

Town of St. Armand
Special Board Meeting – Short Term Rentals
Tuesday, March 21, 2023
5:30 pm

These Meeting Minutes were approved by the St. Armand Town Board on May 16, 2023.

A Special Board Meeting of the Town of St. Armand was held on the above date and time via webinar and in person at the Town Hall, Bloomingdale, NY. The Meeting was advertised and made available to the public.

BOARD MEMBERS PRESENT:

Town Supervisor Davina Winemiller, Deputy Supervisor Karl Law, Councilperson Donald Amell, Councilperson Stephanie Mikesell and Councilperson Sheridan Swinyer were all in attendance.

A quorum of the Board was in attendance.

TOWN EMPLOYEES PRESENT: Town Clerk Barbara Darrah.

GUESTS FROM THE COMMUNITY: Anthony Brennan, Chris Coleman, Chris Dorman, Sandy Hayes, Ben Kline, Chris LeFevre, Beth Phillips, Stacy Tempestilli, and Ray Tempestilli, all in person, and (2) unidentified callers.

Supervisor Davina Winemiller called the meeting to order at 5:30 pm and asked all to join in the Pledge of Allegiance.

Supervisor Winemiller opened the discussion on Short Term Rentals by introducing drafts of the Short Term Rental Local Law, Rules and Regulations, and application. She asked those attending in person and online to review the drafts, for which she allowed time for directly following her request. After the audience had time to review the draft, Winemiller then opened the floor for comments, questions and remarks.

Raymond Tempestilli stated his mother in law has lived in a residential area for 60 some-odd years, and basically, Short Term rentals have erupted all around her. She has no idea who is coming or going and there is no sense of community and a loss of security. Ray asked that the Board would consider on page 1, Subsection A, that the short term rentals don't destroy the beauty of the area we have here. The other comment is that Bloomingdale is close enough to the big attractions, IE, in Lake Placid and Saranac Lake, and rentals in St. Armand would be cheaper, which encourages more Short Term Rentals to develop here. Tempestilli responded that we didn't need a specific number. He felt a way around it, is to get the approval of the adjoining property owners.

Karl Law stated he felt that was a complete overreach and he didn't think people bought property in St. Armand to have that kind of power.

Tempestilli disagreed and said he felt people did purchase property here because they want to have that kind of rapport and communication with their neighbors.

Karl Law suggested that if there were a problem, that maybe they should contact the Town and see who owns the rentals and that way the person who has the complaint could contact the Short Term Rental themselves and discuss the issue. It works both ways.

Another audience member asked who would a person file a complaint with? Winemiller explained the Town of St. Armand does have a Nuisance Local Law, and sometimes those types of complaints do fall under the Nuisance Local Law, and it would be the Code Enforcement Officer's responsibility to investigate. Winemiller stated she didn't think it was legal to have a neighbor approve the Short Term Rental.

Tempestilli asked if it could at least state the neighbors could be notified that a Short Term Rental was coming in, and that way the neighbors could come to the Board and express their concerns.

Chris Dorman stated he would like to respond to Mr. Tempestilli. Dorman then stated that he lived in Bloomingdale for 15 years, growing up there and he would go to bat that the Short Term Rentals in Bloomingdale would be owned by locals. If not, they would have local property managers. He stated he hosts several rentals and Air B&Bs and felt that instead of going to the Town Board to complain, that if the neighbors contacted the property owners, he felt the owners would not want problems with their neighbors and would have the complaints addressed right away.

Supervisor Winemiller stated the Short Term Rental Application, could have a section added to page 4 that Short Term Rental owners will notify adjacent neighbors and those across the street in writing, a one-time letter, notifying them that the property is a Short Term Rental, and provide contact information of the STR property manager, if they should encounter any issues. Tempestilli agreed that gave property owners a voice to express the concerns.

Karl Law stated the flip side of that he and his wife bought property in Bloomingdale in 2013, mostly because there was no zoning. It was pretty lax: people like to have farms in the middle of town, etc. Law continued he has about 7 neighbors and he knows 2 of them, but he does not have contact information for those neighbors.

Tempestilli followed by stating he has lived here since 1998 and he has neighbors, but he doesn't know them. He doesn't want to be intrusive on anybody. But, he did say if he saw a strange face on their property or something was amiss, he would call the fire department or the State Police.

Discussion ensued regarding what would be done to contact the owner or manager, and how?

Chris LeFebvre stated he felt the contact information could be posted on the outside of the rental building. He doesn't need to know the owner or manager's phone number; he would just knock on the door. He continued that this Town has no zoning, but the Town has decided to implement some of these rules and regulations that he feels causes liability to become an Air B&B (rental) owner because their information is being given out. He asked Winemiller to explain the life cycle of the draft documents. There is a lot of grey area. Where did this get generated from? Explain to me about the life cycle of this paper.

LeFebvre: What happens next?

Winemiller stated that is what we are here to discuss. These are draft documents. Winemiller stated at this meeting we are here to talk about this and work on it. Tonight we are here to work out the details of this. There is no time frame. Winemiller explained that the Town does everything open, and we are not voting on this and we are not even close to passing this. There is a lot more work to do on it and this might change 18 times.

LeFebvre: Where did this get generated from. Why?

Winemiller: Why? Because we had complaints from residents about Short Term Rentals.

LeFebvre: You never had complaints from other long term rentals?

Winemiller explained the long term rental complaints were addressed by the Code. The Town follows the NYS Building and Fire Code and apartment rentals and long term rentals are part of that code. They are not part of the Short Term Rentals. The reason we are talking about passing this local law is to help people. That's all.

LeFebvre: Who are you helping?

Winemiller: We are helping the Short Term Rental owners and we are helping the neighbors of people who rent Short Term Rentals.

LeFebvre: I guess I have some questions then.

Winemiller: That is why we are here.

LeFebvre: What is the life cycle of this piece of paper?

Winemiller: This is a draft of a local law that we are discussing that we are working on.

LeFebvre: How many more meetings due you see?

Winemiller: I don't know.

Law: At least a few more.

LeFebvre: This was reviewed by a lawyer, right?

Winemiller: We are not there yet. We don't put our lawyers in until its done. This might change 18 times and we are not going to pay a lawyer 18 times. We are going to boil it down to what works, then we will send it to our attorney. Then we will have another meeting to say this is what our Attorney says, and then we will have another meeting to discuss that draft.

LeFebvre: So, your Code Enforcement Officer is taking over the responsibility of this?

Winemiller: Yes.

Karl Law stated that is another point he wanted to bring up. He stated the last STR meeting we had agreed on a permit process so we could get an idea of how many STRs the Town had. We also discussed parking. That was part of the big complaint, was how they were parking in Rockledge. And, off street parking needed to be addressed.

LeFebvre: And this (draft) implies you can't park on the lawn now. I drove around and I counted 30 vehicles on the front lawns and boats. That doesn't seem to be a problem for long term owners but according to this, that will be a problem for short term rentals.

Law: We talked about those few things at the last meeting. And now, in this 8-page draft document there is a lot more meat and potatoes than what we originally discussed.

Winemiller: There has to be Karl, in order to clarify.

Law: But, how this reads, we went from having a contact list of owners if there were problems, and now, with this, because there is way more to this than I thought we were ever going to do, it is giving so much more power to the Code Enforcement Officer.

Winemiller I disagree. Did you read this carefully?

LeFebvre: It gives the Code Enforcement Officer a lot of responsibility.

Law: How many long term rentals do we have in this Town that do not meet the Code right now?

Winemiller: The Code Enforcement Officer just got done inspecting all the long term rentals in the Town of St. Armand, with the exception of the Village of Saranac Lake. All of the Long Term rentals passed inspection.

Discussion ensued regarding Code verbiage. Our Code Enforcement Officer is not in the business of making work for our residents.

LeFebvre: But in this draft, he is.

Dorman: The draft says the Code Enforcement Officer can go in and inspect a rental unit Section B, number 26D.

Winemiller: Yes, if you want to do a short term rental you will need to have the Code Enforcement Officer inspect the property.

Dorman: I would ask where you got this because if it is a primary residence with a Short Term Rental, it is illegal for the CEO to enter a personal residence. I don't have to get a certificate of occupancy to long term rent.

Winemiller: On Page 1, it states this definition excludes Hotels, Bed and Breakfasts, Boarding Houses; also excluded are owner-occupied homes. Winemiller agreed that terminology needed to be looked at and revised.

Dorman: Davina, can you post the updated drafts on line so they can be read with more time available?

Winemiller agreed she would post the drafts on the Town's website so everyone had more time to review the documents. She inquired if Thursday, April 20th at 5:30 pm would work for everyone? All agreed it would work.

LeFebvre: Could you find out how the assessments will work? And, could you ask the Code Enforcement Officer to be here?

Winemiller stated she would ask the Assessor and the Code Enforcement Officer to attend the next STR meeting on April 20th.

LeFevre: I would pay to have an attorney sitting in on the next meeting. Can the attorney be present, aslo?

Winemiller: No. I am not going to use tax payer money to pay an attorney by the hour until we hash all of this out and are ready to give him the final draft to review. I want to remind everyone this is a work in progress. Obviously it takes time. We want to hear and respect everyone's opinion and help people.

COMMENTS, QUESTIONS, OR SUGGESTIONS

The next Special Board Meeting for Short Term Rentals will be on Thursday, April 20, 2023, beginning at 5:30 pm was confirmed.

MEETING ADJOURNMENT

The Special Board Meeting ended at 6:36pm, and the Regular Board Meeting commenced at that time.

I, Barbara J. Darrah, Town Clerk for the Town of St. Armand, do hereby certify that the above is a true and correct transcript of the Regular Board Meeting minutes held on the above-referenced date.

Dated: March 21, 2023

Barbara J. Darrah
St. Armand Town Clerk