rentals in the community while not the root cause of the crisis has the potential to exacerbate existing housing affordability and availability issues for the workforce which must be balanced with the positive benefits they provide the community."

The study did establish a clear link between the increases in short term rentals and the decrease in long term rentals that would be available to the local work force. The Camoin report goes on to state:

"There is no general consensus in the literature as to the impact of short term rentals on housing prices. The impact of short term rentals on housing values is largely anecdotal due to lack of data. In other words not enough longitudinal data. I can give you some anecdotal evidence as the result of the revaluation in March of 2008 and a fact that a number of the commercial enterprises that are operating in my neighborhood have been flipped. The assessment and taxes for a number of houses in that neighborhood went up in the range of 50% and that is shocking. Those increases were a direct result of the sale of commercial rental properties nearby, full on businesses that are operating. My father always told me where there's smoke there's fire and I believe that. We can't afford to ignore the trend that these businesses operating in residential districts, I'm not talking about commercial districts are driving up housing prices making them even less affordable. My neighborhood just happens to be on the leading edge of this trend. I don't care where you live in the Town or the Village if you think this isn't coming to a neighborhood near you, and you are sadly mistaken because it is. Unfortunately the people that are most affected by these trends are those that are least likely to show up for a public hearing or submit public comment. Those are locals with unmet housing needs and commuters that would like to live in Lake Placid. We need to keep them in mind, they are the silent majority. The data and findings from Camoin Associates validated what we knew to be true, we are at a critical

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junction we need to find a balance between accommodating visitors and having a sustainable community. I too thank you for all your efforts this is not easy.

MARGIE GALLAGHER

Good evening Boards, thank you very much. My name is Margie Gallagher I am a resident of Lake Placid and this statement is in support of the mission of the Residents for a Sustainable Community. Lake Placid Residents for a Sustainable Community is comprised of Town and Village residents united in the concern that our community is being seriously and irreparably damaged by the conversion of residential housing into commercial enterprises. These for profit businesses are destroying the essence of our neighborhoods making them unaffordable to working people and eroding Lake Placid's economic sustainability. The goal of RSC is to restrict STR's in residential neighborhoods by effective and consistent use of the joint Lake Placid and North Elba Land Use Code. There are many reasons why the proliferation of certain types of residential rentals are changing the character of the area. A very significant problem is the loss of affordable housing for workers, young people, and new families. This is driving down the ability of businesses to have quality employees and critically reducing the school population. The study commissioned by the Town and Village very clearly points out that we are at a tipping point with being a sustainable community. As a teacher in this Village for 30 years it breaks my heart to hear young Lake Placid high school graduates say that they would like to stay in the area but cannot afford a place to live, short of staying in their parent's basement. This is a great loss for our community. The other big issue is the changing character of the residential neighborhoods with people in traffic constantly in and out, excessive noise, and rugby songs at 1AM, parking all over the place or in other peoples spaces. These are not neighbors and cannot make a neighborhood. This is not to say that all STRs are causing trouble. The occasional rental of a garage apartment, spare rooms or the guest cottage while the owner is in residence is not the issue here in my opinion. Making supplemental money to cover taxes and upkeep is understandable, however large capacity for profit businesses with absentee owners in residential areas are a problem. While the proposed legislation will address many of these issues it avoids a critical point. Will this legislation give tacit approval of these businesses in residential neighborhoods? I fully appreciate all the time and effort people from the Town and Village have put into this issue, it is emotionally charged and it is not easy. Taking time to listen to the concerns of those of us who are residents of this beautiful place is imperative. Thank you for continuing the dialogue.

RHONDA PRESTON

I just want to say thank you and as Peter so eloquently spoke I am one of those people that swore I would never come here, I would never say anything in public because I truly like to be a good neighbor. I do want to say that I live in a ghost town Monday-Friday and on Friday every neighbor is rented. Rented by possibly 5, 6 cars, and 20 people. My biggest concern is and I have been a good neighbor, I don't complain when they park where my parking spot is, I walk. I look at the roads and the roads are completely deteriorated. I look at the lights that are left on 24/7, water running, washers, dryers, the infrastructure, the waste of the absent owner, they are not here. When they are here they complain about how much money they have to spend to be here. They don't care, they have a lock on the door, the person comes they push a code and they're in. No one knows how many people are there. My concern is that I spent 3 years before I found this location because my parents sold their home in Lake Placid to whom they thought was a young family that was going to maintain this home and now it is a vacation rental. I pay a large rent so I can live here and take care of my mother and enjoy Lake Placid. There is no enjoyment when you are surrounded by rental properties, there is no enjoyment, it is noise and it is constant coming and going around the clock. I do not know the owners that live on five sides of me, I have no idea who they are. I once in a while think I may know who they are but they are not known. I just ask that if there is a code in effect and there is a law then that's try to keep that and it has worked and has been effective up until now. Maybe we should ask all the rental people if they have the 90 days and they think this is really going to curtail their business then how many days do they rent. If 90 days is not enough then how many do they rent, do they really rent that many? I do work for a realtor in town and I do clean 3 properties and they are very well kept and very nicely owned by the owners. There are two sides to every story but I do know that if my owner decided to sell tomorrow I have nowhere to go. There is nothing in this Town available for me to rent, I have seen for 3 years everything that there is available and I know what there is

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out there and that is my concern to you. If you have a law and you can stick with it and take time to do what you have to do then great, thank you.

STEPHEN DOXZON

I would like to thank you all for taking the time to do this so we can have some input in the laws of our Village and Town. Considering the proposals that have been put forward I find that personally it seems that the way some of it is written it is going to be difficult to go forward with it. A couple of issues that I have come across and it appears first of all that the proposal places commercial use into residential districts and commercial use isn't permitted in residential districts including the lake districts. It seems inconsistent to permit a specific transient rental commercial use by the Land Use Code. Either commercial use is prohibited or it is allowed, I don't see how it can be both. Further there appeared to be numerous definition inconsistencies, many of the listed dwellings in the definition of short term rental are by existing definition of the Land Use Code, not permitted to be used for transient use. Transient use also brings up inconsistencies in definition in permitted uses. The same language used to define transient is also used to define short term rentals. This I would think would render short term rentals as a non-permitted use in any residential district. I don't see any distinct difference between transient and short term rental. Where would short term rentals be permitted? Section 10.2 of the Land Use Code deals with definition of terms used throughout the code. There is no amendment or change to any of the base district standards to allow or disallow short term rentals in a residential district. However, transient uses well defined throughout the Land Use Code. Current transient use of dwellings being allowed by a negligence of enforcement of the existing Land Use Code. I think this is where we need to start, thank you.

BILL BILLERMAN

As residents, we are witnessing the continued shifting of the local economy and recognize that it is changing and having an impact. The owner occupied transient rentals, part of our tradition in hosting visitors, are a way of increasing revenue for our residents and are not the issue. There are more and more corporate investment "transient" rentals in the residential districts that have a recognized detrimental impact to the neighborhoods and the future of our community. These "Transient" investment properties are, in my view as a Planning and Review Board member for about 13 years, should not have been allowed in the residential districts but the Land Use code was not enforced, creating a "Gold Rush "of more investment commercial properties creating the current situation.

The proposed legislation does address the health, safety, and nuisance problems. But does not address Commercial enterprises in residential districts, which is not an allowable use according to the current Land Use Code, and, as such, legitimizes current rentals. So I am proposing that the legislation be amended as such:

11.1

B-This section shall apply to properties in commercial and gateway districts; 2.6 Village Center, 2.7 Gateway Corridor, and 2.8 Old Military: within the Village of Lake Placid and the Town Of North Elba and shall also apply to hosted short term rentals in which the host is a permanent resident and owner who lives on the property for at least 275 days per year and is on the premises from 10 PM to 6 AM during the term of each rental, excluding the area of the Town Of North Elba located within the Village of Saranac lake. In all other districts transient short term rentals shall be prohibited. Existing non hosted non owner occupied short term rentals in the prohibited residential districts shall be considered a commercial use and shall continue to operate only if:

- (1) The owner of short term rental continues to obtain a short term rental license
- (2) The property is held under the same property ownership as of the effective date of this amendment to the Land Use Code

11.2

B (5) ...Contact person must be located within 30 Minutes by car...

- (15) A working land (phone) line must be available in the short term rental in case of emergencies.

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11.4

The maximum number of motor vehicles for a short term rental unit shall be one
(1) Vehicle per bedroom. If the number of off street parking spaces provided does not meet this requirement, the short term rental unit may only occupy the equivalent number of bedrooms.

The proposed regulations do not address another nuisance factor- dogs. We happen to live next to a rental that allows dogs, and most times they are just let out in the yard, left to wander to our property. Add in the regulations that Pets should remain on the rental property and be a legitimate complaint when filed with the Code Enforcement Officer. .

Two weeks ago a number of residents submitted zoning code violations of our existing Land Use Code citing transient rentals as not being a permitted or conditional use in our residential districts and should be addressed and enforced. We have not received a response. You have the future of the community in front of you.

WAYNE JOHNSON

First of all, I would like to thank you all for the courage to address this and for your commitment to finding the right balance for our community.

I have two specific comments and one general one.

I advise against the 3 day minimum stay requirement outlined in 11.2.B (d). This requirement seems unreasonable given human nature and the demands of the market. There are other, more targeted ways to address inappropriate behavior by renters.

I recommend more clarity in the language concerning parking to preclude what I see as a pending source of complaints and bad feeling. The relevant sections are 11.2.C (2) and (3) as well as section 11.3. I do believe that car parking that overwhelms a neighborhood is a major irritant with or without other inappropriate behavior and/or noise.

You require 1 off street space per 4 permitted occupants which seems reasonable for families. However, many events attract singles or couples who choose to share the house. In these situations the minimum required off street parking is not likely to be sufficient. Nor is this likely if you factor in guests coming over.

You require tenants and guests to not park on lawns nor on public or private streets. I applaud this. However, will this be true 24/7? The language does not specify hours of the day.

Big Picture comment:

There is a role for vacation rentals in today's marketplace. Most of our problems stem from the demand for *so many* of these houses. This over-sized demand does not come from the occasional family reunion or wedding. Rather the high demand (and therefore the big dollars) comes primarily from the size and nature of our events. If we are going to have these very large events which sell out virtually all the lodging available, the pressure to convert more residential housing to temporary housing will continue.

Events can add an important plus to our community (not just economic). However, big events are more difficult to manage (both for the organizers and for us) and do strain our infrastructure (as well as patience). Clearly certain event participants are more inclined to be rowdy or otherwise abusive.

Not all business is good business for us or our community. We all have to make choices. These choices require a good balancing of costs and benefits....both publicly and privately.

Again, thanks for "taking the heat" and striving to find the right public balance on this issue.

LISA FORREST

Good Evening. I started living here a couple of years beyond half a century ago. I remember when I first got there driving down Hillcrest Avenue at night seeing lights on and the different houses as you can imagine people are finishing dinner, maybe stacking the dishwasher, kids were doing their homework, it was a lively street. Following the Olympics I moved to NYC for about

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5 years when I came back the first time I drove down Hillcrest all the lights were off, it was an entirely different landscape. There were still some on that were apartment houses divided up but a lot of the houses had been bought for vacations and morphing into vacation rentals. If you go down the street now you see very little at night. There is very little vitality and the reason there is no vitality is that children are gone. I think that probably one of the most previous assets this Town and Village has is its youth. So far the schools have lost over 31% of its students, at the rate this is going if you look in the newspaper you will see LLC's advertise every week. The rate this is going there will be another third gone and after that there will be no sustainability to the school district they will have no choice but to fold and merge with Saranac Lake. One other point that I would like to make is that there is a lot that's been said about money being brought into the community by these short term rentals, I rather think that a lot of the money that's coming in coming through the community first of all the money that goes for renting, goes right into the absentee landlords pocket. Secondly the second largest cost vacationers have is food and that goes to the supermarkets. That goes right out of here, sure there is some employment in the supermarkets but very few of them live in Lake Placid, they can't. What I am asking here is for you to reconsider amending this law and putting it back to where it rightly belongs, that there be no STR's within the Village. Perhaps in the Town, I haven't really studied that but in the Village it is destroying the neighborhoods and I think you owe it to the youth who is the future of the community. Thank you.

MIKE TAKACH

Good Evening, I am addressing the community not the Board because the Mayor has telegraphed that this has already been passed.

I have been coming to Lake Placid for 30 years and am now fortunate enough to call it my home. During these past 30 years I was never once disappointed in what Lake Placid had to offer until the last hearing in August. Lake Placid is full of welcoming people who truly grasp what this town is about. On that night it was a different Lake Placid. The two time Olympic Village which opened its arms and invited the world to experience its splendor has turned its back on the people who are not local. The culprit of wrong doing in folks of this new hatred was the STR. I accept that people are being affected by rental properties however I employ you to consider the greater message that this rage is sending to everyone in the world outside this community. That message is you are not welcome. That is the message were sending. A false narrative has been developed and strongly pushed which is recreating the history of Lake Placid. I ask that whether or not you are for STR that you accept the real history of Lake Placid. The real history is that we have an amazing legacy of successfully renting to transient travelers through Lake Placid for over 200 years. Any questions, read the Plains of Abraham that will tell you the real history of Lake Placid. Lots of publicity has been surrounding this issue which is pushing this false narrative but the reality is STR's have been here for a long time. They have not been called STR's but that is what they have, that's what this town was built on and that is the foundation of the thriving economy that we all like here now. Despite the successful history of hosting transient visitors a story has been created scapegoating STR's for many problems in town. I won't bore you with all the details but let's just say that the town spent \$24,397 on a report that could not support any of these problems were a result of STRs or that any of the problems exist at all. \$24,397 that could have been used for affordable housing issues. I am not discounting that residents can be disrupted by noisy guests that are less than respectful to our wonderful community but let us all be mindful of the message we are sending out to the world. The Lake Placid that I know and love respects others regardless of background in heritage and welcomes all people with open arms I would like you to think about your local contacts sphere that live in Lake Placid how many of them were lucky enough to be born here, my guess is not a whole lot. After years of visiting Lake Placid myself I was lucky enough to move here and become a resident. My local contact sphere, I don't know maybe 2 people that were born here. Everyone else did like I did, they visited they fell in love, worked hard then they were able to maybe rent then move here permanently. Imagine what this town would be like if that transition can't happen for more people, we're all talking about decrease in population. How are we going to increase the population, people visit here they fall in love they move here, they work hard and become a part of the community. I want you all to think about what Lake Placid really is what it means to you and what you would want people not from Lake Placid to think about it.

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SEAN DONOVAN

I find that first of all my concern and most of our concern for those who live here are the difference between owner occupied and the absentee owners. I find it ironic that one of the first speakers suggested that her industry will enable affordable housing to be here in Lake Placid with these rental homes. If that is the case then why aren't there workers living there now where are the workers that this woman eluded to that could live in these houses that they rent. I'll tell you where they are, they are either working right now or they are in Malone, Plattsburgh, in the Forks, Tupper Lake, and half of them are taking public transport to get there because they can't afford to be here. Speaking of workers, another one, and municipal workers. Our fire department, police department, electric department, highway department, parks department, are awesome they are the best. I have been in public service I served 32 years in public service. Every one of these crews is outstanding, I had a personal experience with a horrific fire in my own house and the fire department was there in no time at all. I thought some of those guys actually were camping in my backyard they got there so quickly, they are tremendous. Our electric company, a line goes down at 2AM and those guys are there at 2:15. They all live here they all care, that's the big difference, they care. The police department is having trouble holding people because they cannot afford to live here so it goes on and on. If you are not investing in your community by living there you care less about your community, it's that simple. We are going to drive people away? I deal with tourists many times and a common denominator they say are you people here are so nice and that is very true. People come here for Lake Placid to see the beauty of this Town, they don't come here to stay in your house and that money for that rental goes to NJ, NYC, and Long Island and so on. It doesn't stay in Lake Placid and the more people we lose in this Town the less personality this Town will have and the less "nice people" will be here for the tourists to meet. I think it is almost arrogance when you have people who come here to invest property to make money some with two or three homes and then tell us that we need them and without them this Town would be a ghost town. People don't come here to stay in a house they come here to visit the Adirondacks and Lake Placid area. Staying in the house is secondary and we have plenty of great hotels here and there are new ones going up and expanding. Most of these hotels improve all the time and other housing can be built in outer areas that can cater to people who want to stay in B&B's.

TOM BRODERICK

Thank you all, my name is Tom Broderick. My wife Nicole Broderick and I have both lived in Lake Placid for 30 years, our daughters have been born here and in 2018 we bought the home we want to retire in at 107 Mill Pond Drive. I'm really here tonight to talk about the unintended consequences if we don't factor in the larger demographic forces that are in play here. You're looking at short term rentals as a singular issue but let's be real there are bigger forces that we have to consider. Let's remember that Lake Placid is a global real estate market. That home we bought at 107 Mill Pond Drive, we were in a bidding war with a gentleman from Paris, France. That is the reality, so we had to reach up to buy that home that we hope to retire in. The problem here is that if you pass this 90 day cap I'm worried that it could have the unintended consequences of contracting our economy, and maybe even hurting our home values. Let's be thoughtful if prices drop they are never going to get to point where the average worker can afford them because there is someone in New Jersey, Philadelphia, or even Paris that will sweep in and buy them and then we will have vacant neighborhoods. I know people talk about kids not being in those neighborhoods and there is a reason. Right now we are in a demographic decline in this country, in 2028 there will be a million less school children in America and that has nothing to do with short term rentals. Why are there so many second home rentals? One word, baby boomers. They have retired, those people who lived in those neighborhoods that everyone is here talking about, they've retired and moved to the South and the West to be warm or they died and their children didn't take over the home and it went on the market and someone from New Jersey or Paris bought it. We have to be thoughtful, I read about a dozen studies and one that stood out said that people that benefit the most from this economy right now are the lowest earners. They are the service industry people, our waiters and waitresses, they are our caretakers, and they are the people who plow your driveway. You might be messing with their income the very people you want to live here and if we contract they won't have a job. I would ask you to consider some other option, work with the county and the state to impose a tax on short term rentals. One study I read said a community imposed a 10% tax, this will level the playing field, it will help the hotels, it will provide money you then use for long term rentals so that we can house people here. This 90 day is arbitrary it's a good effort, I read the studies that you cited but I want to remind you that you don't know the outcome so please be thoughtful and thank you.

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KERRY O'NEIL

I am a long time resident of Lake Placid. It has been my impression up until this point that there was going to be a difference between an owner occupied STR and an out of town resident who is using it as a commercial property in a residential area and I agree that we need some regulation to that. However, the reality of the situation is that STRs are a \$2,000,000,000 a year industry that is not going anywhere. It is like the taxi industry trying to fight the Ubers, it is not going to stop. Regulations are necessary for sure however, as a long term resident and a long term renter because the wages are unfortunately very low in this area the economy does not support higher wages, it has always made it very difficult for your average person to buy a home in this town due to as Tom pointed out, someone from New Jersey having the money over you to raise that property value and to buy it. Finally after years and years I was able to buy a two family home and the only way that I am able to do that working full time is with short term rentals. A 90 day restriction on that will inevitably change it. Also, your 90 day policy and enacting this application, getting the process through quickly, people book 6 months out, a year out, 2 years out. You are potentially losing 100s of reservations already booked reservations that equate to dollars in this town that will not be guaranteed to rebook to a hotel or to even come to Lake Placid at all. I guess finally I would like to say from what I have been hearing the worst area is Hillcrest because everyone wants to say that commercial industry is ending up in residential areas and maybe that is just the start, one man said that. I think it has a lot to do with someone being on premise to make sure that the noise isn't a factor, that there is plenty of parking, that the house is respected and an owner occupied situation to me is completely different and 90 days is not going to be enough, thank you.

JOHNATHAN ESPER

Good evening, my name is John Esper I am a resident here in Lake Placid. I just wanted to address a few points. I did take offense that some people call us predatory investors, I am a full time resident, I have a full time vacation rental and I actually live on the property as well so I am an on premise owner. We are Adirondackers making a living here in the Adirondacks we are not all predatory investors. Second point I want to make is a 90 day limit would ruin my livelihood and eliminate half of my income creating essential partial unemployment. I can maybe find other things to do myself but other people may have more difficulty. Again, a 90 day limit would have my income across the board, I do photography and I run two vacation rental homes one I live in in Lake Placid and one in Wilmington. I rent that house in Wilmington about 250-300 days per year. I keep a high occupancy rate because I adjust the rates based on the season, I lower the rates for smaller groups, and I raise the rates on a per capita person for larger groups so I am very responsive to that. If the 30 or 90 day limit goes into effect vacation rental properties are simply going to go into neighboring towns like Saranac Lake or Tupper Lake which I'm sure is very keen to improve their economy. I have a 3-5 year plan to build a second property and actually live in that home and rent out my existing home I am living in. That plan will get shelved if the 90 day term goes into effect because obviously right now the only way I can keep renting this house out is by living in it currently so I can possibly be exempted from the 90 limit if its owner occupied, I'm not sure if that is in the current rules. Final point I want to make, I don't believe STRs are commercial businesses like everyone keeps saying. I think the general public is not welcome its only by private arrangement, I haven't publicly listed by address. I consider it a home based business like accountants or other home based businesses where you get invited into a home office but I don't truly consider it a commercial business. The final point I want to make is I think 3% occupancy tax should partly go to the Town, I don't think all the 3% should just go to ROOST for more marketing. I think that would help whatever issues the Town needs I do think that should go to the Town at least part of that, thank you for your time.

BRIAN MARSHALL

Thank you Board, I am Brian Marshall. I have been in the Adirondacks my entire life. My 3 children live in the Adirondacks and I now have 4 grandchildren that live in the Adirondacks, all in Lake Placid. We know what it is to have community, we have been here a long time. My daughter lives in one of the few neighborhoods left where there is a neighborhood and my grandchildren can get their bikes and ride outside and have their neighbor ride in. There are neighbors everywhere and I don't even know if there are vacation rentals in there so I understand that side and I think it is a very important part of our community. On the other hand, we are business people in Town too and I own 1991 Saranac Ave which is on Saranac Ave. It is a commercial property we have all our grocery stores, its commercial there's hotels on there and it

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seems like Main Street is considered different than Saranac Ave and I think they are both corridor into Town, our commercial corridor. We have a vacation rental where simply gourmet used to be, that's a vacation rental house. Our bedrooms are over 250 Sq. Ft for a one bedroom and we're limiting the amount of people we can have in a bedroom of that size, it could be 2 rooms. We have plenty of bathrooms in there, plenty of off street parking, there are no residential neighbors anywhere around. It's a totally commercial property and it seems like these regulations seem to have or should have two different standards there should be something for the neighborhoods we need to protect our neighborhoods but then we have the commercial area and you are limiting us in the commercial area. We are paying commercial taxes and to limit us to 90 days and our square footage, shrinking it down to where we can't make a living off of it, it's going to make it very difficult for us to maintain the property. We pay extremely high property taxes over there, barely getting by. We have the health club in there, a miniature golf course, a motel that's going up across the street from us, there are no neighbors, and we are on the property every single day. It seems like being a commercial property should have different rules and regulations than our residential areas. There are both sides here and I think it's a more complicated thing, we can't have one set of rules that goes across the whole situation. That's my thought anyway and thank you.

TATYANA REINBOLT

Good evening, I just want to thank you guys for all your hard work. I came up here as a young person thinking no young people were going to come up and some young people have come up so I appreciate that. I lived here 5 years, I am looking at buying a house and in order to buy a house I am going to have to rent out rooms. I don't think getting rid of short term rentals is going to bring housing prices down. When I moved here they were high already and that was before short term rentals really became a huge issue. We live in a resort Town we have to acknowledge that, I love living in Lake Placid because of that and I think limiting rentals to 90 days which I tend to agree which is an unpopular opinion among locals would limit the potential income that would help young people buy a home. The gentleman said before, the way we get young people on here is they come up on vacations and fall in love. That is how I ended up here from Iowa. I just wanted to say I think not limiting to 90 days is probably something that should be looked at, I understand why you are doing it, it's a good way that you guys thought to kind of get there but like your efforts to go and limit noise and everything else, limit rooms, limit parking, I appreciate all of that. Thank you very much.

KATIE SULLIVAN

Hello, my name is Katie Seleni and I own a caretaking and construction business here in Lake Placid, with my husband Nick. We moved to this area in the fall of 2001, when my husband started working with a local contractor. Even at that time, we could not afford to live in the Lake Placid area, and rented an apartment in Saranac Lake. When we bought our first house, we still didn't have the necessary income to afford property in Lake Placid. We currently live in the Town of North Elba, but in Saranac Lake.

Our caretaking business has about 80 properties that we take care of in some capacity. Approximately 40 of these properties are regularly rented on a short-term basis. Most of our owners are not independently wealthy nor are they large corporations preying on properties in Lake Placid. They are regular people with some extra capital that they chose to invest in the Lake Placid community because they love it. Many of them have brought their families here for vacation for years, or want a place to bring their young families to for years to come. In order to do that, however, they need to rent their properties during the times that they can't be here enjoying the Adirondacks. Many of our owners won't be able to keep their properties if they cannot rent.

I know that you're thinking, "Great, they shouldn't be able to keep their properties!" But if people start putting their properties up for sale, it's going to create a ripple effect that will hurt everyone in this town in some way, starting with service businesses, like mine. Even if our clients continue renting, but are limited to 90 days per year, that will cut my business by half, because most of our clients rent and average of 180 days now. That's not a hit that we can take for the long term.

This fight has become "Local vs. Rental Owners" and is so polarizing. When we moved here, I was told that you only become a Local when the last person who remembers you moving here dies, so I have a long way to go before I'm a Local and I've lived here for 20 years. I work here, employee people here, worship here, shop here, and have many friends and acquaintances here, but am still considered an outsider to many. I've gotten to know a lot of short-term rental owners who love this area and want others to be able to experience Lake Placid as well. By renting their

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properties, they aren't attacking this area and they don't want to see it go into decline any more than you do. There must be a compromise here that doesn't involve dictating how many total days that a property can be rented per year. Limiting rentals is not going to magically make enough housing for workers. If anything, it will cause a decline in opportunities for local workers. This is not the answer to all this Town's problems. It will actually cause more problems than it solves for Locals. I encourage you to reconsider the 90 day restriction for short-term rentals.

Letters received by the Boards - Addendum 2

The Public hearing was adjourned at 8:10 pm.

Respectfully submitted,

Laurie Curtis Dudley
North Elba Town Clerk

Chelsie Geesler
Deputy Town Clerk

Anita Estling
Lake Placid Village Clerk