

**TOWN OF NORTH HARMONY  
PLANNING BOARD  
TUESDAY, OCTOBER 17, 2023, 7:00 PM**

**MEMBERS PRESENT:** PAT RICE                          PHIL STRAND  
   WALTER GEIST                          JOHN WARNER  
   JAMES GOODLING                      DICK JOHNSON  
   Brad Lawson, Zoning CEO

**OTHERS PRESENT:** Kelly Johnson, Attorney; Jody Sheldon, Clerk; Dick Sena; Louis Ortman

- **PAT RICE OPENED THE MEETING AT 7:00 PM.**
  
- **MR. LAWSON GAVE ZONING REPORT**
  - End year with approximately 12 new homes
  - Administered a couple violations for illegal activity and junk cars.
  
- **MR. SENA GAVE TOWN REPORT. (See 10/10/2023 Town Board Minutes)**

**SHORT TERM RENTALS**

**Mr. Lawson** said he has had more inquiries from realtors and people questioning short term rentals and purchasing properties to rent out this year than he has ever had any other year. He said as our Zoning Law stands short term rentals are not allowed. He said it is listed but it is left blank.

**Mr. Warner** said he checked the Airbnb websites, and he counted around 24 listed that are in our town.

**Mr. Lawson** said he feels there needs to be more discussion. He said the Planning Board has made a Transient Rental Law in the past that was never acted on. Mr. Lawson said he knows the views are they don't want it done in the R-1 district. He said Bed and Breakfasts are listed by special permit, but it is different from short term rentals because a Bed and Breakfast must be owner occupied. Mr. Lawson said right now if he gets a complaint, he sends the homeowners a letter.

**Mr. Rice** said he can sympathize with the individuals that have been renting out their cottages on a weekly or bi-weekly basis for the last 30 years.

**Mr. Johnson** said in some cases a cottage has been in the family for generations and renting it out is the only way to keep it in the family and to pay the taxes and bills on the cottage. He said in another town they made a provision for individuals that have been doing it already.

**Mr. Lawson** said it is becoming an issue all around the lake.

**Mr. Rice** said if we try to limit the number of people and parking spaces it becomes an enforcement issue.

**Mr. Rice** asked since short-term rentals have been ongoing and nothing has been done about it, will that create a problem for the town.

**Mrs. Johnson** said yes, the fact that it has not been enforced. She said if we know about it and are not enforcing it could be a liability for the town. She said we must treat everyone in the town equally so if we know about a violation, we must handle it. She said we do not have to change the law to accommodate the violations that are present. Mrs. Johnson said even if we change the law, we still need to enforce it. She said those that have put in their laws that the rental must be owner occupied have been argued that it is a constitutional violation. Mrs. Johnson said even the best laws have been picked

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apart and it has been said that there are so many short-term rentals it is adding to the housing crisis issues and the illegal renting has not slowed down. She said it is an issue.

**Mr. Johnson** asked if the county was making any effort to enforce the bed tax requirements.

**Mrs. Johnson** said it is on the individual to make them aware they are renting. She said the county is not chasing them.

**Mr. Lawson** said if they are listed on Airbnb, they should be taking care of it. He said it is a big step that we sent a letter to the realtors to make them aware.

**Mr. Strand** said he agrees if there is a complaint, we then enforce it.

**Mrs. Ortman** suggested a subcommittee with other towns in similar situations to come up with a similar idea with similar fee structures. She said we have a good law, and it hasn't been an issue, but it is becoming a problem. Mr. Ortman said in the meantime it is going to be a huge adjustment and require a lot of enforcement. She said we may find ourselves bringing on more help to enforce the law.

**Mrs. Johnson** said violation schedules are some additional definitions should be added to the current law. She said as of right now transient rentals are not in our definitions in our town law.

**Mr. Goodling** asked if Zoning is going to control this or is a market force going to control it. He said he sometimes wonders if we are trying to protect something that in 15 years is going to even exist anymore.

**Mr. Lawson** said the hard copy of Zoning came into effect in 1989.

**Mrs. Ortman** asked if the people that started renting before 1989 would be grandfathered in.

**Mr. Goodling** asked how they would prove it.

**Mr. Rice** asked if we could put in some rules and regulations to limit them to renting for a minimum of three weeks.

**Mr. Sena** said we already have a rule that if they rent for 28 days it is not considered a transient rental.

**Mr. Lawson** said most of the complaints are on the weekend and they are for loud music and too many cars. He said that happens everywhere in resort areas. He said the issues might increase if people continue to purchase property for the purpose of renting it. Mr. Lawson asked if it was possible to contact rental sites and explain to them the situation and see if they will take the properties in the town for rent off their websites.

**Mrs. Johnson** said they can draft a letter and send it to them and what they do with it is up to them.

**FEE SCHEDULES**

**Mr. Lawson** said the Town of Chautauqua gets pretty involved with their inspections and what they collect fees for. He said he doesn't think the communication towers need to be changed. Mr. Lawson said he doesn't believe we have fees for solar farms, so we need to look at that. He said the Town of Chautauqua charges \$.15/sq. ft., Town of Ellery for 0-1,499 sq. ft. charges \$350.00 and the Town of Ellicott from 1,500-2,999 sq. ft. is \$550.00. Mr. Lawson said our current fees are for 600 sq. ft it costs \$45.00 and 601-1,500 sq. ft. is \$70. He said we don't hit \$350 until you reach 10,000 sq. ft.

**Mr. Rice** asked when the town gets a new home project how often does Mr. Lawson have to inspect.

**Mr. Lawson** said they inspect excavations, fleurs, foundations, framing which may be more than one inspection, electrical (3<sup>rd</sup> party), and plumbing. He said on an average he is at the sites 8-10 times inspecting. He said these inspections don't take too long but there is travel time. Mr. Lawson said on top

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of inspections he spends time with them reviewing plans and applications and answering questions by phone or in person. He said to bump up fees is justifiable.

**Mr. Rice** said the fees are too low.

**Mr. Lawson** said he believes the last time we raised our fees we raised them to what the Town of Chautauqua was charging, and they have since by passed our fees. He said the Town of Chautauqua has a \$50 flat fee for repairs, roofs, decks, porches, and signs.

**Mr. Goodling** doesn't feel fees should be used as a revenue source to the town, but he feels they should reflect a general sense of how much time is required for each permit and the cost. He said otherwise you are asking others in the town to pay for someone else's inspections.

**Mr. Lawson** said our commercial fees are also low. He said we charge by the square footage. He said another fee that needs to be discussed are violation fees. He said other towns have turned to a violation fee. Mr. Lawsons said the board would need to discuss this, but he believes this would allow the Code Enforcement to fine them without taking them to court. He said Lakewood and the Town of Chautauqua have violation fees. He said our fees for Zoning or Planning board are ok.

**Mr. Johnson** said there is a public hearing on a law the town has drafted on highway right of way permits. She said this might be something important to include in the fee schedule.

**Next regular meeting scheduled November 14, 2023, at 7:00PM.**

- **MOTION**  
**ON A MOTION MADE BY MR. GEIST, SECONDED BY MR. JOHNSON AND NONE BEING**  
**APPOSED, THE MEETING WAS ADJOURNED AT 8:12 PM**

***Stephanie Gibbs***  
***Deputy Town Clerk***