

**TOWN OF NORTH HARMONY
JOINT WORK MEETING
SATURDAY, 2/24/2024 1:00 PM**

TOWN BOARD MEMBERS PRESENT:

Robert Yates, Supervisor	Louis Orman
Dick Sena	Mike Pfeil

PLANNING BOARD MEMBERS PRESENT:

Pat Rice, Chairman	Dick Johnson
James Goodling	Phil Strand

ZBA MEMBERS PRESENT:

Roger Vaillancourt	Helen Emick
Dan Thomas	Greg Michalak
William Ortman	

OTHERS PRESENT: Robin Miller, Bookkeeper; Kelly Johnson, Attorney; Julie Conklin, Zoning & Planning Clerk; Benny Karlson, Highway Superintendent; Brad Lawson, Zoning CEO; Jonathan Henck; Clayton Emick; Barb Fox; Jim Fox; Mark Eiches; Una Vejendla; Kathy Beggs; Chuck Beggs

Mr. Yates brought the Joint Work meeting to order at 1:10 P.M.

- PLEDGE

Mr. Yates stated topics of discussion as follows:

- Zoning Issues & Law Suits
- Airbnb
- Comprehensive Plan

Zoning Issues

Mr. Yates asked Mrs. Johnson if she would like to state preventative measures that need to be taken.

Mrs. Johnson stated areas that are in need of review for zoning that can help to make the process more effective.

1. **E-Code:** this is an electronic program for Zoning Ordinance (also used by Busti) that updates the information for amendments as needed. It also has an interactive map that you can click on and it will give you the zoning district, and would let them know what can and cannot be done in that district.
2. The **vagueness in the zoning laws** that needs to be addressed. The Planning Board has recognized some areas that need to be addressed and have added them to their agenda, such as, definitions. There was an update in 2015 (accessory structures on R-1) that made the law vague and difficult to understand. Also this amendment is not on our website, so the only place to find it would be with the Secretary of State,

the website is only updated to 2014, all updates after 2015 are not listed. This is a large issue and needs to be addressed.

3. Need **a clear plan in the zoning law** for handling violations and enforcement.
4. **Monthly report** to all Boards which should include:
 - a. Properties that have applied for permits.
 - b. Permits in numerical order with the year and number: stating name and address of property. That way there is a paper trail recorded if it is ever requested. This is a record that must be kept in the town clerk's office based on record retention. On the website is optional.
5. **Update the forms.** (Mrs. Conklin is working on forms and applications)
 - a. There needs to be separate forms for different types of permits. One standard form is not effective.
 - b. Complaint forms-at this time there is no way for someone to make a formal complaint in writing.
6. **Permit denials** should have a formal written letter with reason and basis for denial. This document should give them a clear understanding of denial and their option of disputing it with the Board of Appeals. And this needs to be clear with the ZBA on why they are disputing.
7. **Site Plans Review**-Board members need to have a clear understanding of the zoning law and the comprehensive plan and how they work together.

Mrs. Johnson stated that the ZBA needs clear and completed records for making decisions.

Mrs. Emick would like it added to the forms that the property owners sign to give ZBA permission to be able to enter the property for review.

Mrs. Johnson stated that following the **checklist for ZBA** is very important. Each item must have a valid reason for yes or no on the form. (logged in the minutes and on form) It must be filed in the clerk's office.

Mr. Pfeil spoke of all the laws we have in place but what procedures do we have in place?

- What tools can be given to help enforce these laws?

There was conversation on the comprehensive plan and how often it should be reviewed and updated.

Mr. Rice feels that that we have a good comprehensive plan at this point. He stated that it is an evolving document and as the town grows and changes the plan will need to be reviewed. He feels that at this time it would not need to be reviewed this year.

Mrs. Johnson suggested that at the yearly organization meeting that The Comprehensive Plan be discussed to see if the board feels it should be reviewed. If not, it is talked about the next year.

Mr. Rice feels that every 10 years is a good time to have a full review of the comprehensive plan.

Airbnb Issues

Mr. Yates talked about different areas that have rentals in the township and issues that have presented.

Areas and issues that were discussed:

- Comprehensive Plan-What do we want the town to look like: Commercial area for out-of-town guests and tourists, be a community of semi-permanent and permanent residents, etc.....
- Most rental properties have absent owners that are not reachable when a problem arises.
- How are violations and disturbances handled?
- Definitions of short-term and long-term rental properties
- The legal term for a short-term rental is “commercial business.”
- How do we enforce these laws, having a fee structure in place for violations.
- Bringing a police presence to the town
- How are rentals going to affect taxes and property values?

Mrs. Johnson stated that the violation of our zoning code is not something that can be enforced by the sheriff’s department and it is required by the town to be enforced through the Code Enforcement Officer. If they are in violation of the code, then they must be served with appearance tickets to come before the town judge. This is the only way to enforce these violations.

Mr. Lawson stated that he has only given out two violations in the last two years for rentals. There have not been any written complaints. People calling about purchase of homes for rentals and LLC’s calling...he states that it is not allowed but it is hard to know sometimes what they are doing. He can only state to them that it “appears” as though you are renting...

Mr. Johnson reiterated that you cannot pick and choose enforcement and it must be uniform across the entire town. It does not matter if they have rentals prior to zoning.

- What type of rental based on the number of days they are renting and how they are defined

Mrs. Emick asked if we agreed that we are going to uphold the laws that we currently have?

Mr. Yates stated that it comes down to if we allow it, we are going to have to back pedal.

Mrs. Johnson stated that we have no enforcement in place and that it must happen moving forward.

Mr. Pfeil stated that he has done research on as many rentals as he can find. He would like to get with the county and find out all the properties that pay bed tax.

- If we stay as we are, we need to tighten up our policing actions and update our definitions.

Mrs. Johnson asked that a detailed structure of violations be established so that Mr. Lawson has a checklist to follow, this lets him know what is expected of him and it will give the board a form to review and that there will be necessary documentation for New York State.

Mrs. Emick asked if this was something that could be added to the permit application as a question, “Is this property being used for the purpose of rental?”, so at this point they can be told that rentals are not allowed.

Mr. Lawson asked if the board was stating that they want him to investigate the homes that we know of and send them letters of violations, or do you want to wait for complaints to be filed.

- There was discussion that this is not fair for Mr. Lawson to move forward without the proper written violations and fine structure in place.

Discussion on having a police force in the town:

- The town must agree to it.
- Apply to the state to have our own police force.
- It would have to be unionized.
- The town would have to pay all the fees, the state does not pay anything.
- Code Enforcement Officer would be the one that enforces the law, but there can be provisions of the zoning law that can be given permission to the law enforcement to enforce.

Mrs. Johnson’s recommendation is to put a structure in our zoning code that gives Mr. Lawson the ability to know what is expected of him and a checklist of what needs to be completed for each violation.

Mr. Yates asked what are we going to do with the violations that we have now? These are the decisions that need to be made before we move forward.

Mr. Strand stated that there was an article in the Wall Street Journal that talks about short-term rentals that could be helpful if anyone would like to read up on it. There are some good pointers in there that might take some pressure off Mr. Lawson.

Motion made by Mr. Sena and seconded by Mrs. Ortman to adjourn the meeting at 2:39 p.m.
Motion carried.

Julie Conklin

Planning Board/Zoning Clerk